

The Pitfalls of Land Dispute & its Implication en-route for Economic Development in Tanzania

Saphy L. Bullu^{1,*}

Abstract

This paper articulates the conflict of the earth and its involvement in society, towards economic development in Tanzania. The author seeks to highlight the emergence of problems based on colonial rules that, in one way or another, facilitate the conflict of the earth for individuals. As has been proven, many land issues are caused by the legal system which the government inherits from the colonial leaders. In order to explore land disputes for society, some of the issues, including the status and development of land ownership, should be demonstrated. For instance, the issue of land tenure and its' categories has to be among the contents of this paper in order to indicate whether its existence in one way or another assist on the contribution of land dispute in Tanzania. The conflict over land is not something new not only in Tanzania, but in all places where land is available and society is there. The history of Tanzania has shown its existence since then, that is why various legal instruments including laws, regulations and policy established for safety measure in the country and its' citizen. This paper is going to expose some of the selected pitfalls of land dispute towards economic development.

Keywords: Land, Land Conflict, Land dispute, Land Scarcity, Land Invasion.

Author for Correspondence*email id. saphy.bullu@out.ac.tz

Introduction:

It is generally said that “*all development starts and remains on land*”, as such efforts to develop a town or community should be well- planned and integrated to be meaningful and useful to the people.² The continuous growth in world population and the associated changes in lifestyle call for a need to examine current trends in land issues, which also include land disputes. Generally,

¹Law Lecturer, The Open University of Tanzania, Tanzania.

²D.N. Mbazor and B. Ojo, Impacts of Land Disputes on Community Development, Journal of Land Use, Mobility and Environment, 12(1), pp.83- 96, (2019).

Land is a resource on which human beings are dependent for daily activities including development.³Mbazor and Ojo⁴ emphasis that, *land is known to be the focal point of economic growth, poverty eradication and the general improvement of livelihoods*. Similarly, to the investor, land is taken as a basis for wealth creation; to the peasant and commercial farmer, a basis of production and to the community, a source of pride and social status. On other hand, Abegunde⁵ articulate that, *land is a vital natural resource that hosts and sustains all living things, namely; plants, animals, man and infrastructure*. In similar manner, Magel⁶ highlights that, *land is always considered as a fixed socio-economic asset that aids production of goods and services that hosts virtually all activities that take place on earth*. The above mentioned statements reveal that the land is central to continuity of life, indispensable in physical development and complex in social relations of production in the economic world. In other words, to every land, there is the socio-cultural dimension to it.⁷

Historical Perception of Land Dispute in Tanzania

Historically, land has been an arena for struggles between the societies for many years.⁸ People are fighting over the land before the colonial periods. Before colonialization, land was owned under customary ways, and belonged to the whole society either a clan, family or tribe.⁹ Since the pre-colonial era land has been a potent resource for various socio-economic and even political reasons. The emphasis on owning a land was placed on the right to use and enjoy the fruits of the land; there was no concept of individual ownership and commoditization of land.¹⁰During earlier times, before colonialism, land rights were governed by customary rules,

³See also Tenga& Mramba (2008:2).

⁴Mbazor and Ojo (2019:85).

⁵ A. A Abegunde, Land as the Main Cause of Inter-communal Conflicts in Africa; Key Natural Resource against Community Development of Third World Nations?, Journal of Economics and Sustainable Development Vol.2, No.4. .

⁶H. Magel (2001). Sustainable land development and land management in urban and rural areas - about surveyors' contribution to building a better world. International Conference on Spatial Information for Sustainable Development, FIG Conference. Nairobi, Kenya.

⁷See also magel (2011).

⁸ G.M. Fimbo, Land Law Reforms in Tanzania, Dar es Salaam University Press, (2004).

⁹B. Mwashambwa (2019:2) Land Disputes in Tanzania-Simanjira Case Study. Available at www.academia.edu

¹⁰J. Chalambo and J.M Jesse (2009:15), Background to the Land Law in Tanzania.

and land holding was influenced by patterns of settlement and land use. Land was owned communally as well as individually depending on the rate of growth of population and advancement of agriculture in a given society. However, Bruce¹¹ highlights that, to an area where agriculture advanced, rapid individual ownership became inevitable and therefore called for proper organization sufficient for regulating, allocating, and protecting land rights.¹²

During the colonial period, land disputes can be particularized into two periods; German period and British period. In those two periods, land disputes developed amongst the colonialists and communities in line to alienation conducted by colonialists.¹³ The German system established in 1895 up to 1916, and between those years, it was anticipated that indigenous do not possess their rights in excess to land.

The German regime approved two legal instruments with the mandate to run land in Tanganyika. These two instruments named the Imperial Decree,¹⁴ and the Land Registration Ordinance.¹⁵ These two legal instruments were passed, and legalize land alienation; and that action gave ownership of land to the colonial government with power to do anything related to land together alienation serves for cultivating area. The existence of Land Registration Ordinance¹⁶ established four categories of land ownership, including freehold purchase, government grant leasehold, reserved land, and customary tenure.

In 1920, the British passed the German Imperial Decree with powers to facilitate the transfer of land into two forms, one known as freehold, and the other one as leasehold. Despite the fact that, the Decree was passed with the German Tenure, the British rule carried out all terms and

¹¹ J. W. Bruce and S.E.M. Adholla, Searching for Security of Land Tenure in Africa, Dubuque, IA, Kendall/ Hunt, (1994).

¹²Ibid.

¹³A., Mwakalapuka, I. Mwampagatwa, T. Bali, M. Mwashambwa and S. Kibusi, Emotional and Relationship Dynamics Between HIV Sero Discordance and Concordance Couples: A Narrative Literature Review and Theoretical Framework, (2017).

¹⁴The Imperial Decree of 1895.

¹⁵The Land Registration Ordinance, 1903 (repealed).

¹⁶The Land Registration Ordinance, 1903 (repealed).

conditions stipulated in the form granted the lease tenure.¹⁷In 1923, the British colonial rule enacted the Land Tenure Ordinance Cap¹⁸ and declares that, all occupied land in Tanganyika is public land except for the land which is held legally and before the inauguration of the Land Tenure Ordinance.¹⁹During British regime, grazing lands turn out to be defenceless and remained uncertain against land alienation in favour of colonialists and make it easy to establish and/ or expansion of commercial farming, wildlife reserves or conservation schemes and all these were justified by British tenure.²⁰After independence, the government of Tanganyika retained the legacy left by the British rule.²¹To date, slightly changes have been made in terms of land system governed as prescribed by the Land Tenure Ordinance; subsequently the Land Acquisition Act²² was enacted with the power to facilitate acquisition by the government and to expedite other provisions regarding land for public interest.

Dispute in Land: Definition and Its Categories/ Types

Land conflict can be defined as a social fact in which at least two parties are involved and whose origins are differences in interests regarding a given piece of land – possibly aggravated by differences in the social position of the parties.²³Various authors, including Wehrmann²⁴ articulate that, among other issues which contribute conflict over the land, is interest for property

¹⁷ However, that control over the lease-hold was governed by the Tanganyika Order in Council of 1920 Under the Foreign Jurisdiction Act Of 1890.

¹⁸Land Tenure Ordinance Cap, 1923.

¹⁹ See also Hogan L (2016).Acquisition of Land by Foreigners in Tanzania.

²⁰ See also Chalambo and Jesse (2009:15).

²¹ Kennedy G. (2008:35), The Impact of Tanzania's New Land Laws on the Customary Land Rights of Pastoralists.

²²The Land Acquisition Act, Cap 118.

²³See alsoMbonde J.F (2015:5). Assessment Of Land Use Conflicts In Tanzania: A Case Study of Songambele and Mkoka Villages Inkongwa District, Dodoma Region.In similar to that, Mbondedefines land conflict '*as a social fact in which at least two parties are involved, the roots of which are different interests over the property rights to land: the right to use the land, to manage the land, to generate an income from the land, to exclude others from the land, to transfer it and the right to compensation for it.*

²⁴Wehrmann B (2017:24) Understanding, Preventing& Solving Land Conflicts: a practical guide and toolkit available at www.escri-net.org; the author says that. *Land conflicts imply different interests over one or several property rights to land: the right to use the land, to manage the land, to generate an income from the land, to exclude others from the land, to transfer it and the right to compensation for it. A land conflict, therefore, can be understood as a misuse, restriction or dispute over property rights to land"*

rights. She further articulates that, *a conflict, as defined by sociologists, is a social fact in which at least two parties are involved and whose origins are differences either in interests or in the social position of the parties*. Wehrmann²⁵ emphasises that, land conflict, therefore, can be understood as a misuse, restriction or dispute over property rights to land. With similar to that, Bruce and Boudreaux²⁶ urge that, *“land dispute” involves conflicting claims to rights over land by two or more parties, focused on a particular piece of land, which can be addressed within the existing legal framework*. The authors further urge that, *land disputes are in essence a disagreement over the land; sometimes it may or may not replicate an extensive conflict*.

In additional to that, the Land Disputes Court Act²⁷ defines that, *the land dispute includes any cases where a person complains of and is aggrieved by the actions of another person, or any case in which the complaint is made in an official capacity or is a complaint against an official act*.

In general, land conflict can be taken as a social conflict where two parties with interest to land, including the rights to utilise, manage the land for the purpose of income generation are involved.

Land Ownership & Tenure

Land ownership and land tenure these are two words which show the ownership of land governed by laws. That is the system used to determine the capacity of the individual on owning the land, under which condition (s), and for how long the ownership can behold.

Meaning of Land Tenure

Tenure is a word which is derived from Latin, and it means ‘hold’.²⁸ So the meaning of land tenure suffice the act of saying ownership, or holding the so called land by a person in a legal

²⁵Wehrmann(2017:24).

²⁶J. Bruce, K. Boudreaux K, Land Disputes and Land Conflicts: Land Tenure and Resource Rights Practice Lead, the Cloudburst Group, (2013). Available at www.landlinks.org.

²⁷ Land Disputes Court Act, Section 2 of Act No. 2 of 2002 [R.E. 2019].

²⁸ See also Sylvester S. (2013:8) Land Tenure Reforms and Investment in Tanzania Land Tenure Reforms and Investment in Tanzania; A Dissertation Submitted in (Partial) Fulfilment of the Requirements for the Degree of Master of Arts (Economics) of the University of Dar es Salaam.

capacity with special conditions as prescribed under s. 32 of the Land Act.²⁹ All land in Tanzania is public land and remains vested in the President as trustee for and on behalf of all citizens of Tanzania.³⁰ Food and Agriculture Organisation of the United Nations (FAO) Land Tenure Studies³¹ defines land tenure as *the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land. For convenience, "land" is used here to include other natural resources such as water and trees.* Additional to that, FAO emphasis that *'tenure is an institution which designed by the people in power to regulate the behaviour of the individuals with the specific society, and the Rules define how property rights including land are owed within societies'.*³²

In a simple language, land tenure can be taken as a key system to govern and manage the use of land by stipulating to whom and how can land use as a resource, and for how long, and under what conditions; And also, land tenure it can be used as a keynote to define and prescribe how access to and is granted includes rights to use, control, and transfer land, as well as associated responsibilities and restraints.³³

Similar to that, various authors including Dale,³⁴ Harris,³⁵ believe that, Land tenure is an important part of social, political and economic structures.³⁶ It is multi-dimensional, bringing into play, social, technical, economic, institutional, legal and political aspects that are often ignored but must be taken into account. In addition to that, the UN-HABITAT tool³⁷ assists on providing a clear understanding of Land tenure and how it is well defined and be enforceable by law or

²⁹ S. 32 - (1) provide that, a *right of occupancy may be granted- (a) for a term up to but not exceeding ninety nine years.*

³⁰ S. 4 of the Land Act Cap 113[R.E 2019].

³¹ Land Tenure and Rural Development (2002). Available at www.fao.org

³² Land Tenure and Rural Development (2002). Available at www.fao.org

³³ See also s. 4 of the Land Act, Cap 113 of the R.E.2019.

³⁴ P. Dale, (1997:1624). Land Tenure Issues in Economic Development. Urban Studies, 34(10), 1621–1633. <http://www.jstor.org>

³⁵ N. Harris, (1997:1695). Cities in a Global Economy: Structural Change and Policy Reactions. Urban Studies, 34(10), 1693–1703. <http://www.jstor.org>

³⁶ See also Land Tenure and Rural Development (2002). Available at www.fao.org

³⁷ UN-HABITAT: Access to Land and Tenure Security.

through customary structures in a community. Further to that, the UN-HABITAT³⁸ lay down that, *Land tenure is central to sustainable natural resource management, and can be defined as the way land is held or owned by individuals and groups, or the set of relationships legally or customarily defined amongst people with respect to land*. Kasimbazi³⁹ also insist on the concept of land tenure as a based on security with the range from national laws to local village rules. The basic rules of having and tenure is to make sure that, there is a law that rules and control the use of that land, including ownership and transfer; and that rule should be governed either by statutory or customary law.

Types of Land Tenure

It provides that land may be administered under two tenure systems: statutory and customary tenures.⁴⁰ While statutory land is administered in accordance with written laws, by government officials, customary land is administered by traditional authorities based on unwritten and localized customary laws in certain places in Tanzania, The Land Acts retain two forms of tenure: ‘granted right of occupancy’ and ‘customary right of occupancy’.

1. Granted Right of Occupancy

Granted Right of Occupancy is stipulated under section 2 of the Land Act and provide a right of occupancy by means of granting a title to the use and occupation of land. That means a right to own land according to national law and statute provisions such rights are granted rights of occupancy and derivative rights.

2. Customary Right of Occupancy

Customary Right of Occupancy provides for the same rights through customary ways. The Village Land Act⁴¹ defines that right as a customary right of occupancy of land. The term customary right of occupancy has been as a right of occupancy created by means of issuing of a certificate of a customary right of occupancy and it includes deemed right of occupancy.

³⁸UN-HABITAT 2008.

³⁹E. Kasimbazi, Land tenure and rights for improved land management and sustainable development. UNCCD: Bonn, Germany. 2017.

⁴⁰Mbazorand Ojo (2019:86).

⁴¹S. 27 of the Village Land Act, No.5 of 1999.

Both rights (Granted Right of Occupancy and Deemed Right of Occupancy) are secured by certificates of occupancy governed by the land statutes.

Categories of Land Tenure in Tanzania

Section 4(i) of the Land Act of Tanzania stipulates that, *all land in Tanzania shall continue to be public land and remain vested in the president as trustees for and on behalf of all the citizens of Tanzania*. Yet, the land being public and governed by the president, the system classifies the tenure into three categories, and these are General land, Village land, and Reserved land.

1. General Land

All land that is not categorized as reserved or village land, as well as uninhabited or unused village land, is defined as general land.⁴² General land is surveyed land that is usually located in urban and peri-urban centres such as legally designated municipalities. Also the land Act defines general land as all public land which is not reserved land or village land and it includes un-occupied or unused village land.

Also, it is land which is not Village land or Reserved land and it is generally governed by land Act and the management is directly under the commissioner for lands. General land is neither any land which is neither reserved nor existing a village land and may somewhat confusingly include village large and which is un-occupied or unused.⁴³

In Tanzania general land constitutes a small fraction of the remaining categories of land as it just covers urban development. This type of land was caused by the colonizers hence it was a small part of land they managed to alienate the indigenous.⁴⁴

⁴²See also Environmental and Social Management Framework –Land Tenure Improvement Project (LTIP), 2020.

⁴³P. Ngowi and M. Makwarimba,(2011).Making Land Investment Work for Tanzania, "DRAFT Final Report"

⁴⁴ Ibid.

2. Village Land⁴⁵

Village land is the land that is demarcated as Village land under any law or administrative procedures. Village land is governed under the village land Act and recognizes the rights of villages to land held collectively village residents under customary law. Village land can include communal land that has been individualized. Villages have rights to the land that their residents have traditionally used and that are considered within the limit of village land under customary principles, including grazing land, fallow land and un-occupied land.

This is other than general and constitutes large fraction of land in the country⁴⁶ village land supports the majority of rural population taking into consideration that large number of population in the country is found in village. The village land is governed by V.L.A and administered by village land assembly land registration as well as it recognizes the customary right of occupancy and, there is certificate right of occupancy. Generally, the land laws to a large extent make land an asset to support investment in the country, there are substantial changes that can be picked at the land development.⁴⁷

3. Reserved Land⁴⁸

Reserved land includes hazardous land and all land designated for forest reserves, national parks, game reserves, conservation areas, public utilities, and highways.⁴⁹ Reserved land includes that reserved for forestry National parks, public recreation ground. It is used for operation purpose including environmental protection recreation and sport open space and special events.

⁴⁵S. 2 of the Village Land Act, the Act state that, *village land" means the land declared to be village land under and in accordance with section 7 of this Act and includes any transfer land transferred to a village.*

⁴⁶ Focus on Land in Africa, World Research Institute, pp.3, August, 2015.

⁴⁷ Ibid

⁴⁸S. 6 (1) of the Land Act, as revised from time to time.

⁴⁹ See also Environmental and Social Management Framework –Land Tenure Improvement Project (LTIP), 2020.

This category of land is specific purposes depending on the nature and the declaration of the same can be done by the president or the commissioner for lands.⁵⁰ Reserved land is land set aside by sectorial legislation as national parks, game reserves forest reserves, marine reserves, and so forth and makes up around 30-40% of Tanzania's total land area. The management of reserve land however can be under the responsible authority where the land declared reserved land is situated.

Reserved land includes that reserved for forestry National parks, public recreation ground. It is used for operation purpose including environmental protection recreation and sport open space and special events.

This category of land is specific purposes depending on the nature and the declaration of the same can be done by the president or the commissioner for lands.⁵¹ Reserved land is land set aside by sectorial legislation as national parks, game reserves forest reserves, marine reserves, and so forth and makes up around 30-40% of Tanzania's total land area. The management of reserved land however can be under the responsible authority where the land declared reserved land is situated.

Source of Land Conflicts in Tanzania

Tanzania is among of the African countries that land use brought conflict between the individuals or group of people; various authors, including Bruce and Boudreaux,⁵² Wehrmann⁵³ have identified numerous number of land use conflicts that exist in Tanzania; and the causes of

⁵⁰ Section 4 (4) of land Act, Cap 113, RE 2019.

⁵¹ Section 4 (4) of land Act , Cap 113, RE 2019.

⁵²J. Bruce, K. Boudreaux, (2013). Land Disputes and Land Conflicts: Land Tenure and Resource Rights Practice Lead, The Cloudburst Group, Available at www.landlinks.org.

⁵³B Wehrmann (2008:2) Land Conflicts: A Practical Guide to Deal with Land Dispute. Available at www.escr-net.org: Wehrmann further articulates that, *sometimes it's difficult to settle a conflict arise from invasions or evictions of entire settlements.*

land disputes include: unsuitable land legislation, especially in cases where there is no comprehensive land policy or where ambiguous laws do not address overlapping rights and claims to land; dysfunctional and inaccessible land administration.

Land conflicts occur in many and various forms; and these include conflicts between individuals who may fight either for boundaries, or passage, or animals' invasion over someone's property or productions; inheritance conflicts between siblings over the use of a given piece of land; etc..... In Tanzania's history, 1995 the President institutes a Commission for inquiry on land matters, the report shows that a source of land disputes caused by the system of land itself.⁵⁴ The report provides 'that a substantial number of complaints were directed to the village leadership and district land office'.

The following are some of the selected sources of land conflicts in Tanzania:

1. Land Scarcity

Due to legal controls on access, tilted dissemination amongst users and an absolute deficiency of land towards the demand can leave many people in the society with or without land possession which creates intense and conflicts for land.⁵⁵ Guirkinger and Platteau⁵⁶ emphasize that, the land scarcity normally results from generally very high person/land ratios but can also be distributional. In similar to that, Hall *et al*⁵⁷ says that, where one group has appropriated most land, leaving land

⁵⁴The 1995 Commission for Inquiry.

⁵⁵ Bruce and Boudreaux (2013:) also say that, *due to legal constraints on access, skewed distribution among users, or an absolute shortage of land in relation to demand, scarcity can leave many with little or no land and create intense competition for land.* The authors further articulate that, *the scarcity can result from generally very high person/land ratios but can also be distributional, where one group has appropriated most land, leaving land a scarce good for most others; and also it can be influenced by demographic shifts and factors such as climate change and can be either national or local.*

⁵⁶See also Guirkinger, C., &Platteau, J.-P. (2014). the Effect of Land Scarcity on Farm Structure: Empirical Evidence from Mali. *Economic Development and Cultural Change*, 62(2), 195–238. <https://doi.org/10.1086/674340>.

⁵⁷Hall R *et-al* (2019:231) Narratives of scarcity: Framing the global land rush. *Geoforum* Volume 101. Available at www.sciencedirect.com. The authors articulate that, *global resource scarcity has become a central policy concern, with predictions of rising populations, natural resource depletion and hunger. The narratives of scarcity that arise*

a scarce good for most others.⁵⁸ It can be influenced by demographic shifts and factors such as climate change and can be either national or local.

2. Poor Land Governance

The improper operational of land management and governance Institutions is among of the key factor which contribute the land conflicts in Tanzania. Any country with poor governance to any issue related to land will always cause the land conflicts, that art of conflict include an appropriate land management and lead challenge to the governance institutions.⁵⁹ In similar to that, Kombe⁶⁰ emphases as follows *‘Other major causes of land conflicts include dysfunctional land management and problematic governance institutions, including a lack of transparency, especially in public land acquisition; weak structures for checking the land grabbing; and exclusion of the disadvantaged’*.

The existence of various legal instruments within a country for the same issue normally contributes to the conflict of the same. In Tanzania there are National Land Policy,⁶¹ Land Act,⁶² and the Village Land Act;⁶³ both of them are there for the same intention; however they differ in the contents of protection. For instance, the reserved land is statutorily protected as national parks, land for public utilities, wildlife and game reserves, including land selected by sectoral legislation; and at the same time the village land describe agreed boundary land in rural areas. Yet, the village land is under the managerial authority of Village Councils, which are answerable for land engagement decisions of the Village Assembly; while the general land, is a residual category and includes all public land which is not reserved land or village land and includes unoccupied or unused village land. Those two classifications of land managerial authority of the village *versus* vee the management of urban land author contribute to the conflict related to land matters. As it has been shown, two pillars provide for the same in a different context.

as a result justify actions to harness resources considered ‘underutilised’, leading to contestations over rights and entitlements and producing new scarcities. Yet scarcity is contingent, contextual, relational and above all political’.

⁵⁸Hall *et-al* (2019:231).

⁵⁹ See also W. Kombe (2010:6). Land Conflicts in Dar es Salaam: Who gains? Who loses? Crisis States Working Papers Series No.2, ISSN 1749-1797, Dar es Salaam, 2010.

⁶⁰Kombe (2010:6).

⁶¹Proposed Draft of 2016.

⁶²Cap. 113 R.E 2019.

⁶³Cap. 114 R.E 2019.

3. Inappropriate Land Use & Plans

Land use and planning is a situation where the government facilitates the land ownership with principles in use. The government then has all the rights and powers to regulate land use by providing appropriate means of use. In 1980s, the land use and planning in Tanzania was proposed and came to incorporation in 2007.⁶⁴ The purpose of its establishment was to implement reliable and appropriate means in resolving land conflicts caused by poor use, including an appropriate land records, double allocation, and so on. The inability to establish reliable key points normally creates conflict of use, which affects the development of the community. For instance, the government in its maps shows the use and plan of every community needs such as open spaces, schools, or reserved land; yet you will find someone intervene that area and later on the same government declare the changes of use of that area with no reasons. This interference impedes developments previously planned by the government. From that point on, a number of issues, including land disputes, arise and hinder the economic development of this place.

4. Land Tenure Insecurity

Lack of security of tenure is among of most important grounds for the land conflicts in any society.⁶⁵ This conflict occurs once a party to society is in competition for land use rights with each other. Normally, the government is supposed to provide fundamental principles for the governance land issues in order to minimize the so called conflicts within the society.⁶⁶ The government has a duty to enhance securities of land tenure to individuals through the pre-requisite component for socio-economic development.

⁶⁴See also Amanzi S.N *et al* (2019:49). Inappropriate village land use plans impede conservation efforts in Kilosa District, Tanzania. *Nature & Faune* Volume 32, Issue 1; See also E. Oliveira, and P. Meyfroidt. (2022). Strategic spatial planning in emerging land-use frontiers: evidence from Mozambique. *Ecology and Society* 27(2):5.

⁶⁵M.J Gwaleba and E. Shayo (2019:4). The Causes of Land Use Conflicts between Farmers and Pastoralists in Tanzania and a Proposal for Resolutions, *Journal of Economic Science Research*. Vol. 02, Issue 01.

⁶⁶ See also M. Gwaleba, A Review of the Causes of Land Use Conflicts between Farmers and Pastoralists in Tanzania and a Proposal for Resolutions, *Journal of Economic Science Research*, 2(1), (2019).

5. Population Increases

Increase in population raises the development pressures not only on land; it increases pressure in all various angles with its destructive manners. Despite the fact that, the amount of land remains fixed, the high demand of land use and ownership within the community raises which results in conflicts. In this regard, land conflicts have been a crucial issue due to high demand of land use in both urban and rural areas. Others articulate that, the incensement of population also contributes to land degradation and soil erosion.⁶⁷ Consequently, that action, normally affects the productive resource base of the economy. In similar to that, Boserup⁶⁸ argues that *increasing land use may lead to erosion if hills are farmed or to a reduction in soil fertility if fallow periods are shortened to the point that the land has insufficient time to replace lost nutrients.*

6. Land Value

Land is one of our most precious assets.⁶⁹ Verheye⁷⁰ insists that, *in traditional societies it is a common good and cannot be alienated nor sold.* Verheye further insists that, *land value and price are commanded by offer and demand and by the underlying perception of potential benefits that can be derived from.*⁷¹ An interesting part is that, land has value, whether developed or not, such value of land must be taken into account during the transaction.⁷² Normally, the value for land increase when demand exceeds the supply of available land or if a particular piece of land and any transaction that affects the land, such as disposition must take into account the market value of the land.⁷³ The value for Land includes any improvements that have been made to it. In

⁶⁷ C.L. Jolly, Population Change, Land Use, and the Environment, Reproductive Health Matters, 1(1), (1993).

⁶⁸E. Boserup, Population and Technological Change. University of Chicago Press, Chicago, (1981).

⁶⁹See also Boyd E.H (2018). Land is One of our Most Valuable Resources- We Must Protect It. Available at the.times.co.uk

⁷⁰W. Verheye, Land Use, Lands Cover and Soil Sciences – Vol. III - The Value and Price of Land.

⁷¹Ibid

⁷² It is added that, *the land value is determined by the economic principle of highest and best use of land which produces the highest net return in any term, over a period. The property value is dependent on the structural attributes, land rates, land use and the location of the land.*

⁷³ See also the USAID Issue Brief Land And Conflict Land Disputes And Land Conflicts available at land-links.org

Tanzania, the National Land Policy and Granted Rights of Occupancy stipulate the value of land due and subject to disposition.⁷⁴

7. Land Degradation

Land degradation is amongst the cause of land conflicts within the society.⁷⁵ People themselves are engaged into the activities such as livestock, agriculture, land clearance, inappropriate irrigation (to mention the few).⁷⁶ The aforementioned activities done by the people unknowingly have their effects;⁷⁷ once the land turned into degradation situation, the same people decide to shift from one place to another in order to cultivate for themselves or animals belongs to them, that action raises the conflict of land.

The Pitfalls and Implication of Land Disputes

Dispute over land is often combined with strong economic, spatial, cultural and emotional values. Herrera and Passano⁷⁸ narrate that, land is vital for rural people and their communities, and it is not just another asset for the household, but it is also the basis of their livelihoods and subsistence. For this reason, threats to the ability to access land have social impacts. Dispute or conflict is a phenomenon that cannot be avoided in human interrelationship with each other. Social, economic, religious and political issues are agreed to be at the heart of the source of

⁷⁴There is special principle which facilitate the value of the thing with the land; it is well known as '*whatever attached to land, belongs to that land*'. That means, everything which is within the so called land granted to a person, has the value to that land and the owner has the right to that (the demonstration is mine).

⁷⁵The Land degradation GEF (2022) articulate that, *Land degradation is one of the world's most pressing environmental problems and it will worsen without rapid remedial action.*

⁷⁶The Land degradation GEF (2022) indicates that, *3.2 billion people are affected by land degradation, especially rural communities, smallholder farmers, and the very poor.* .see also Kirui, O.K. (2016). Economics of Land Degradation and Improvement in Tanzania and Malawi. In: Nkonya, E., Mirzabaev, A., von Braun, J. (eds) Economics of Land Degradation and Improvement – A Global Assessment for Sustainable Development. Springer, Cham.

⁷⁷Climate change: Land degradation and desertification (2020). See also, Akhtar-Schuster, M., Thomas, R. J., Stringer, L. C., Chasek, P., & Seely, M. (2011). Improving the enabling environment to combat land degradation: Institutional, financial, legal and science-policy challenges and solutions. *Land Degradation and Development*, 22(2), 299–312.

⁷⁸ A. Herrera, and M. Guglielma da Passano (2006:17) Land Tenure Alternative Conflict Management-2 available at www.fao.org

human disputes. That is, differences in interest on these issues can cause a conflict of various natures.

Land disputes often have extensive negative impacts on economic, social, spatial and ecological development of any nation. This is especially true in developing countries and countries in transition, such as Tanzania, Kenya, and Uganda (to mention the few....). Land conflicts are indeed a widespread phenomenon, and can occur at any time or place. Both need and greed can equally lead to them, and scarcity and increases in land value can make things worse. Land conflicts, especially occur when there is a chance to obtain land for free – no matter if this land is state, common or someone's private property. Inheritance conflicts and disputes between neighbours are most often about land (and other immobile property). In post-conflict situations or during the early phases of economic transition (e. g. Privatisation), when regulatory institutions, controls and mechanisms of sanctions are not yet in place, people eagerly grab land if their position allows for it – or forfeit the land if they are in a weak position.

Land and conflict are closely linked, as land is a highly desired resource by communities and individuals.⁷⁹ There are indications that man's complex socio-economic, cultural and physical attachments to land have placed land in a sensitive and unique position. Many countries of the world, especially developing countries, including Tanzania experienced severe problems relating to land. Environmental degradation, landlessness, squatting, and rural poverty are the most prevalent issue accounted for the land pitfalls. These are the major problems associated with land dispute. Disputes on land often occur between individuals, groups and communities. Dispute on land in 21st century generation have done more destruction compares to previous years.⁸⁰ These days, Dispute on land often abbreviates the socio-economic and physical development of most urban and rural areas, leaving the dwellers with economic hardship, poverty accentuation, health challenges, food scarcity, low standard of living, slow city and community growth among others. It has been observed in study that, land disputes often result into several deaths and severe injuries during conflict battles especially in situations where it is a communal dispute.

⁷⁹E Kasimbazi (2017:21) Land Tenure and Rights: for Improved Land Management and Sustainable Development.

⁸⁰ See also A.N. Ukaejiofo (2010). Identifying Appropriate Tools for Land Governance in Nigeria

Additionally, it has been proved that, land conflicts often have extensive negative effects on economic, social, spatial and ecological development. This is especially true in developing countries and countries in transition, where land market institutions are weak, opportunities for economic gain by illegal action is widespread and many poor people lack access to land. Land conflicts can have disastrous effects on individuals as well as on groups and even entire nations. Many conflicts that are perceived to be clashes between different cultures are actually conflicts over land and related natural resources.

All land conflicts, no matter how peaceful or violent they are, produce negative consequences for individual people as well as for the entire society. Whenever there is a land conflict, someone suffers economic consequences, including the issue of shelter, landless, loose of reproduction for pastorals and production base for farmers. social stability within society is also be affected since the reproduction between animals stuck, and failure to produce food and other related materials such as cotton, oil, etc....., In addition, whenever state land is allocated illegally it generally affects the nation's budget negatively and often results in ecological destruction or social exclusion. Still other consequences of land conflicts are unorganised, unstructured land development and the subsequent additional costs for infrastructure provision; the costs of these have to be borne by the entire society.⁸¹

Conclusion

To date, there have not been any clear terms of how to resolve land disputes, especially between villages, towns and cities despite the facts that all the provisions in the existence of a legal framework and all other efforts by the government. Communal conflict which relates mostly to land issues still dominates. The need for arable land for farming and rearing of animals has increased over the years, giving room for conflicts and land disputes. Irrespective of the efforts of the federal, state and local governments towards resolving land disputes, little results have been achieved as land disputes is common in villages, towns and cities, particularly in the villages who equates land possession as wealth and inheritance rights.⁸² There is no doubt that

⁸¹ See also Wehrmann B (2008:2).

⁸² See also Fischer & Ferlie (2013).

the problems associated with incessant land disputes could hinder the growth and development of villages, towns and cities.

CITE THIS ARTICLE:

Dr. Saphy L. Bullu, The Pitfalls of Land Dispute & its Implication en-route for Economic Development in Tanzania, Justice and Law Bulletin, 1(1), pp. 82- 99, (2022).