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Compulsory Land Acquisition and Good Governance

An Assessment of the Luguruni Satellite Town Project in Dar es Salaam Tanzania

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ABSTRACT

Despite a comprehensive regulatory framework on land matters, compulsory land acquisition in Tanzania has been associated with complaints and delays in compensation payments an indication that good governance principles might not be under serious consideration. This paper evaluates land acquisition practices in Tanzania in the light of good governance principles based on interviews and focus group discussions with project affected people and government officials who were involved in Luguruni Satellite Town Project in Dar es Salaam. It was observed that failure to observe good governance principles was one of the major reasons for dissatisfaction among affected people due to lack of adequate and clear information about the project, little participation, inadequate compensation and non-adherence to procedures. Enforcement of governance principles would have facilitated the smooth implementation of compulsory land acquisition thereby reducing conflicts and enhance PAPs chance to voluntarily relocate.

Keywords: Land, Good governance, compulsory land acquisition, project affected people and Tanzania

1. INTRODUCTION

Compulsory land acquisition (CLA) is the power of government to acquire private rights in land for societal benefits in exchange with compensation (Lindsay 2012, Keith et al. 2008). The same is required by governments to provide public facilities and infrastructure that ensure social and economic enhancement; public and social amenities such as roads, railways, harbours, airports, for hospitals and schools, electricity, water and sewage facilities; correcting economic and social inefficiencies in private market operations and providing greater equity and social justice in the distribution of land (Keith et al. 2008, Larbi et al. 2004). Land acquisition is also used as a policy instrument to correct market failures in urban development as well as implementing of land use plans for sustainable development (Mpogole and Kongela, 2008; Ding, 2007). The power of acquiring land can be exercised either through operationalisation of country constitutions or enacted legislations, requiring payment of compensation to landholders and property owners (Mahalingam and Vyas 2011).

In some developing countries however, the regulatory framework to implement land acquisition to the desired global standards is lacking leading to suboptimal outcomes (Ding 2007). This is also accompanied by negative consequences to those displaced from the land in most projects (Ndjovu 2016, Kusiluka et al. 2011, Cernea 2008). Most laws both for developed and developing countries including international guidelines require payment of full or fair and prompt compensation to project affected people (PAPs) during land acquisition (Mahalingam and Vyas 2011, Lupala and Chiwanga 2014, Kelly 2006) but adherence to these procedures in most cases has been difficult. This is also accompanied by inadequate compensation payments, lack of community involvement, ineffective laws and unfair procedures during land acquisition process (German et al. 2011, Msangi 2011, Cernea 2000).

Unreliable and inadequate procedures further create opportunities for corruption (Cotula and Vermeulen 2011, Moyo 2000). In that manner, good governance is vital to provide a balance between the need of the government to acquire land promptly

and protecting rights of people whose land is to be acquired (Keith et al., 2008). Tangible and fair compulsory land acquisition cannot happen if good governance and adherence to regulations is avoided (Ding 2007, Deininger et al. 2012).

In Tanzania the President is the custodian of land and individual land holders have usufruct rights through statutory or granted rights of occupancy, the customary and other informal rights (Land Act, No. 4 1999). The Land Act (1999), the Land Acquisition Act (1967) and the Urban Planning Act (2007) give the President overwhelming powers to compulsorily acquire land for public use or interest whereas fair and prompt compensation is to be paid to displaced population (Kusiluka et al. 2011, Kombe 2010a). Compulsory land acquisition involves four key steps, namely (i) planning and decision to acquire land, (ii) legal preliminaries including getting statutory authority and serving notices, (iii) field investigations including valuation and (iv) payment of compensation to the would be dispossessed (Ndjovu 2003). Despite these requirements, there has been delays of up to five years and above after valuation exercise (Kombe, 2010), poor communication and non-involvement of landowners, conflicts with host occupiers and inadequate compensation sum to affected communities (Kusiluka et al., 2011; Msangi; 2011, Kombe, 2010; Ndjovu, 2016). Several times, sitting land occupiers are not well represented in key decision-making stages related to the expropriation of their land and during program implementation leading to extended disputes between public authorities and the project affected people (PAPs) (Kombe and Kreibich 2006).

With the preceding observations, it is clear that governance as a relationship between local communities and the states, in decisions is poorly implemented (FAO 2007). Challenging governance systems in developing countries include; lack of transparency, weak structures for checking land taking and marginalization of the disadvantaged (Kironde, 2009). In most cases governance principles such as public participation are not effectively followed by the CLA program executors. This is accompanied by other problems related to

dishonesty and disregard of regulations (Kombe, 2010, Kusiluka et al, 2011). Though Tanzania may have good regulations and laws to govern CLA programs but without incorporation and implementation of fundamental principles of good governance, attaining adequate compensation and a reasonable relocation plan to cover PAPs' associated losses is a challenge (Lupala and Chiwanga 2014, Asiama 2015, Kombe 2010b). All these observations facilitate the need to examine how good governance is practiced when undertaking land acquisition programs in Tanzania since little is known in this aspect. In this paper, Luguruni Satellite Town Development Project which fit as a public purpose project will be used in assessing whether the practice of compulsory land acquisition adhered to good governance principles and indicators or otherwise.

FAO (2007) describes governance as how society is managed, by not only formal institutions but also the informal arrangements including how the competing interests and priorities of different

groups are settled. It is also looked at as the mode in which public officials and institution acquire and exercise authority to shape public policy and provide basic goods and services (World Bank, 2007). In this study CLA is an action under land administration where good governance principles like participation, rule of law, transparency, awareness, equity and inclusiveness, effectiveness, efficiency, accountability are vital for decision making at all levels. The same is aimed at protecting the rights of individuals and the state through introduction of certain principles into land sector management (Asiama 2015). The concept of good governance provides a platform for questioning the institutional capacity-building initiatives currently deemed important for development (Grindle 2007). It assures that corruption is minimized and views of minorities are taken into account and that the voices of the society are heard in decision-making and implementation (Parigi et al. 2004).

Table 1: Key Dimensions of Good Governance

Dimension	Definition
Transparency	Transparency means sharing information and acting in an open manner (Parigi et al. 2004) and was evaluated based on access and openness to information about the project. Access to information tools include; legislations, public meetings, social media, public campaigns (Habitat 2013).
Participation	It incorporates a group of procedures and process planned to consult, involve, and inform the public to allow those affected by a decision to have an input into that decision (Rowe and Frewer 2000, Fischer 2016, Arnstein 1969). Public participation can contribute to legitimacy and fairness of the decision making process since PAPs are consulted (Asiama, 2015).
Accountability	FAO, (2012) defines accountability as holding the decision makers, public agencies, private sectors and civil society organization responsible for their actions and decision in relation to the rule of law, justify their decisions to beneficiaries and enforcement of their decisions, actions (Schedler 1999).
Equity, rule of law & justice	<i>Equity</i> seeks to address the rights of the minorities to make sure that they have equal access to the decision making and implementation process. <i>Rule of law</i> ensures existence and adherence to the laws of a society as well as protection of the rights. <i>Justice</i> focuses on enforcement of the rule of laws and make sure that the laws are adhered to (Groves 2013).

Good governance can be measured using five key dimensions (Table 1) which are noticeably mentioned to include transparency, participation, accountability, equity, justice and rule of law (Deininger et al. 2012, Asiama 2015, Kironde 2015). According to Parigi et al., (2004), good governance is achieved if the mentioned dimensions are reflected in a way that process for decision making, planning and implementation of action or

development allows maximum public involvement. In that manner the above key dimensions were employed to examine how good governance was adhered to during compulsory land acquisition of Luguruni Satellite Town Development Project in line with Asiama (2015).

Good governance in CLA programs is importance as it facilitates proper planning and effective implementation process (FAO, 2009). It

further strikes a balance between the government need to obtain land and protection of PAPs' rights (Asiama, 2015). The governance framework

employed in this study was developed based on various literatures on good governance dimensions and their relationship to CLA.

Table 2: Relationship between good governance principles and CLA(Adapted from Asiama (2015) and modified by the authors)

Dimension of good governance	Relationship to Compulsory land acquisition (CLA)
Transparency	<ul style="list-style-type: none"> • Accessibility to clear and accurate information relating to CLA by PAPs, civil society groups and the media. • Establishment of an office or a desk for information provision. • Process, laws and regulations regarding CLA are made clear to PAPs. • The affected communities are educated on the pros and cons of CLA project
Public participation	<ul style="list-style-type: none"> • The nature of community involvement • There is need for consultation and participation in key procedure such as selection of type of compensation and selection of resettlement site. • Possibility of lodging complaints on CLA issues by PAPs
Equity, rule of law & justice	<ul style="list-style-type: none"> • There is equal treatment of PAPs regardless of their ethnicity, age and standing in the community. • There is equal or better security of tenure after the CLA. • Involvement of professionals to assist PAPs during compensation assessment. • Laws and procedures governing the process exist. • The compensation and procedures used can be contested in court.
Accountability	<ul style="list-style-type: none"> • Responsibilities are clearly assigned to responsible individuals. • Ability of civil society groups and the media to cross-check the process • Decisions of the acquiring authority are justified to the PAPs.

The frameworks presented in Table 2 shows details of thematic areas for assessment and their respective indicators of good governance in relation to CLA activities. They set a benchmark for which information to be collected, the context of analysis and discussion of the results.

2. RESEARCH METHODOLOGY

2.1 The study area

A case study approach was adopted for this work whereby Luguruni Satellite Town Development Project in Kinondoni Municipality was selected as a case study area. Luguruni project was deemed fit for this study because first, its acquisition was for public purpose and secondly, all involved project processes such as planning, design, implementation and compensation had been

completed at the time of this study thus making it possible to do the assessment. Luguruni settlement is located within Kibamba Ward, about 20 km from the city center in the west of Dar es Salaam city. The ward comprises Kwembe, Kisokwa, Mpakani and Kingazi subwards or Administrative Units (AUs) which together are estimated to accommodate 2,220 people comprising about 400 households (NBS 2014). CLA at Luguruni area was done in 2007 affecting 259 households. The same was done to fulfill the requirement of 1979 Dar es Salaam Master Plan of satellite town development to decongest the Dar es Salaam city. The acquired area covered 156.53 acres. Most of the Luguruni residents migrated into the project area between 1971-1990 (42.6%) and 1991-2000 (41.3%).

Table 3: Assessment thematic areas and its indicators of good governance (Adapted from Asiama (2015) and modified by the author)

Dimension	Thematic area	Indicators
Transparency	Access to information	<ul style="list-style-type: none"> Utilization of appropriate media in information provision. Lack of complication & bureaucracy in information provision. Establishment of information desk, free access to information.
	Openness of the process	<ul style="list-style-type: none"> Full disclosure of the purpose of CLA. Laws and regulation are made clear to PAPs. Simple and clear CLA process. The process and its timeline are made clear to the community.
Public participation	Involvement of actors	<ul style="list-style-type: none"> The level of inclusion of PAPs' representatives in the process. The level of PAPs involvement in the process. The frequency of interaction between PAPs, their representatives and the acquiring authority.
	Decision- making process	<ul style="list-style-type: none"> Possibility of making suggestions/lodging complaints. Nature of response to PAPs' complaints or suggestions. Ability of PAPs to reject the acquiring authority plans. Involvement of community members in resettlement allocation process.
Equity, rule of law & justice	Tenure security	<ul style="list-style-type: none"> Equal or better security of tenure.
	Fair and adequate compensation	<ul style="list-style-type: none"> Prompt payment of compensation. Fair and adequate compensation. Considers peoples' voice on choice of compensation. Compensation values negotiated between the acquiring authority and PAPs.
	Livelihood and fair treatment of parties	<ul style="list-style-type: none"> Formulation and adherence to plans for livelihood rebuilding Settlers treated same as indigenous people
	Rule of law	<ul style="list-style-type: none"> Existence of laws and regulations governing the process Adherence to laid down laws, procedures and regulations Adherence to implementation timeframe
	Justice	<ul style="list-style-type: none"> Ability to contest procedures and compensation in court Fair hearing should be given to PAPs on their contest/appeal Hearing should be by a body other than the acquiring authority
Accountability	Assignment of responsibility	<ul style="list-style-type: none"> Clear assignment of responsibility Appropriateness of responsibility assignment Manner of selecting representatives
	Accountability arrangement	<ul style="list-style-type: none"> Existence of a body to check the authority both horizontally and vertically, Justification of the acquiring authority decisions Ability of civil society / media to cross-check accountability Penalty for unaccountability

2.2 Data collection methods and analysis

The unit of analysis for this study was households displaced from Luguruni area whereby snowballing sampling technique was used to obtain the sample for the interview of PAPs. The study, relied more on secondary data collected through documentary reviews whereby reports, plans and records from Kinondoni Municipality (KM), Ministry of Lands, Housing and Human Settlements

Development (MLHHSD); project documents and public participation records were reviewed.

Primary data were obtained through interviews with PAPs, field observations and FGDs. Key informant interviews were directed to people who are knowledgeable including Ward leaders, land officers and program executors from KM & MLHHSD as shown in Table 4. The information sought from the above methods focused on how

good governance principles including transparency, participation, accountability, equity, justice and rule of law were adhered to during CLA project implementation.

Administrative Units (AUs) which together are estimated to accommodate 2,220 people comprising about 400 households (NBS 2014). CLA at Luguruni area was done in 2007 affecting 259 households. The same was done to fulfill the requirement of 1979 Dar es Salaam Master Plan of satellite town development to decongest the Dar es Salaam city. The acquired area covered 156.53 acres. Most of the Luguruni residents migrated into the project area between 1971-1990 (42.6%) and 1991-2000 (41.3%).

Table 4: Summary of respondents in the Study

Sampled population	Sample Size	Respondents
PAPs	72	62
Valuers /land officers	20	20
Program executers	3	3
Lawyers	4	4
Ward leaders	1	1
Total	100	90

Table 5: Summary of Luguruni implementation process

Procedures	Actors and Action Taken
Legal Preliminary & Investigation	Done by MLHSD and Kinondoni Municipal Council. Assurance of legal preliminaries and getting the required statutory authority to endorse the plans including Dar es Salaam Regional Commissioner, City Director, Kinondoni Municipal Mayor, District Executive Director and District Councillor all stakeholders at City and District levels
Declaration and Notification	An order was published in the Government Gazette; Government Notice Number 231 published on 3 rd , 4 th and 5 th January, 2007 as required by law. Copies of the same were served to the PAPs by MLHSD through the Municipal Land Officers (Kinondoni).
Awareness Creation	- Education of the project to the Dar es Salaam Regional Commissioner, City Director, Kinondoni Municipal Mayor, District Executive Director and District Councillor and to all stakeholders at City and District levels by MLHSD. - In 2007 there was a general meeting with the residents concerning the project purpose and its implementation. - PAPs given stop order for further development
Assessment of Value for Compensation	- Done by Valuers from the MLHSD in 2007 -Identification and inspection of all properties and crops affected by the project, taking photographs of identified property owners, (all these were filled on Valuation Form Number 1 signed by the respective property owner and local leaders.) - Second valuation assessment in 2008
Paying Compensation to the Project affected people	- Began in October 2009. - Done by the two acquiring authorities (MLHSD & KMC). - PAPs were paid cash compensation only
Take possessions of the property	-PAPs were given one month notice to vacate the project area
Resettlement of the dispossessed (optional)	- Buy plots at Kwembe Kati with their compensation money. - Surveyed but un-serviced with basic infrastructures -No resettlement assistance given by the acquiring authority.

2.3 Governance assessment framework for CLA projects

Given the good governance dimension in Table 1 and the relationship between good governance principles and CLA projects in Table 2, a total of eleven (11) indicators were formulated in order to evaluate good governance practices in the case study area. These indicators are as summarized in Table 3.

3. RESULTS AND DISCUSSIONS

3.1 The implementation process

The implementation of the Project was done by the Ministry of Lands, Housing and Human Settlement Development (MLHHSD) and Kinondoni Municipal Council (KMC) i.e. herein identified as the *acquiring authorities*. Land acquisition involves two AUs; Luguruni AU with an area of 156.53 acres and 259 affected households and Kwembe AU with 456 acres and 482 households. Acquisition of the later (Kwembe AU) was meant to resettle affected households from Luguruni AU. But this study dealt

3.2 Adherence to good governance principles

3.2.1 Transparency

This section explains how accessibility to clear and accurate information relating to CLA and resettlement by PAPs in Luguruni project was achieved. It shows which ways were used and how other information of the process such as the process, laws and regulations were made clear to project affected people.

3.2.2 Access to information

Notification about the project to the community is crucial and it is among stages of carrying out land acquisition in Tanzania. According to Part II, Section 7 and 8 of The Land Acquisition Act No. 47 of 1967, PAPs need to be served a notice of the acquisition either personally or shall be left at their last usual place such as ward office. For Luguruni project this was partially done because there was no detailed awareness creation of the exercise to the PAPs including consultations, hearing plus getting feedback. Most PAPs (61%) got to know the exercise through one day general public meeting held by officials from MLHHSD & KM. Other means used included notice board at ward office

with PAPs from Luguruni AU (259 people). The acquisition process was guided by Land Acquisition Act No. 47 of 1967 and Land Act No. 4 of 1999. The original plan was to resettle Luguruni PAPs at Kwembe AU which borders Luguruni to enable PAPs get secured land and benefit from the proposed project. However, due to poor preparatory arrangements only cash compensation was paid to PAPs who thereafter were supposed to purchase plots in Kwembe or elsewhere.

Declaration and notification of CLA was given and an order was published in the Government Gazette; Government Notice No. 231 published on 3rd, 4th and 5th January, 2007. Copies of the same were served to the PAPs by the Municipal Land Officer. Awareness creation was done through general meeting with the residents followed by valuation assessment. The assessment was done by valuers from MLHHSD in 2007. Compensation payments began in October 2009. Table 3 summarizes project implementation process.

(3%), ward leaders (21%), fellow PAPs (8%), and public media (7%) as shown in Figure 1. PAPs appeared to understand better the information obtained from public meetings and ward leaders than other means used because of limitations in them such as timing and quick grasping of the message given. Furthermore, one PAPs commented as follows;

"...not everybody has time to visit the ward office board. Again, media information which was made via radios and television were made when some PAPs were at work but also not everyone owns these media facilities..."

There was no free access of information to PAPs and no information desk was created to hear and receive PAPs concerns or queries. Where necessary, PAPs concerns were taken to KM/MLHHSD by their representatives but in most cases were not attended to the fullest extent.

3.2.3 Openness of the process

Tanzanian land acquisition laws requires PAPs and all interested parties to be notified of the government's purpose to acquire land from the public through Government Gazette, written notices, local newspapers, radio and television etc.

The purpose of compulsory land acquisition was well revealed to PAPs and legal preliminaries were followed.

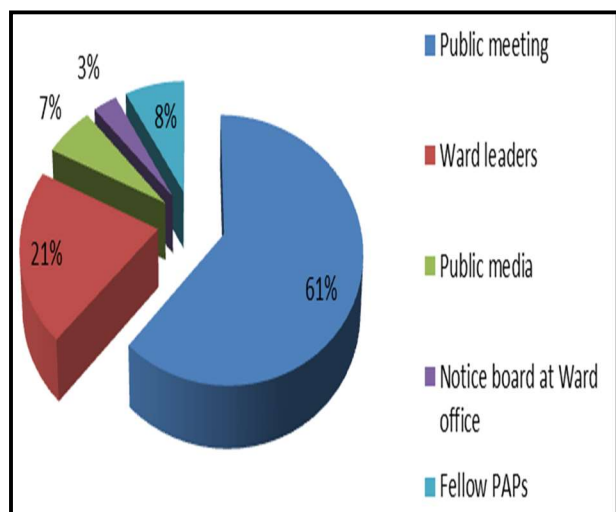


Figure 1: Means used by PAPs to access information

However, there was no detailed awareness creation of the processes involved and the timing of each aspect to PAPs. The process was implemented in top-bottom approach whereby PAPs were just following the directives given by the officials through their ward leaders or representatives. The laws and regulations guiding CLA were not made clear to PAPs. From interviews made, 88.7% of PAPs declared not to be aware of CLA laws and only 11.3% were aware.

From the noted observations with regard to transparency, accessibility to clear and accurate information relating to CLA and resettlement by PAPs, civil society groups and the media was partially met thus PAPs had limited access to detailed understanding of the project and its processes. This was manifested by lack of education to PAPs of the project and the laws/regulation governing CLA topped with top-bottom approach used similar to the observation by Adam (2014).

According to Parigi (2004), transparency influences civic engagement in a more direct manner. Governments that share their assessments and plans with citizens and seek their views on a regular basis can be far more effective in implementing development programmes with the participation of stakeholders. Thus, transparency stimulates active engagement of the community

thereby confirming the changed role of the government towards being a supporter and facilitator of access to services rather than the tradition role of provider and controller of goods and services. Communication in terms of transparent information and consultation between planners and PAPs is instrumental for effective early warning and for making possible joint preventive activities (Cernea 1997).

3.2.4 Public participation

This section explains how Luguruni's PAPs participated to CLA project activities and in the subsequent resettlement decision. It shows in which ways PAPs were involved in the process and whether such involvement influenced the final decision reached by the acquiring authority.

3.2.5 PAPs' involvement

The land acquisition laws in Tanzania (Land compensation and assessment) regulation and the compulsory Acquisition Act, 1967) are clear on community involvement during acquisition process however, the same is silent on how and to what extent should the participation be. The level of inclusion of PAPs' representatives was apparent in the process and in this case they include ward and AUs leaders. Their involvements were through meetings held by project implementers and government officials at various stages of the project. PAPs involvement in the process come-in only during public meeting and during valuation assessment which requires them to show their properties, land boundaries, filling and signing of assessment forms. There was no interaction between PAPs and the acquiring authority during the process; the involvement of their representatives was considered adequate. This was confirmed by almost 88% of PAPs who declared to be involved in general meetings only (Figure 2). In reality these meetings were informative rather than giving room for interaction and discussion with PAPs leading to complaints, objections and even prolonged implementation of the projects.

3.2.6 Decision making process

The participation aspect in terms of listening to the public, engaging the public in problem solving and developing of agreement was missing during project implementation (Figure 2). The exercise

was carried out in top-down rather than bottom-up approach thereby limiting the possibility of making suggestions by PAPs. Moreover, responses to the lodged complaints by PAPs were not attended in time and some were not responded at all. Basing on the above, the ability of PAPs to reject the acquiring authority's plans was thus difficult. Figure 2 depict clearly that the public were informed of the project and its intention. The other aspects of participation were poorly or not incorporated. From the study, listening to the public was evident to 8% of the respondents while engagement in problem solving was evident to 4% and none of the respondent had vivid touch with developing agreement during the implementation of the project. Furthermore, the observed 8% and 4% in this study were among those who were represented into the project activities through community leaders rather than direct involvement.

a- Equity, rule of law and justice

This principle was assessed in terms of tenure security; fair and adequate compensation to PAPs. Compensation was paid to all PAPs including those with no ownership titles in form of cash compensation only for their lost properties. The project secured alternative plots at Kwembe area for PAPs but they were lately provided by MLHSD in 2009 when PAPs had already used/spent their money to buy new land or rent elsewhere. About 95% of interviewed PAPs did not purchase the allocated plots because they were lately given and they also claimed that the plots were sold at very high price (Tshs. 6,410 per m²) compared to amount compensated as land value (Tshs. 4,900 per m²). Therefore, they could not afford to buy those plots and moved to new areas as shown in Figure 3.

Moreover, the allocated plots were neither provided with livelihood strategies nor basic infrastructures such as roads, water, electricity, health and education facilities and markets for PAPs to restart their lives. This indicates that there were difficulties for PAPs to restart their livelihoods following CLA. In relation to this, one PAP had this to say:

"..... I was given a total compensation of 4 million and the plot allocated to me was costing almost 2 million. So if I had to purchase the plot I would remain with 2

million. Will two million enable me to construct a new house? That is why I did not buy the allocated plot and looked for a cheaper plot in the informal settlement"

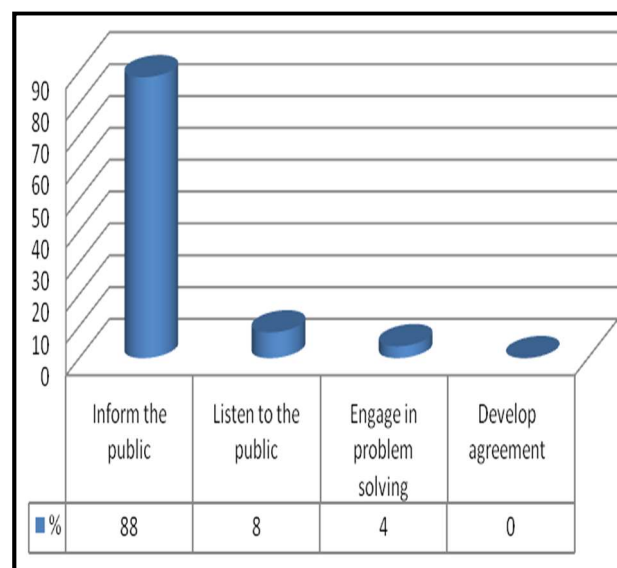


Figure 2: Public involvement during CLA process

The project followed the laws and regulation governing CLA in Tanzania however, non-adherence to some procedures was evident such as the use of flat rates to compensate land value, transport and disturbance allowances instead of using the formulas provided in the respective law.

Also compensation payments were effected after one and a half year as compared to six months required by the law. Depreciated replacement cost (DRC) was used to ascertain the value of buildings and other improvements on land depending on type, use and building material of the property. A total of Tshs. 8,000,000,000 was spent to compensate the PAPs whereby majorities were compensated between Tshs. 1 million and Tshs. 30 million. The valuation exercise was not transparent as PAPs were not educated of the exercise intention limiting the room for negotiation of compensation values between the acquiring authority and PAPs.

There were two assessments of compensation amount during project implementation due to several dissimilarities on PAPs' assessed values (inadequate and unfair values) and malpractices among professionals leading to complaints and even meetings with government and political leaders. A flat rate of 100,000/= was paid to PAPs as transport allowance contrary to the law which stipulate

“payment of transport allowance as the actual cost of transporting twelve (12) tons of luggage by rail or road within twenty (20) kilometers from the point of displacement”. This indicates poor implementation of the law which in reality had negative impacts on PAPs. Moreover, a flat rate of 20,000,000 Tshs. per acre was adopted to assess land value equals to Tshs. 4,942 per m² which is far below the market rate of Tsh. 8,000/= per m² and above as of the time of acquisition.

b- Accountability

After declaration of acquisition of Luguruni land for satellite town development by the president in 2007, the apportionment of responsibilities to responsible stakeholders were made. The selection of representative was based on the activities to be undertaken during project implementation. The involved stakeholders were

the acquiring authority (i.e. MLHSD and KMC) and Local/ward leaders (PAPs representatives). The officials from both MLHSD and KMC were planners, surveyors and valuers. Their main tasks were to assist on the planning and layout of resettlement site and ensure that the planning regulations were adhered to, surveying the acquired land plus relocation areas and assessment of PAPs' compensation sum respectively. On the part of PAPs, the Ward leaders were their main representative who had direct link to officials from MLHSD and KMC. The Ward leaders' main tasks were to inform the public of the proceedings and sequences of project activities such as public meetings, valuation exercise, payments of compensation sum and collection of claims from PAPs.

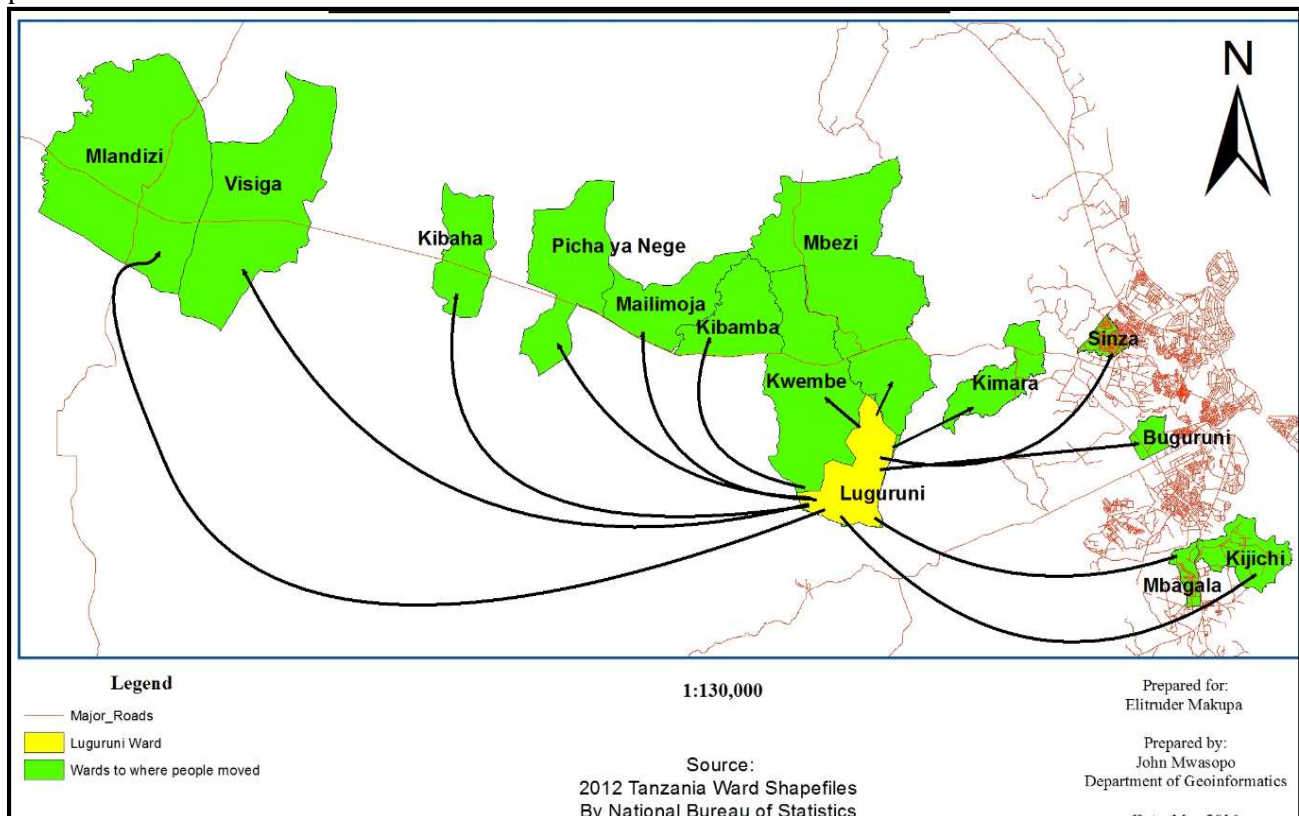


Figure 3: Movement of PAPs to different settlements after CLA exercise

During implementation, misconduct was observed on the part of valuers specifically during valuation assessment and computation. There was non-adherence to valuation procedures, unfairness and favoritism during field inspections which

resulted to unfair and dissimilarities among PAPs' compensation sum. All these anomalies led to PAPs' complaints, objections and even meetings with government leaders and political leaders. The meetings and objections were further made public

through public media such as television and newspapers necessitating punishing of the unaccountable valuers and their removal from the project. The team was then replaced by new valuers following the abandonment of the first valuation assessment by the then minister for lands in 2008. The second assessment involved updating the values assessed in the first exercise and attending PAPs with genuine complaints over their assets values. Accountability in this project was therefore partially met.

The preceding observations with regard to community involvement suggest that it was achieved through public meetings as shown in Figure 1 though with no detailed consultation and participation in key aspects of the project such as selection of type of compensation, determination of the use of CLA power and selection of resettlement site. The public meetings were therefore only informative rather than participatory giving room for interaction and discussion with PAPs. This led to complaints, objections and even prolonged implementation of the projects (more than six months required by the law). Indicators of PAPs participation such as listening to the public complaints and developing agreements was not met following the use of top-bottom approach. Genuine participation of PAPs by involving multiple actors, stages and feedback yields adequate solutions to CLA projects' challenges project (Cernea, 1997; Asiama, 2015, Lupala, 2016; Adam, 2014).

In addition to that, it is evident that the project was preceded by inadequate planning especially the PAPs' resettlement site. This increased tenure insecurity among PAPs. Furthermore due to implementing the project with meager financial resources, the resettlement site was not provided on time and the same lacked basic infrastructures and livelihood strategies forcing PAPs to restart their lives in other informal settlements. Similar observation were made by Regina and Lupala, (2012) where despite having provided with alternative resettlements plots, PAPs often end-up in informal settlements simply because of accessibility problems in resettlements sites.

It has also been observed that professionals did not assist PAPs during compensation assessment

and the same was characterized with un-equal and unfair value across PAPs. This situation was also observed by Alemu (2012) where valuation procedure, Valuers professionalism and compensation amount were among the major sources of complaints from PAPs. In the above observations, PAPs were denied the opportunity to know and exercise their entitlements which limited their ability to question or propose changes during implementation process. This indicated non adherence to the laws and procedures governing the process. Further, non-adherence to procedures, inadequate funds and lack of accountability among those charged with responsibilities limited payments the full, fair and adequate compensation to PAPs as stipulated under Section 3 (1) (g) of the Land Act of 1999. Hence it is difficult for PAPs to recover their socio-economic statuses after CLA project. Good governance principles provides a platform for questioning the institutional capacity during decision making and project implementation to ensure protection of PAPs' rights during CLA and resettlement projects (Grindle 2007).

4. CONCLUSION AND RECOMMENDATION

Good governance principles are vital in case of CLA throughout implementation stages. The same is required to ensure protection of PAPs' rights and the state (Asiama 2015). Good governance principles were poorly applied in the acquisition of the proposed Luguruni Satellite Town Project. The exercise was characterized by lack of adequate and clear information about the project by PAPs, little PAPs participation, inadequate or unfair compensation sum and non-adherence to procedures. All these limited achieving good governance in this project since its major characteristics like full participation, rule of law, transparency, awareness creation, equity and inclusiveness, effectiveness, efficiency and accountability were partially applied or not applied as observed in this study. Generally there was poor planning of the project leading to poor implementation of the whole exercise.

Based on the observations of this study, it is hereby recommended that CLA should clearly follow the good governance principles by ensuring the involvement of all stakeholders from the beginning of process to the end. There should be

transparency in terms of clear information, full engagement of PAPs in the process to reach their readiness and willingness to participate in the project and hence simplify the exercise. Moreover, accountability through adherence to laws and regulations plus cross-checking the acquiring authority and other responsible parties is crucial to facilitates proper and successful execution of the project. It is also of paramount that financial and personnel planning are considered in CLA. Moreover, planning, project design and monitoring should be given to eminent experts of the responsible fields for easy management of the projects. This will be achieved if a resettlement policy is in place to guide the implementation of land acquisition projects for adequate compensation. Resettlement policy facilitates proper determination of PAPs' inventory, scope of compensation and necessary assistances required to mitigate negative CLA effects.

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5. Definition of key terms

i. Land

Land is a basic resource upon which almost all other resources depend on. It is a commodity, which is a principal source of all material wealth and power; be it food, fuel, shelter and precious stones (Kombe, 2009). According to Tanzanian Land Act No. 4 of 1999 Section 2, "land includes the surface of the

earth and the earth below the surface and all substances other than minerals and petroleum forming part of the or below the surface, things naturally growing on the land, buildings and other structures permanently affixed to land". It is an important asset because it supports shelter, income and social identity (Rakodi, 2002 and IFAD, 2006).

ii. Good governance

Governance is described as how society is managed, by not only formal institutions but also the informal arrangements including how the competing interests and priorities of different groups are settled (FAO, 2007). The World Bank also defines governance as the manner in which public officials and institution attain and exercise authority to form public policy and offer basic goods and services (World Bank, 2007). The same is achieved through articulated good governance principles such as participation, rule of law, transparency, awareness, equity and inclusiveness, effectiveness, efficiency and accountability to ensure decision making at all levels to protect individual rights and the state (Asiama 2015).

iii. Compulsory land acquisition

This is defined as the power of government to attain private rights in land without the willing consent of land occupiers in order to benefit society (FAO, 2008). The same is possessed by many governments in modern countries whereby the process is meant to benefit society (FAO, 2008). Therefore, land must be acquired to facilitate various investments such as roads, railways, harbours and airports; for hospitals and schools; for electricity, water and sewage facilities as well as environmentally protection. In the United States of America (US), this power is known as 'eminent domain.' In Canada, the United Kingdom, and Australia, the same is known as 'expropriation,' 'compulsory purchase' and 'compulsory acquisition or resumption,' respectively. In all these countries, compulsory acquisition of private property by the government is governed by legislation (Chan, 2003).

iv. Project affected people

World Bank Operational Policy 4.12 defines PAPs as any persons who loses their right to own, use, or benefit from a built structure, land ,annual or perennial crops and trees, or any other fixed or

moveable asset, either in full or in part, permanently or temporarily due to project implementation. Thus, as a result of involuntary taking of land and other assets, the PAPs under the project experience direct adverse socio-economic impacts. They include all persons who lose or stand to lose physical and non-physical assets as a result of involuntary relocation. They include all persons residing in project areas irrespective of their legal ownership (ADB, 2010).

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