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Implication of Institutional Frameworks Governing Land Tenure Security in Social-Economic Dynamics: Experience from Iringa District in Tanzania

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Abstract

Purpose: The study aimed to examine the implication of institutional frameworks governing land tenure security in socioeconomic dynamics in the Iringa district. The study used the case of the Iringa district to investigate the institutional framework that provides implications for the governance of land tenure security in Tanzania.

Methodology: The study employed phenomenography by collecting primary data from 16 key informants selected from village and district levels. Data from key informants were complemented by documentary review with perception considered deductively.

Findings: Findings confirmed the existence of two principal institutional frameworks; the Land Act No. 5 of 1999 and the Village Land Act No. 4 of 1999. Nonetheless, bureaucracy, inadequate policy dissemination, and poverty emerged as primary causes of deviations in land policy implementation in the study area. This study concludes that the successful implementation of Tanzania's land policy in the Iringa District Council has significantly facilitated land tenure security through the issuance of a Certificate of Customary Right of Occupancy. Establishing a robust institutional framework and clear land use rules has been central to this success. However, challenges such as complex Certificate of Customary Right of Occupancy acquisition procedures, bureaucracy, inadequate policy dissemination, and prevalent poverty in rural areas have been identified as impediments.

Unique Contribution to Theory, Practice and Policy:

The study was guided by Institutional Theory which describes the interaction of human beings with existing natural resources, the institution involves the regulation of formal rules from constitutions, status laws, and other legal frameworks controlling the interaction and relationship of human behavior. The study contributed to the theory by establishing the relationship between the organization and enforcement of policy and regulatory framework that governs land tenure. Also, the study recommends expanding the Certificate of Customary Right of Occupancy issuance, strengthening local land administration, simplifying land use regulations, facilitating easier access to Certificate of Customary Right of Occupancy especially for impoverished households, and implementing strategies to reduce bureaucracy and enhancing policy understanding at the grassroots level. These measures aim to enhance land tenure security and support sustainable development in rural communities.

Keywords: *Land Policy, Land Policy Implementation, Land Policy Deviation, Institutional Framework, Land Tenure Security*

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INTRODUCTION

The institutional frameworks governing land tenure security are pivotal in shaping the socio-economic dynamics within the region. In the context of the Iringa District in Tanzania, these frameworks determine the stability and predictability of land rights, which are essential for agricultural productivity, investment, and sustainable development. Secure land tenure can empower local communities, enhance food security, and facilitate access to credit, thereby contributing to economic growth and poverty reduction. However, challenges including legal diversity, where customary and statutory laws coexist, can lead to conflicts and insecurity over land rights. The experience from the Iringa District underscores the importance of aligning local customary practice with national land policies to ensure that land tenure security contributes positively to socio-economic outcomes. This alignment is crucial for fostering an environment where land can be leveraged as a key asset for development, ultimately impacting the livelihoods of the residents and the economic path of the district.

In the 12th century, Western Europe experienced a decline in power as Eastern Europe's influence began to rise, resulting in the downfall of the Feudal system. This shift led to the emergence of a fifth form of land tenure known as the Communal Land Tenure System. Under this system, land was collectively owned, and village leaders or chiefs were responsible for land distribution among households based on their needs (Bekele, 2021). As economic development and globalization took place, household needs changed, necessitating adjustments in the land tenure system to align with that development. This transition gave rise to Smallholders Land System Leasing, which involved private landowners leasing land to individuals for investment and innovation to meet their individual goals (La Croix, 2002).

In Africa, the land administration system can be categorized into three distinct phases: the pre-colonial era, the colonial era, and the post-independence era. During the pre-colonial era, which predates the 1890s, most African countries operated under traditional leadership systems in which chiefs managed and controlled all natural resources within their tribal territories (AFDB, 2016). With the onset of colonialism from 1895 to the 1960s, the land administration landscape underwent significant changes. The colonial state introduced three land tenure systems: native reserve land, which was preserved under the control of chiefs for their tribes; freehold land, distributed to colonial settlers for commercial purposes such as agriculture and livestock; and crown land, which remained under the authority of the colonial rulers (Amanor, 2012).

Since Tanzania's 1961 independence, the land tenure system has undergone significant reforms in alignment with changing institutional frameworks over time. Before colonization, land administration was based on customary rights and traditional rules that varied among different tribes within the country. During the colonial era, Tanzania adhered to laws introduced by colonial powers. For example, under German colonial rule (1891 to 1917), land was held as freehold by German settlers, and between 1919 and 1960, British colonialism introduced the land tenure system through the Land Tenure Ordinance No. 3 of 1923 (ANRC, 2019). After gaining independence in 1961, Tanzania continued to use the British Ordinance land tenure system with few substantial changes that had a limited impact on land ownership (Mughwai, 2019; AFDB, 2016). However, in 1967 Tanzania made a significant shift by adopting socialism and self-reliance as outlined in the Arusha Declaration of 1967, which was followed by a Land Acquisition Act similar to that of the colonial era (Makupa & Alananga, 2018).

In the 1990s, following Tanzania's liberalization of the economy, a new land policy was formulated to address property rights and natural resource governance. The National Land

Policy was formulated in 1995 with a focus on transparency in the process (USAID, 2016). This policy paved the way for the enactment of the Village Land Act No. 4 of 1999 and the Land Act No. 5 of 1999. The acts provide a legal framework that officially recognizes customary land tenure systems as enforced by the Village Land Act within local governments. They also established procedures for individuals to secure land tenure in rural areas, allowing them to obtain a Certificate of Customary Right of Occupancy (CCRO) (USAID, 2016).

Statement of the Problem

With more than 80% of Tanzania's population depending directly on the land for livelihood improvement and economic development (Sullivan & McMahon, 2018), access to land become a priority for more than 50 million Tanzania who need land for different purposes either investment in agriculture activities or non-farm activities (NBS, 2020). Even though land is considered a vital resource for the rural population and the country in general, Tanzania is faced with challenges of land disputes between peasant household communities and pastoralist communities in rural areas regardless of the land tenure security system defined by the Land Act (Msuya, 2013). The challenges that face the rural population in most developing countries are contributed by the increasing socio-economic activities in the areas and also the institutional framework that regulates and manages land and other natural production resources (HAKIARDHI, 2009).

However, despite the government's efforts and the involvement of key stakeholders, including USAID's 2016 land tenure security project in Iringa, Tanzania still grapples with numerous land use disputes between crop producers and pastoralist and agro-pastoralists communities in rural areas despite having the above-mentioned legislation (Msuya, 2013). Iringa region has for several years experienced land conflicts across its districts (Kitabu, 2014).

Further to the above, various studies show that communities are not conversant or aware of Tanzania's land policies and Acts. For example, Laiser's (2016) study, found that 46.3% of community members in Morogoro were unaware of land policies and acts. Similarly, Moyo (2017) reported that most women in Makete were illiterate and unaware of any entitlements that could help them assert their land rights. Josefsson & Aberg (2005) demonstrated that Tanzania's land laws failed to reach the rural population compared to the urban population. Therefore, the current study aims to focus on understanding how policies and institutional frameworks governing land tenure security contribute to various socio-economic challenges in rural areas, particularly in the Iringa district. Generally, the study reviews policies and institutional frameworks governing land tenure with specific attention to policy implementation. In particular, the study assesses whether the 1995 land policy is being implemented as intended by evaluating the process of issuing CCROs, examining policy and institutional frameworks implemented in the Iringa district council, identifying the set of rules governing land tenure in the district, assessing procedures followed to ensure land tenure security, and deviation in policy implementation.

Theoretical Framework

Institutional Theory

The study was guided by the Institutional Theory (IT), which explains the structural frameworks that facilitate interactions between property rights and human behavior, particularly in decision-making related to natural resources such as land. It delves into the processes through which social and political structures, including constant rules, norms, and routines, evolve into authoritative guidelines governing behavior within society. The theory

postulates that these authoritative guidelines emerge and gain acceptance over a specific period (Willmot, 2015). Moreover, the theory explains how organizations tasked with regulatory responsibilities under laws and regulations about land and other natural resources can cultivate consumer trust by becoming reliable and legitimate through the effective implementation of the rules and laws (Temba et al., 2015).

In the current study, the theory served as the foundation for examining the relationship between policies and institutional frameworks governing land tenure security in the Iringa district. This includes assessing the implementation of policies and regulations governing land tenure security to understand how regulatory organizations influence the performance of rural populations. The IT was also used in a study conducted by Temba, et al. (2015), to analyze the performance of rice actors in implementing rice policies in Indonesia. The study found that farmers could not only survive but also achieve significant advantages in agricultural production through the implementation of rice policies.

However, the Institutional Theory has one limitation, according to Cai & Mehari (2015) its internal analysis of organizational changes may overlook the role played by an individual's self-interest (Willmot, 2015). Nevertheless, despite this limitation, the theory remains valuable in establishing connections between organizations and the enforcement of policies and regulatory frameworks governing land tenure, underscoring its relevance in the present study.

Conceptual Framework

The conceptual framework for this study presented in Table 1 is based on a review of theory and empirical literature. This visualizes the relationships between variables connecting research objectives with the existing literature, which spans from empirical findings to theoretical concepts and research methodology. This framework serves as a reference point for discussion in this study

Table 1: Policies and Institutional Frameworks Governing Land Tenure Security

Concept	Category	Aspect
Policy implementation	C-A Implemented as planned	C-A1. Issuing CCRO
		C-A2. Policy institution framework
		C-A3. Set of rules
		C-A4. Procedures
	C-B Policy deviation	C-B1. Bureaucracy
		C-B2. Inadequate policy dissemination
		C-B3. Poverty

Source: Authors' Conceptualization from Literature Review

The above-presented conceptual framework draws on both empirical reviews and the tenets of institutional theory and scrutinizes policy implementation through the examination of two key aspects: policy execution in alignment with the intended plans devised by regulatory entities, and instances of policy deviation from its originally envisioned purposes. In the pursuit of ascertaining whether a policy is executed as intended, the study evaluated parameters, including the issuance of Certificates of Customary Right of Occupancy (CCRO) to the local community, the existence of institutional frameworks and structures governing land tenure security, adherence to the prescribed set of rules as outlined by the policy, and the extent to which the procedures about land tenure security were implemented according to the original design. Regarding instances of policy deviation from the intended objectives, the study

primarily concentrated on the examination of bureaucratic elements embedded in the governance of land tenure security, the effectiveness of policy dissemination, and public awareness of the existing policies regulating land tenure security in the study area, and socio-economic impact on households attributable to the policies governing land tenure security.

Empirical Review

Land conflict is not a new phenomenon around the world, it is commonly known in developing countries due to loopholes available in policies and regulation frameworks that manage and administrate land and its development. Thus, this study presents an empirical review based on previous studies. The fact that property rights can only be achieved when there is a proper and functioning efficiently institution triggered (Prosper, 2020) researched a challenging institutional framework in land administration in Burundi. The study found that many institutions' frameworks are concerned with property rights and land tenure, but people are suffering in ownership of land as those institutions fail to address the challenge of unequal allocation of natural resources. The study recommended that the government should review and reform institutional framework and land policies that consider the livelihood of all individuals in the country.

A study conducted in the Mvomero district in Tanzania by Laiser (2016) assessing land tenure system and conflicts in rural smallholder communities found out that Mvomero used customary land tenure rights in the governance of land and property; the index scale score showed that 53.6% of the respondents were aware of existed land tenure system implying a significant proportion of the respondents who were not aware. Most of the conflicts in Mvomero were attributed to the low participation of households in land administration, bureaucracy and corruption in land use plans, and delays in solving land disputes. This implies that there is a need to increase awareness of the land tenure system. The study recommended the use of land plans, good land governance, and awareness of the land tenure system to resolve or control land conflicts.

Moyo (2017) conducted the research that aimed to investigate women's access to land through customary land tenure in Makete District Tanzania. The study found that the majority of women in the Makete District were illiterate and were unaware of the presence of any entitlements that could help them access land rights. In addition, the involvement of women in land administration institutions was low and limited. Households also deprived rights of possessing land to women and daughters due to a belief that women would access land when got married. Also, the study highlights many challenges that limit access to land among women implying a loophole to marginalize women's land rights, poor implementation of customary and statutory land tenure frameworks, conflict of interest in the existing laws, and limited legal institutions to empower women in property rights. The research recommended campaigns and education programs to create awareness of land rights equality and how policies and institutional frameworks can benefit women. Another recommended measure was the repealing of outdated policies and institutional frameworks governing land tenure security and any other laws that failed to address the challenges faced by women.

Josefsson & Aberg (2005) evaluated adopted land laws in Tanzania and their impact on the agriculture sector. The study compared land policies and laws adopted in Tanzania with land laws and policies adopted in other developing countries and found that the land laws in Tanzania failed to reach out to the people living in rural areas compared to urban areas. This requires further investment in the creation of awareness and help in determining their rights.

The study concluded that land laws in Tanzania are not applied efficiently, despite positive direction in terms of land distribution.

Research Gap

Previous studies (Laiser, 2016; Prosper, 2020; Moyo, 2017; Josefsson & Aberg, 2005) focused on how secure land ownership could boost a country's economy and how land policies affected conflicts in rural areas. However, they often missed the problems these policies created. This study aimed to fill that gap by examining how land policies impacted the challenges faced by rural areas, like the Iringa district. It explored how well these policies were put into practice, helping us understand what was working and what needed improvement.

METHODOLOGY

The research employed the phenomenography qualitative research method, chosen for its capacity to elucidate how individuals in the current research, experienced a particular phenomenon, in this case, the policies and institutional framework. This research design facilitated an exploration of households' experiences, perceptions, memories, thoughts, and emotions concerning the subject under investigation. Two villages were included in the study, chosen based on households' possession of Certificates of Customary Right of Occupancy (CCRO). The study's qualitative data were gathered through Focus Group Discussions (FGDs) involving 24 participants and key Informant Interviews (KIIs), involving a total of 16 KIIs, as shown in Table 2. The selection criteria of the key informants were that he or she must be a local leader dwelling in the study villages: Mgama and Kihorogota with knowledge of land governance, or must be a staff from the District Land Office of Iringa District Council.

Table 2: Distribution of Key Informants Involved in the Study

Level	Sources of Data	Number interviewed
District	District Land Officer	1
	District Community Development Officer	1
	District Agriculture Officer	1
Village	Ward Land Committee	3
	Village Executive Officer	2
	Village Chairperson	2
	Village Influential Leaders	2
	Agriculture Extension Officer	2
	Ward Community Development Officer	2
Total		16

A systematic review was conducted to assess the alignment or diversion in the implementation of Tanzania's land policies and Land and Village Land Acts, as shown in Table 3. The analysis was done from the perspective of how land policies and institutional frameworks are executed in Tanzania specifically in the study area. Qualitative data from the key informant interviews and reviewed documents were analyzed using content analysis. The aim was to understand whether policies were executed as intended or they deviated from their original goal.

Table 3: Policies and Acts Reviewed

Policies and acts	Year of formulation
The National Agriculture Policy	2013
The Land Act No. 4 and Village Land Act No. 5	1999
The National Land Policy	1995
The National Environmental Policy	1997
The National Livestock Policy	2006

RESULTS

Policy Implementation

Regarding policy implementation, the study found that Tanzania's National Land Policy of 1995 resulted in the enactment of the Land Act, which governs land law, and the Village Act, which regulates village land law implementation in the country, including Iringa district. The policy aims to ensure land tenure security as stipulated in its objectives, including enhancing information related to land management and formalizing land ownership to enable commercial usage. Four aspects influencing the implementation of the land policy as intended were identified:

a) Issuing of Certificates of Customary Right of Occupancy

Information from the key informant interviews and also from a review of the literature show that one of Tanzania's land policy objectives was to facilitate land titling for rural households through the issuance of CCRO. In the Iringa district, the land policy is implemented through two major projects: the Property and Business Formalization Program established in 1990, and the Feed the Future Land Tenure Assistance (LTA) funded by USAID implying that actors implemented the public-private partnership in land governance in the study area. These projects successfully demarcated and adjudicated 63,000 land parcels in 36 villages within the Iringa district (LTA, 2022), as confirmed by one of the key informants.

To ensure the objective of the national land policy is achieved, the Iringa district with support from stakeholders and cooperation with international organizations such as USAID was able to assist more than 30 villages in the Iringa district which enabled over fifty thousand CCRO to be issued to the villagers (KII, Iringa district, 03/03/2022).

Records obtained from the district office indicated that the Land Act No. of 1999 Village and Land Act No. 5 of 1999 were enacted as part of the national policy to assist rural households in achieving land tenure security by obtaining CCRO through the district's land office. One of the key informants said:

Since land is considered the core resource for households in the Iringa region, land titling, and ownership become a priority for the district office to ensure all households have access to land (DLO, Iringa district, 3th March 2022).

Also, one of the KIs from one of the studied villages in support of CCRO said:

As the population in the Iringa region grows, the land is increasingly becoming scarce leading to land grabbing and frequent land conflicts between us (natives) and migrants and investors. But, since I obtained my CCRO for my land, I have peace, because my land parcel is now protected (Mgama KI, 5th March 2022).

The remarks above, coupled with the reviewed documents, imply that in the Iringa district, the national land policy's objective of providing CCRO to households was successfully executed

as intended. Consequently, the findings suggest that national land policies aim to facilitate land titling for rural households, which was carried out through projects like the Property and Business Formalization Program (MKURABITA) and USAID Land Tenure Assistance (LTA), with support from various land stakeholders and in collaboration with international organizations such as USAID. The concerted efforts resulted in the issuance of CCRO to 49,000 households.

a) Policy Institutional Framework

The findings from this study show that land tenure security in Iringa district was legally governed by two primary frameworks. The Land Act No. 4 of 1999 focuses on state-owned land and urban areas, while the Village Land Act No. 5 of 1999 encompasses the cornerstone legal frameworks for rural areas. All land administration falls under the jurisdiction of the government, through the Ministry of Land and Human Settlements Development (MLHSD). The MLHSD is responsible for land administration, planning, surveying, mapping, and development of land services for social and economic purposes. The central government, represented by the Ministry of Land, is the overarching regulatory authority for land tenure security, not only in Iringa but nationwide. Thus, the Iringa district council adheres to the land framework provided by the Ministry of Land.

Tanzania embraced the 1995 Land Policy, which establishes fundamental principles for land use by decentralizing land administration to local communities, safeguarding their land ownership. The policy outlines different categories of land and delineates the roles and control levels of the central government and local communities. The foundation of the National Land Policy of 1995 provides the framework for protecting the interests of local communities through village assemblies and village councils.

The institutional framework of Tanzania's National Land Policy aims to reduce malpractices and conflicts by assigning responsibilities to the MLHSD as the primary authority for land and all related matters. This authority is empowered to delegate responsibilities in a well-defined hierarchical structure, consolidating and rationalizing all land-related laws. Effective land policy implementation in rural areas requires collaboration among different actors from the public and non-government sectors. The Tanzania Land Policy of 1995 stipulates that all ministries, local government authorities within their respective jurisdictions, public institutions, and non-government organizations interested in land development must follow the governance provided by the Ministry of Land and Human Settlements for the implementation of Tanzania's land policy.

Iringa district's land tenure security is regulated through a rural land administration framework that is subdivided into district council, township council, and village land council committees. These entities are responsible for land administration and development within village boundaries, as specified in Tanzania's 1995 Land Policy. The policy outlines the administrative and management structure of village land, with village councils and village assemblies allocating land to villagers. It also provides the local authorities with functional powers for processing and issuing Village Land Certificates (Village Deeds) or CCRO to the rural population. The policy further establishes mechanisms for resolving land disputes that arise in rural areas.

Local governments play a pivotal role in enforcing land and natural resources policies and serve as essential links between rural households, government bodies, and non-government institutions with direct interests in land. These organizations include the Ministry of

Agriculture, Livestock and Fisheries, housing agencies, non-governmental organizations such as the Tanzania Rural and Urban Development Initiative (RUDI), and USAID Land Tenure Assistance (LTA). This alignment was substantiated by one of the key informants from the district office.

As the district's land office, we are a bridge between households and other interested institutions within the Iringa district when it comes to the management of land resources. For example, for organizations such as the Southern Agricultural Growth Corridor of Tanzania (SAGCOT) when implementing their projects, we facilitate communication of those initiatives to households within the district (DLO, Iringa district, 3rd March 2022).

Another key informant from the ward land committee said:

District land offices and village councils have performed various land administration functions such as land record and registration, adjudication procedures, administration of land transfer, and dealing with land disputes within the district. For example, the Iringa district council has resolved more than 100 land conflicts between various land users in the year 2021 and has led the development of settlement plans for rural areas (WLC3, 6th March 2022).

In addition to the above, another key informant from the district office said:

Iringa District Council in cooperation with a non-government organization (LTA) has been able to issue CCRO to 26 villages in the district with 35,286 households having received their CCRO since 2016 when the land tenure program was implemented based on the land framework provided by the Ministry of Land and Human Settlements Development whereby 47% of the title deeds were issued to women (DCO, 3rd March 2022).

The quotes and the review of published documents from district and village offices unequivocally demonstrate the presence of an institutional framework adhered to in the implementation of the land policy in the study area.

The review of the literature showed that within the institutional framework, the Iringa district council has issued a total of 63,000 CCROs to 36 villages. It also highlights the existence of 58 land committees, with 45 percent female representation, that have been established and revitalized. However, these committees do not convene regularly due to financial constraints but convene as may be needed. Their functions include resolving land conflicts, verifying and safeguarding village boundaries, and educating communities on land usage and land rights. Moreover, the Iringa district council has instituted and revised land tribunals in almost every community, which have effectively resolved over 45 cases by 2021. The fact that property rights can only be achieved when there is a properly functioning and efficient institution triggered, Prosper (2020) confirmed the existence of an institutional framework concerned with property rights and land tenure while people suffered in terms of ownership of land implying a failure to address the challenge of unequal allocation of natural resources including the land.

A study conducted by Josefsson & Aberg (2005), which compared land policies and laws adopted in Tanzania with those in other developing countries, it is essential for land laws to be implemented as intended so that there is a clear institutional framework to engage with rural communities. This framework should also contribute to creating awareness and assisting

people in determining their rights. The findings from the current study affirm that a clear institutional framework is indeed in place and being followed by the Iringa district council.

b) Set of Rules

Another crucial element in the context of policy implementation pertains to a set of rules that specify the regulations governing land utilization and ownership rights within the Iringa district. The study identified that such rules are primarily governed by the 1999 Village Land Act, which encompasses two key aspects: the granted right of occupancy and the customary right of occupancy. The rules play a fundamental role in determining land ownership and possession rights, outlining how land rights are allocated within parcel boundaries. This, in turn, grants households the capacity to utilize land for various socio-economic activities, including transferring ownership, renting land parcels, and using them as collateral. Notably, in the Iringa district, households can secure land tenure security through the granted right of occupancy, which has a defined time limitation, or through the customary right of occupancy, providing permanent land tenure security.

One of the key informants from the Iringa district office said:

One of the rules that provide a framework for governance of land tenure security in Iringa district is granted the right of occupancy that empowers the local government through the Village Land Act section 22(1) which provides ownership as well as repossession clause to such land parcels. (DCO, Iringa District, 3rd March 2022).

In the Iringa district, land tenure security is provided to households through title deeds, which are issued based on the duration of ownership. The 1999 Land Act specifies that land ownership can extend up to a maximum of 99 years or for shorter periods, not less than 5 years. As articulated by Temba et al. (2015), institutional theory explains how the organization entrusted with regulatory responsibilities related to land and other natural resources can foster trust among consumers by enhancing reliability and legitimacy through the effective implementation of rules and laws. This was substantiated by one of the key informants as follows:

The Iringa district under the Village Act of 1999 allows registration for land title deeds for land that is granted to individuals above 18 years of age, either by the village council or free land that has been used by an individual for more than 12 years (DLO, Iringa district, 3rd March 2022).

c) Procedures

Land serves as a crucial resource for sustenance and income generation among rural households, particularly in agrarian communities like Iringa district, where more than 70% of the land is informally owned without formal land title deeds. To address this issue, the Iringa district land office, in collaboration with government and non-government institutions, actively promotes access to land rights for households by facilitating the acquisition of Customary Certificates of Right of Occupancy (CCROs) by the provisions of the 1999 Village Land Act. The district undertakes awareness campaigns and capacity-building initiatives, often with the assistance of non-governmental organizations (NGOs) such as LTA and RUDI, to guide households through the land title deed registration process, through the outlined procedures stipulated in Figure 1:

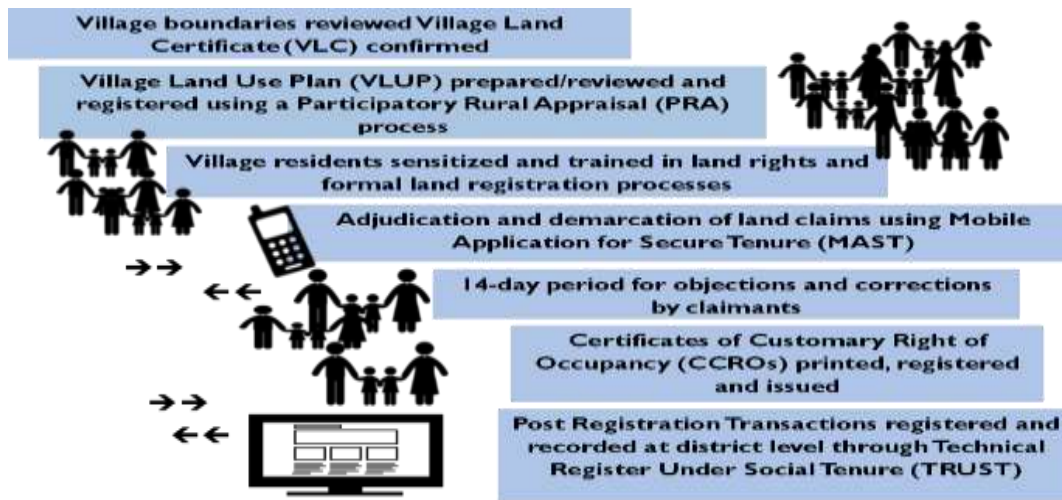


Figure: Procedures for Obtaining CCROs

Source: (Kusiluka & Chiwambo, 2018)

The process of obtaining a Customary Certificate of Right of Occupancy (CCRO) defines the rights held by households over a specific land parcel and assesses their ability to utilize the land for social and economic benefits, including financial gains through leasing, sales, or using it as collateral for loans. This study demonstrated that in the Iringa district council, the initial step in land registration for a title deed is to develop a land use plan for a particular land parcel. Subsequently, households are required to apply for a CCRO for their land parcel(s) along with supporting information, including boundaries, to the Iringa village council. This initial procedure ensures formal land ownership and helps prevent future disputes over the land parcel. The second step involves the village council reviewing the application for any disputes related to the land parcel, which falls under the jurisdiction of the land adjudication committee. In the event of disputes over the land for which a CCRO application has been made, the Village Council issues a letter of offer, detailing the application fees, annual rent payments, land development plans, and any other relevant conditions. If the applicant agrees to these conditions, they are required to sign the provided agreement. The final step involves the village council issuing a CCRO to the landowner after the land parcel has been surveyed and mapped by the district land office. The following quote supports the process:

For households to register ownership of land possessed, all procedure starts at the village level before proceeding to the district level, the village council assesses the village boundaries and land use plan for the land parcel that requires a title deed. Once the village council approves, the district office team surveys and issues a title deed that is signed by the village council under the supervision of the village assembly committee. The Land Registration Act of 1962 provided context procedures (Village Counsellor 8/03/2022).

The insights provided by the key informants show that the Iringa District Council abides by the established protocols for issuing title deeds. However, they encountered some challenges in implementing the procedures for issuing title deeds. Specifically, under the LTA project's sponsorship, villagers were required to make a financial contribution of TZS 30,000 per land parcel to cover the costs associated with surveying and mapping the land parcel using GPS coordinates. This financial requirement posed a significant obstacle for many households with

limited financial resources who could not afford to pay. Additionally, the process of adding household information and images to the district's land database is time-consuming. This observation was supported by one of the key informants, as indicated below:

Surveys and mapping of registered land is a complicated process that the district faces as staff have to go through submitted papers for each landowner and determine its GPS, while some of the processed forms have not been completed which consumes time to finish an area (DLO, Iringa district, 03/03/2022).

Based on the literature review and primary data from the key informants, it is evident that the Iringa district effectively implemented the 1995 land study. This was done through the use of the customary land tenure right in the governance of land and property. Laiser (2016) used an index scale to assess awareness of land governance and found that 53.6% of the respondents were aware of the existing land tenure system in the Mvomero district justifying the existence of the land policy and institutional framework for enhancing land rights.

Policy Deviation

Tanzania's 1995 land policy was formulated to ensure equitable access to land for all households and establish a legal framework for land tenure security and the management of natural resources. After a thorough review of various reports from the district council office and interviews with the key informants, three key issues in policy implementation were identified: bureaucracy, inadequate policy dissemination, and poverty. Additionally, it was discovered that deviations from the planned policy and institutional framework objectives were associated with three factors causing difficulties in obtaining CCROs. This finding is in line with Prosper's (2020), who highlighted that the multitude of institutional frameworks dealing with property rights and land tenure often fail to address the issue of unequal allocation of natural resources.

a) Bureaucracy

The participation of government authorities and agencies in land governance and formalization introduced complexity and opacity into the communication and procedures between households, village land committees, and the district land office. This complexity led to delays in households obtaining CCROs, primarily due to bureaucratic processes involved in issuing title deeds. Similarly, a study by Laiser (2016) found out that most of the conflict in Mvomero district is caused by low participation of households in land administration, bureaucracy, corruption in land use plans, and delays in solving land dispute issues.

The study identified that land transactions in Tanzania follow a complex structure, involving a multi-level process for individuals and investors seeking land rights and CCROs in rural areas. To enhance land accessibility and ownership, various policies and institutions have been introduced to govern and manage land access and tenure security. Generally, land tenure systems that facilitate sustainable land use, provide opportunities for accessing credit and minimize land disputes among households have been established. However, the administration of land involves multiple institutions and legal frameworks, which contribute to bureaucratic hurdles in the implementation and formalization of land ownership. This observation was supported by one of the key informants in the study area as follows:

There are many institutions and regulatory bodies involved in land ownership in Iringa district that introduce policy and land programs for example Ministry of Land and Settlement, local government committee, commissioner of land, district council land office, and village council. It might seem that every institution has its responsibilities but, most of us in the rural areas are laypersons when it comes to land rights and laws. The presence of many institutions makes it challenging as it increases bureaucracy in procedures to get CCRO (Mgama Village Influential Leader, Iringa district, 14th March 2022).

Furthermore, investors hardly obtain village land for commercial investments. They had to navigate through a complex decision-making process involving three authorities: the village land committee, the district office, and the central government. This multi-level decision-making structure exacerbated the intricacy of the process of acquiring land for commercial purposes in the study area and Tanzania in general. Consequently, the Urban Planning Act does not mention any requirement for a CCRO of the 99-year title deed for commercial land. One of the village leaders commented the following about bureaucracy:

When an individual requests land especially for commercial purposes, he/she will need to follow several procedures from the state level to the commissioner of land in the Iringa region, then must go to the district council that intermediate land possession at the village level and there is village land council and other institutional that have benefited to land right and possession by individuals. Those institutions and actors involved in land decision-making influence bureaucracy that facilitates deviation of land policy implementation (Kihorogota Village Leader, Iringa district, 15/03/2022).

Conflicting policies and acts, such as Tanzania's National Land Policy of 1995 and the Village Land Act of 1999, contribute to bureaucratic complexities in the implementation of land policies. The National Land Policy grants village council committees the authority to administer village lands, while the Village Land Act gives village councils and district authorities the power to grant title deeds to households in rural areas. This results in bureaucratic challenges for the villagers.

A study of (ANRC, 2019) land policy implementation in most developing countries is fraught with bureaucratic complexes just like in Tanzania. Drivers of land policies in these countries are diverse, however, it has been observed that the land tenure system on agriculture investment in Sub-Saharan African countries continues to be the subject of intense security (African Biodiversity Collaborative Group, 2017).

Based on sections 51-52 of the Village Land Act of 1999, the procedures for obtaining CCROs are more complicated, especially when individual households initiate the process in the village. The procedures involve registering the need for a CCRO in both village and district offices, followed by adjustments to the land parcel, verification of boundaries by a team from the village council and district authority, and submission of verified territories and land use plans to the land commissioner in the relevant zone. Once the commissioner authorizes the request, it is publicized in the village for 14 days, and the Village General Assembly is convened for approval and issuance of the CCRO to the requesting household. The key informants pointed out that these procedures were challenging for the typical villager to navigate, and many process stakeholders took advantage of the complexity to create bureaucratic obstacles. Bureaucracy leads to power disputes among agencies involved in rural land tenure security. These findings are consistent with the study conducted by Prosper (2020), which revealed that

despite the presence of various institutional frameworks addressing property rights and land tenure, people face difficulties in land ownership due to institutions' failure to address the challenge of unequal allocation of natural resources and their exploitation of lengthy processes to deviate from policy requirements.

b) Inadequate Policy Dissemination

Tanzania introduced the Land Act of 1999 and the Village Land Act of 1999, with some amendments made in 2006. These Acts aimed to provide equal access to natural resources in rural areas, particularly in terms of land ownership. However, they have not succeeded in achieving this goal, as most of the rural population does not possess formal land ownership, as outlined in the Tanzania Land Policy of 1995. The primary challenge faced by Tanzania is the implementation of these legislative measures in rural areas. In these areas, most households lack the capacity and legal comprehension required to secure formal land ownership. Furthermore, the authorities responsible for enforcing the policy have failed to ensure that most of the rural population comprehends the land policy and its associated regulations. When questioned about the execution of policies and the institutional framework governing land tenure security in the Iringa district, a key informant said:

Some of the authorities responsible for the implementation of the policies and development of the strategies that govern land tenure security fail to explain the purpose and implication of those policies to households in rural areas in a context that can be easily understood by a person with no prior knowledge toward land laws and policies. This causes poor implementation of the land policy leading to failure in achieving its objective and purpose of the policy developed (VC, 8/03/2022).

Households in Iringa district find themselves confused by the complicated and unclear nature of the existing land rights and land laws. One of the key informants confirmed the necessity for legal expertise to interpret these regulations, as shown in the following quotation:

For the land policy and institutional framework to be understood by villagers, it needs the individuals involved in the policy dissemination to have proper training on policy interpretation and have prior knowledge and understanding of the land rights and laws stipulated in the land policies and acts that govern land tenure in rural areas such as Iringa district. Most of the presented land disputes in the Iringa district are caused by poor interpretation of land policy by the households because of inadequate dissemination at the village level (VEO, 08/03/2022).

During further interviews with key informants at the village level to assess the understanding of land policies among land committee members, the study discovered that the selection of land committee members requires individuals to have at least a diploma-level education. This was confirmed by one of the key informants, as follows:

Since most land matters in rural areas are governed by village land committees, the district provides a structure for the selection of members a member should at least hold a diploma. This will make it easy to understand policies when given training and workshops. Also, since the policies and all related Acts, laws, and other rules are available in the village offices it will be easy to review after the training (VEO, 08/03/2022).

Furthermore, the study shows that policy dissemination at the village level faced several challenges. This includes a lack of necessary resources, such as manpower, time, and finances,

which limited the ability of land use committee members to conduct meetings and produce educational materials to inform rural communities about land registration and administration processes. Additional barriers encompassed issues related to political interests, the absence of policy and legislative documents at village offices, and an inadequate design of land policy implementation mechanisms that excluded input from village land use committee members. Consequently, most community members in rural areas remained unaware of their land rights and land laws. The study's observation conforms to those of a similar study conducted in Mvomero district, Morogoro, by Laiser (2016). The study findings showed that the majority (66.4%) of the households were unaware of the existence of a land tenure system in the area. Therefore, land disputes in these areas often arose due to insufficient policy dissemination and the absence of land tenure security in rural areas. Additionally, Prosper (2020) reported that political interests and the absence of policy and legitimate documents in the village can pose a significant barrier to policy implementation.

c) Poverty

To execute the National Land Policy, various strategic plans have been developed, including initiatives such as the Property and Business Formalization Program (PBDF). This was designed to reduce poverty among rural households by enabling them to commercialize land use through formalization of land ownership, primarily by issuing CCROs that can be utilized as collateral for loans. However, the high poverty levels in rural areas hindered the achievement of the National Land Policy's objectives. This is because the majority of rural households lack the resources required to fulfill the CCRO requirements outlined in the Land Act and Village Act as pointed out by a Ward Land Committee member:

For the households to have CCRO over the land parcel, some financial expenses amount to TZS 10,000-100,000 for those under the LTA project and around TZS 250,000 for those not under the project. This amount is a fee to cover surveying and mapping expenses which most of the Iringa households cannot afford due to low-income earning capacity (WLC1, 06/06/2022).

Rural poverty in Tanzania is a significant challenge, with an estimated poverty rate of 44% in 2022 in Iran (World Bank, 2022). Most of the rural population relies on land as their primary source of food and income. The Land Act of 1995 and the Village Act of 1999 were introduced to facilitate equal access to crucial production resources in rural areas. However, despite the regulatory framework established by the Tanzania Land Policy, land ownership remains a challenge for rural populations, mainly due to the pervasive poverty that limits their ability to obtain the necessary CCRO. This is because rural households are required to pay surveying fees to the district office for mapping, as well as cover land registration fees and other expenses involved in the process of acquiring a CCRO. As expressed by one of the key informants:

Rural areas such as Iringa experienced the implementation of different policies aimed to improve productivity from land, those are agriculture and livestock policy (ALP) and cooperative Development Policy (CDP), and the Kilimo Kwanza initiative was implemented to improve agriculture productivity but, the policies deviated from purpose as they were not practiced by household, and they do not interact with land ownership right. For households to implement those policies they first need to have land tenure security that supports investing in agriculture technology, having land tenure security is not free (DCO, Iringa District, 03/03/ 2022).

It has been reported that, although the cost of obtaining a CCRO has been subsidized by the Land Tenure Assistance (LTA) project, reducing it from 250,000 TZS per parcel to a range of 10,000 TZS to 100,000 TZS depending on the parcel's size, some households in Iringa district struggle to meet these cost requirements due to their low-income levels.

Implications of Implemented Land Institutional Framework on Social-Economic Challenges

The implemented land institutional framework governing land tenure security in the Iringa district has yielded both positive and negative implications for various social and economic challenges. While successfully addressing certain issues, it has also contributed to the exacerbation of other issues. The study delves into the implications of the frameworks on corruption, poverty, land disputes, and gender disparities in land ownership among rural households.

According to the findings from FGD, the issuing of CCRO has significant benefits to the community in several ways including clarification and formalization of land ownership, reducing disputes and conflicts within the community over land rights which are most facing challenges in Iringa and other rural communities.

With clear documentation of land rights given by CCRO, households have been able to resolve long-term disputes and improve their social cohesion and harmony; The formal recognition of land rights by CCRO reduced the financial burden related to legal battles and administrative procedures in land tenure (FGD-F1 13th March 2022

Being recognized your land right formally by CCRO reduces the financial burden for accessing loans, thereby unlocking credit inclusion and enhancing community development overall. Issuing CCRO has enabled households to use their land as collateral when accessing loans from financial institutions; Other social economic issues such as accessing government services, resources, and development programs are easily facilitated by issuing CCRO to the households (FGD-F3 13th March 2022

This implies that issuing CCROs has sufficient contribution to rural households including resolving disputes, fostering social cohesion, reducing financial burden, enhancing credit access, and facilitating involvement in government initiatives. It highlights the necessity of formalizing land rights as a means to enhance individual well-being in rural areas.

Regarding disputes and corruption, Laiser, (2016), highlighted numerous disputes that are prevalent in rural areas, particularly within communities lacking CCROs. These disputes encompass a wide range of issues, including conflicts related to borders, family matters, grazing rights, investor activities, neighbor disagreements, and disputes over non-family land. These were often attributed to unclear land ownership and boundaries, underscoring the significance of implementing effective land tenure security measures, such as the issuance of CCROs, to mitigate such conflicts, reduce incidents of corruption, and promote harmonious community relations.

It was found that the existence of a robust institutional framework governed by land can have several social and economic impacts on the community; these include the promotion of sustainable development and solutions to land-related challenges. The following argument from FGD was noted:

A well-functioning institutional framework promotes sustainable management in land practice, conservation as well as equitable access to economic resources in the community and strengthens social-economic stability and prosperity within the community (FGD-M2 13th March 2022)

An effective institutional framework helps in addressing land-related issues like conflicts. However corrupt framework may lead to land tenure insecurity causing exploitation and displacement of vulnerable community members (FGD-M7 13th March 2022)

This underscores the important role of the institutional framework in promoting land tenure security, sustainable development, and addressing conflicts. This can ensure equitable access to resources and protect vulnerable community members.

In Iringa DC, the issuance of CCROs has subtly shifted the dynamics of land disputes, with tangible improvements in perceived border dispute risks among CCRO holders. Expectations for the future lean towards optimism, influenced by the tangible proof of land ownership provided by CCROs. While not revolutionary, CCRO issuance contributes to more assured land tenure and a gradual reduction in tensions surrounding land disputes. The issuance of CCROs has played a significant role in reducing corruption and land disputes in Iringa district. The MKURABITA and USAID LTA projects facilitated demarcation, leading to over 49,000 households receiving CCROs. Further, the District resolved over 100 land conflicts in 2021 and the development of settlement plans for rural areas, as mentioned by a ward land committee key informant.

The key informants acknowledged the positive impact of CCROs in preventing land grabbing and conflicts. However, challenges persist particularly for households without CCROs, as financial constraints hinder the regular convening of land committees, impacting dispute resolution. The need for financial contributions for surveying and mapping under the LTA project also led to challenges, potentially contributing to instances of corruption. Policy deviations have also sown the seeds of discord, leading to a surge in land disputes. Lack of awareness of available policies to some community members and bureaucratic complexities created fertile grounds for disagreements over land boundaries and ownership.

In some instances, FGD participants reported that policy deviations have opened the door to corruption, exacerbating bureaucratic hurdles and the overall complexity of the land ownership process. Multiple authorities and institutions have created opportunities for corruption, adding another layer of challenges to an already intricate process. Deviations from the planned policy framework have led to inadequate policy dissemination, leaving many community members uninformed about their rights and the land ownership process. This lack of awareness contributed to misunderstandings, disputes, and difficulties in navigating the formalization process.

Regarding poverty, the positive impact of the land institutional framework is evident through the issuance of CCROs, providing land tenure security to households which according to FGD participants have increased their confidence to invest in agriculture, some have used CCRO as collateral to access loans which are key to economic growth and hence poverty reduction. However, financial burdens for land registration procedures pose challenges, potentially perpetuating poverty. In addition, the lack of regular convening of land committees due to financial constraints may hinder the resolution of land-related disputes, further impacting economic activities.

Deviation from established procedures limits households from acquiring the necessary documents to prove their land rights” He continues “When policies are not consistently adhered to, may create land ownership right confusion and results into conflicts claiming to land (FGD-M6 13th March 2022

Regarding gender disparities in land ownership, the 1999 Village Land Act permits ownership of land between spouses. In the Iringa District Council, empowerment was sought to happen through joint ownership and the broader impact of outreach and educational initiatives conducted by the land office. These initiatives focused on educating the community about land laws that specifically safeguard the rights of women. Through document reviews and interviews, it was revealed that the institutional framework has made significant progress, with 47% of CCROs being issued to women. However, challenges persist, with financial constraints affecting the regular functioning of land committees, potentially impacting their role in promoting gender equality in land ownership. Moreover, the study reveals that women's representation in land committees is at 45%, indicating room for improvement in ensuring equal participation.

CONCLUSIONS AND RECOMMENDATIONS

Summary

The study examined the implication of Institutional Frameworks Governing Land Tenure Security in Social-Economic Dynamics in Iringa district. The study employed phenomenography by collecting primary data from 16 key informants selected from village and district levels. Data from key informants were complemented by documentary review with perception considered deductively. Findings confirmed the existence of two principal institutional frameworks; the Land Act No. 5 of 1999 and the Village Land Act No. 4 of 1999. Nonetheless, bureaucracy, inadequate policy dissemination, and poverty emerged as primary causes of deviations in land policy implementation in the study area.

Conclusions

This study highlights both the successes and challenges in implementing land policies and the institutional framework in the Iringa district. While the issuance of CCROs and the presence of a clear institutional framework, rules, and procedures had positive achievements, factors such as bureaucracy, inadequate policy dissemination, and poverty contributed to deviations from the intended policy goals and hindered land tenure security of the rural populations.

The implemented land institutional framework in Iringa district has both positive and negative implications for social and economic challenges. While the issuance of CCROs has contributed to the reduction of land disputes, corruption, and improved economic activities, challenges persist for households without CCROs. Financial constraints affected dispute resolutions and contributed to corruption. Policy deviations created confusion, leading to misunderstandings and difficulties in navigating the formalization process. Despite strides in addressing gender disparities, challenges persisted, with financial constraints affecting the functioning of land committees and women's representation in the committees.

Recommendations

Based on the discussions, the study made four recommendations. First, expand CCRO Issuance: enhance and streamline the process for issuing CCROs, especially in rural areas, to ensure broader access to land tenure security. This would aid sustainable development in the study area and Tanzania more generally.

Second, simplify land use regulations: make the rules and regulations governing land use more accessible and understandable to rural households. Simplifying these regulations would promote better adherence to land laws and improved land management practices.

Third, address bureaucracy and enhance policy dissemination: implement strategies to reduce bureaucratic obstacles, improve the dissemination of land policies at the grassroots level, and address poverty-related barriers. These measures are essential for more effective land policy implementation and the enhancement of land tenure security in rural communities. This involves implementing targeted awareness campaigns to educate community members about land tenure security measures, especially the procedures for obtaining Customary Certificates of Right of Occupancy (CCROs). The awareness initiatives should address policy deviations, bureaucratic complexities, and the formalization process, ensuring that community members are well-informed about their rights and responsibilities.

Fourth, provide financial support, particularly for households facing constraints in contributing to surveying and mapping costs. This can entail establishing flexible payment mechanisms, and loan mechanisms and developing a clear and transparent criterion for determining which households qualify for financial assistance. Consider factors such as income levels, economic hardships, and other socio-economic indicators to ensure that support is directed to those who need it the most. Transparent criteria contribute to fairness and equity in the distribution of financial assistance.

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