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## In Quest of Customary Tenure Security: Opportunities and Challenges of Land Use Planning in Rural Tanzania

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#### **ABSTRACT**

Mainstreaming land use planning for tenure security in rural areas is a key issue to both scholars, academia and policymakers as well as governments in most developing countries. Land use planning as the land management interventions aims to allocate land to individuals and groups for improved tenure security.

#### **Goal and Objectives**

This paper focuses on examining the challenges and opportunities for land use planning on tenure security in rural Tanzania, taking a case study of three villages in Kilombero district, south-western of Tanzania. In particular, the study proposes the model for implementing land use planning in the future.

#### **Methodology**

Both secondary and primary data were gathered to explore the challenges and opportunities of the land use planning project in the case study areas. The secondary data refers to documents review<sup>1</sup> sources of data. However, documents review whether published or not published were based on its relevance to provide critical analysis of land use planning process in most developing countries including Tanzania. Data from secondary sources "were analyzed to extract meaning and develop knowledge regarding" land use planning practices from an engagement perspective.

#### **Results**

The research findings indicate less benefits for the local people over the existing rural land use planning process. The main causes of drawbacks were ineffective participation of the local actors in the land use planning process, lack of transparency, effective communication and inadequate procedures to planning and decision-making processes. Taking these drawbacks into account, the paper suggests the conceptual framework for comprehensive land use planning that strive to strengthen actor's interaction in the land use decision-making process, searching informal means of communication and consultations as well as providing education to village residents on daily basis regarding land use planning process and outcomes.

#### **Keywords:**

land use planning, engagement, tenure security, participation, governance, rural Tanzania

<sup>1</sup> Documents review approach involves a "systematic description, analysis and summarization of the existing research studies and applying" the results to own situation (Gwaleba, 2018; Nuhu, 2018).

## 1. INTRODUCTION

Land use planning, which is a land management intervention in allocating land to different uses for the purpose of balancing the social, economic and environmental objectives (FAO, 2016), has been recognized as a new strategy for improving tenure security of the rural livelihoods (Chigbu et al., 2017). These interventions require coordination and participation of affected actors in the planning process (Chigbu et al., 2017; Gwaleba and Chigbu, 2020). The essence has been acknowledged in the literature as an approach to meet local people's demand (Chigbu et al., 2017; Gwaleba and Masum, 2018; Gwaleba and Chigbu, 2020; Namatama, 2020). In particular, it has been found that the process of land use planning does not only need to let people be aware of what processes are, towards improving local community needs, but also understanding the effects of land-use delivery to human well-being (Gwaleba and Chigbu, 2020) through defining goals and objectives, data collection and analysis, land use plan formulation, negotiation, decision-making, implementation, and monitoring and evaluation (Enoguanbhor et al., 2021).

The strategies for land use planning have not been able to address effectively the problems of tenure security in most developing countries (Moote et al., 1997; Chigbu et al., 2017; Gwaleba and Masum, 2018; Gwaleba and Chigbu, 2020). The practical procedures have been relatively slow to advance (Inkoom et al., 2017; Chigbu et al., 2017). The situation is worsened by the ineffective participation procedures in land use planning processes (Moote et al., 1997; Chigbu et al., 2017; Namatama, 2020; Gwaleba and Chigbu, 2020). Utmost, local use planning authorities and institutions in Tanzania lack the capacity to implement land use planning projects in a deliberative and transparent manner (Kaswamila and Songorwa, 2009; Hart et al., 2014; Huggins, 2016). In addition, lack of political will, commitment, human and financial resources (Durand-Lasserve, 2005), lack of integrity and participation (Deininger et al., 2011), lack of face to face dialogue and negotiation (Moote et al., 1997; Ansell and Gash, 2008) as well as consensus-based decision-making (Fischer, 2010) are contributing factors to inappropriate land use planning towards improving people's standard ways of living.

Land use planning strategy was documented as an approach for formalizing land and property rights of the rural poor communities in Tanzania after the enactment of the Village Land Act No. 5 of the 1999, and the launch of the National Land Use Planning guidelines in 1998 (Maganga et al., 2016). This was led by the increased development pressures on land accompanied by large-scale investments or land grabbing. The planning policy priority was given to secure individuals or groups of small land holders land rights to support transformation from subsistence to market-based agricultural practices and promote socio-economic conditions (Kaswamila and Songolwa, 2009; International Institute for Economic and Development (IIED), 2010; Hart et al., 2014). However, the effective land use planning processes is often neglected, leading to land use conflicts and tenure insecurity between the land users (Hart et al., 2014; Walwa, 2017). In addressing tenure (in) security problems caused by land use planning processes, challenges and opportunities have been emerged in the due course.

The objective of this research was to assess the processes and document the challenges and opportunities of land use planning towards improving tenure security in rural Tanzania using a case study approach from three villages in Kilombero District. To document these challenges and

opportunities, the paper uses a concept of effective engagement and/or participation of actors in the planning process. This concept is employed because numerous studies argue that local actors' participation and engagement are dominant in community-based land use planning projects in most developing countries (Masanyiwa and Kinyashi, 2008; Kaswamila and Songorwa; 2009; Huggins, 2016; Nuhu, 2018). In the end, the study strains to answer the following questions: First, to what extent have the local actors been involved effectively in the land use planning process? Second, what are the major opportunities and challenges of village land use planning towards improving security of the rural residents? Third, what suggestions can be adopted to operationalize the process of land use planning towards improved tenure security of the rural residents?

## 2. LITERATURE REVIEW

### 2.1. Understanding Land Use Planning in Relation to Tenure Security

Land use planning is a "land management intervention that entails all activities and decisions concerned with guiding the allocation and use of land in patterns that enable improvements in peoples' way of living. It is a land management intervention because it is both the activity of changing a set of physical objects, as well as the process of consultation and deliberation resulting in a legitimate or legal decision on land" (Gwaleba and Chigbu, 2020). In addition, land use planning is a knowledge-based action for enforcing development within human settlements" (Gwaleba and Chigbu, 2020).

Land tenure security is "the right of all individuals and groups of people to effective protection by the state against forced evictions. It entails permanent or temporary removal against the will of persons, families and/or communities from homes and/or land that they occupy, without provision of, and access to, appropriate forms of legal or other protection" (UN Habitat, 2008, p.4). There is therefore a relationship between tenure security and the land use planning (Chigbu et al., 2017). Further Chigbu et al., (2017) assert that land use planning classifies different land uses within human settlements, and this classification requires understanding human-to-land relationships that subsist on a parcel of land or on an area of land. More so, they contend that this human-to-land relationship may take many forms within the context of rights and ownerships including restrictions, benefits and privileges as defined by way of space (size), period held (tenure) and provability (security). In practice, land use planning stimulates tenure security to happen (Chigbu et al., 2017). Thus, recognizing and respecting tenure security of the local community is must be an integral part in the land use planning process (FAO, 2020). In so doing, participation of the affected actors in the land use planning is vital.

### 2.2. Making Sense of Engagement in Land Use Planning for Enhanced Tenure Security

Actors engagement is a "process of working collaboratively with and through groups of people affiliated by geographic proximity, special interests", needs and concerns or "similar situations to address issues affecting the well-being of those people" (Aboelata et al., 2011, p. 290). Engagement is essential in rural land use planning because it comprises procedures that requires trust, commitment, empowerment, active participation and cultural change to overcome barriers that in most cases exist, and/or promote opportunities to all persons involved (Gwaleba and Chigbu 2020). Engagement in land use planning results when all relevant actors "have meaningful opportunities to

provide inputs on a process" (Aboelata et al., 2011, p. 289). Local actors' engagement is a critical element of efforts to improve the land use planning process because it strengthens local partnerships, ensures local concerns and builds social capital (ibid). The South Cambridgeshire District Council (2009) identifies five levels of engagement including: informing, consulting, involving and empowering. Informing means giving people knowledge so that they stay informed. Consulting refers to asking people opinions from people so that decision-makers can even make better decisions. In the context of involving, it requires acting together with the local community or affected actors, while empowering refers to supporting local actors to take action on its own. Pertaining to tenure security, engagement is necessary to ensure that issues related to community's rights are set in equitable ways (Gwaleba and Chigbu 2020). Engagement (or a lack of it) supports "structural form organizing the social arrangement" in ways that lead to "inclusion and exclusion" of people in the process of land use planning (Adler & Adler, 1995, p. 145). That's why, public engagement in both theory and practices is a stimulus of the process of the land use planning. This is emanating from the fact that public engagement minimizes landholder's or user's conflict, facilitate actors understanding of the process and the influence of different activities and decisions on them; identifying interactions between different actors and their accumulative impacts; and building trust (Namatama, 2020), shared common problems, and provision of reasons-based decision-making (Ansell and Gash, 2008). Participation and engagement which does not promote production of knowledge and distribution of power relationship amongst actors involved can be regarded as an "empty practice and frustrates the powerless" (Gwaleba and Chigbu, 2020).

Ultimately, successful engagement of actors in land use planning process "requires time, resources, commitment, honesty and skill" (Aboelata et al., 2011, p. 291). It promotes issues such as creation of self-motivation towards mitigating susceptibilities set out by lack of land tenure security (Gwaleba and Chigbu, 2020). By way of legitimacy, there is no participation and engagement without empowerment (South Cambridgeshire District Council, 2009). In this view, community engagement should result in power distribution. Gwaleba and Chigbu (2020) assert that effective engagement in land use planning projects protects affected "actor's needs, interests and concerns in the decision-making process". Yet, the key to sustainable land use planning stems from the right of all involved actors, as it generates a 'sense of ownership' through knowledge creation, partnerships, networking and spaces (Moote et al., 1997).

### **2.3. Evolution of Actors Engagement in Land Use Planning in Tanzania**

The evolution of engagement in land use planning projects in Tanzania came into practice in the 1990s with the view to attain the bottom-up decision-making process. Prior to the 1990s, land use planning was viewed as a technocratic exercise performed by experts using scientific principles to provide land use patterns for development (Nnkya, 2007). In the 1990s, the technocratic model was challenged by the need to involve the beneficiaries in development projects. This is linked to an international conference for the African countries which was held in Arusha, Tanzania in February, 1990 to pass the African Charter on community participation in development projects. Since then, Tanzania as one of the African countries adopted the concept of engagement in implementing various community development projects. According to Antonio (2001, p. 67), the Charter document stipulated that:

*"There must be a political openness to accommodate freedom of opinions and the tolerance, as well as ensuring an effective participation by the people and organizations or associations in policy making and program development".*

The Charter document also emphasizes the contribution of women and the youth to the development process. People-led development puts the needs of the people at the heart of development and international cooperation (Antonio, 2001). In land parlance, it's from these sentiments that the National Land Use Planning Commission in the 1998 in Tanzania prepared the Guidelines for Participatory Village Land Use Planning, Administration and Management, which has been revised two times (i.e. 2011 and 2020). One of the major reasons for revision of these guidelines is to ensure that the needs, interests and concerns of the local community are addressed to meet the development pressures that are taking place on land day-to-day.

Besides, devolution of participation provides self-reliance and competence to local communities towards improving their living conditions. The concept of self-reliance formed by Mwl. Julius Nyerere, the father of the Nation of Tanzania in 1973, provides confidence in individual's strengths. As Mwl. Nyerere (1973, in Bliss and Neumann, 2008, p. 15) once said:

*"People cannot be developed; they can only develop themselves. For while it is possible to build a man's house, an outsider cannot give the man pride and self-confidence in himself as a human being. Those things a man has to create himself by his own actions. He develops himself by making his own decisions, by increasing his understanding of what he is doing, and why; by increasing his own knowledge and ability, and by his own full participation – as an equal – in the life of the community he lives in".*

These sentiments ascertain that development of the individuals can be brought by himself through making self-decisions. Through deliberative participation in rural land use planning, people could be able to learn and make their decisions regarding land use, and hence improve their living conditions. In practice, land use planning is described according to land administration and management through institutional arrangements, and classified according to the levels of land use planning. As per Land Use Planning Act No. 7 of 2007, land use planning is done at four levels including national, zonal and regional, district and village levels of land use planning (section 29 -35 of the Land Use Planning Act No 6 of 2007). Each of these levels deals with different type of land use decisions and ways to involve actors. At the regional level, there is no planning authority. It is however argued that a land use plan is not a purpose in itself, but an instrument for achieving useful and sustainable land use; it is not an objective, but a tool to achieve an objective. Hence, no land use planning should be started without a thorough negotiation and dialogue (GIZ, 2011).

## **2.4. Processes for Land Use Planning Process in Rural Tanzania**

The Guidelines for Integrated and Participatory Land Use Planning, Management and Administration in Tanzania (3<sup>rd</sup> Edition), and the Land Use Planning Act No. 6 of 2007 provide procedures and/or steps for carrying out the rural land use planning projects. These steps include:

1. Preparation for village land use planning: Mobilization for the PLUM team workshop, establish PLUM team, prepare village base map, assessment for the village, mapping village boundaries and prepare Action Plan for intervention in villages;
2. Data collection and resource assessment for land use planning: Activities involved include: conducting meeting with Village council and Village Assembly, data collection and resource assessment, preparation of village resource map, analysis of PLUM challenges, opportunities and obstacles, preparation of VLUP sign boards and preparation of community action plan;
3. Mapping the village land uses: Activities involved includes conducting bio-physical survey, demarcation of land boundaries according to the village resource map, creating village land use plan;
4. Preparation of village land use plan and by-laws: The activities involved include: preparation of a draft of village land use plan, draft of the village land use management by-laws, surveying of the proposed land uses and compilation of data, presentation of the village land use plan and By-laws to the Village Assembly, and erect VLUP sign boards;
5. Provision of detailed land use management planning: This involves monitoring implementation and ensure compliance with the approved village land use plan amongst others; and
6. Village land administration and tenure security: The activities involved in this step include: public education on village land administration, strengthening district land registry, establishing of village land registry, adjudication of land parcels and processing, registration and issuance of customary certificates (CCROS).

Parallel to these steps, the guidelines for Integrated and Participatory Village Land Use Planning, Management and Administration, and the Land Use Planning Act No. 6 of 2007 established the relevant actors with different roles in the process of rural land use planning (NLUPC, 2020; Kabigi et al., 2021) including: PLUM team are technical staffs from various sectors at the District level who use their technical skills and experience to advice and provide technical information to villagers to support decision-making process on the uses of land; Village Councils (VC) under the Village Land Act No. 5 of 1999 (section 12 and 13) with its institutions is the main executive power and have the responsibilities for formulation of the village land use plans. Institutions may include Village Land Use Management (VLUM) team and Village Assembly (VA). Village assembly acts as the main decision-making and approval institution at the village level and it is used to identifies issues and problems which are of priority for the village community in a participatory manner. The VLUM team or adjudication committee which is selected by villagers as village representatives work together with the PLUM team and receives on-the-job training to become sufficiently experienced to carry out the required activities during and after the rural land use planning project. The Village or Para-Surveyors or technicians (VT) is also one of the institutions formed at the village level which their role is to assist their fellow village residents in applying digital mapping technologies during delineation of land parcel boundaries, managing forest resources, managing pastoral or farmers lands, development control within the residential area and land registration. All the aforementioned actors have no power to take any decisions concerning the plan-making of the village land. During the process of land use planning, the emphasize is put on effective local community engagement and

participation (URT, 1999; URT, 2007; NLUPC, 2020) for maximizing the likelihood that the outcome will reflect the local actor's input (Aboelata et al., 2011). The Village Land Act No. 5 of 1999 offers village residents the responsibility to formulate the village land use plans and draw-up by-laws for approval of the village land use plan by the Land Use Planning Authorities. In addition, the approved village land use plans need to be kept at the village level offices as well as at district level authorities (ibid). This will enable the village residents to be fully engaged in facilitating their own planning processes. However, while local communities are recognized as main actors in the zoning of the land uses and developing by-laws to govern its uses, there is lack of knowledge amongst local people about term 'land use planning' and limited access to land use planning information regarding procedures that need to be followed to guide the process towards production of village land use plans, and even typed by laws (UCRT, 2010). This can be triggered by lack of enforcement of legal laws and policies governing the rural land use planning process.

## 2.5. Legal and Policy Framework Governing the Rural Land Use Planning Process

### 2.5.1. Policy framework

It is believed that land policy is a fundamental basis for decision-making with respect to land (Palmer et al., 2009). In this view, land use planning (as a decision-making process) is the heart of the land policy implementation. It is the tool which enables implementation of the land policy. In its implementation, it is used to establish the goals of land tenure reforms. Before the land laws can be passed, the best practice is to ensure that the land policy is in place because it governs on how land should be used. Throughout the 1990s, the African countries reformed land policies to improve security of land tenure and land market access (Hart et al., 2014). In particular, the National Land Policy of Tanzania was published in June, 1995. The Policy and the Land law emanated from it (i.e. Village Land Act No. 5 of 1999) addresses issues of: land tenure, equitable distribution of land access by all citizens, promotion of land information management, establishment of cost-effective mechanisms for land surveying, housing for low income families, improvement in land management and administration, and protection of land and other natural resources for sustainable development. The policy recommendations encouraged the application of land use planning technique in solving land use related conflicts through community participation. Section 6.10.1(ii) of the National Land Policy stipulates that "land use planning will be done in a participatory manner to involve beneficiaries. Planning will be preceded by studies to determine the existing land tenure, land use patterns and land capability" (URT, 1995, p.32). However, this policy recommendations are yet to be realized on the ground effectively. Numerous studies indicate that there is lack of participation of the beneficiaries in formulation of village land use plans (Kaswamila and Songorwa, 2009; IIED, 2010; Huggins, 2016; Huggins, 2018).

In order to achieve security of land tenure, sustainable land use planning and management, among others, land policy requires deliberative governance principles focusing on inclusiveness, rule of law, transparent and empowerment (Ansell and Gash, 2008; Fischer, 2010; Chigbu et al., 2017; Mushingi, 2017). This is because land policy defines the principles and rules governing rights over land as well as the legal methods of access and use, and transfer of these rights. It details the conditions under which land use and development can take place, and its administration by outlining how the rules and procedures are defined and put into practice and the means by which rights are ratified and

administered for the purpose of managing land and land conflicts within a society (European Union, 2004). As the National Land Policy is under review, the institutional capacity needs to be improved so as to promote land use planning, administration and management.

### 2.5.2. Legal Framework

Legal framework incorporates laws, amendments, acts, ordinances, mandates, regulations and their enforcement mechanisms (JeyaSundar et al., 2020). Laws are generally derived from two sources: statutory and the customary laws, stating the set of suggested measures to be strictly followed by everyone, as well as the individuals land and property rights. When it comes to land use decision-making, these laws will come into play by drawing up the strategies to follow, that is, which land can be allocated for what purpose, what innovation technology to be used, and what are the limits (*ibid*). Accordingly, legal framework is the primary tool to implementation of land use planning policies and decisions.

Participatory land use planning in Tanzania is grounded in the legal framework supporting land tenure security improvement, conflict over land and natural resources and government's need in establishing a market for land (Hart et al., 2014). The essence is to support livelihood of the people and ensure economic growth by controlling and managing land use activities. Effective legal frameworks allow governments to implement and enforce land policies to ensure sustainable development of village land use plan and appropriate allocation of village land use (Mushingi, 2017). Figure 1 shows legal framework for rural land use planning process in Tanzania.

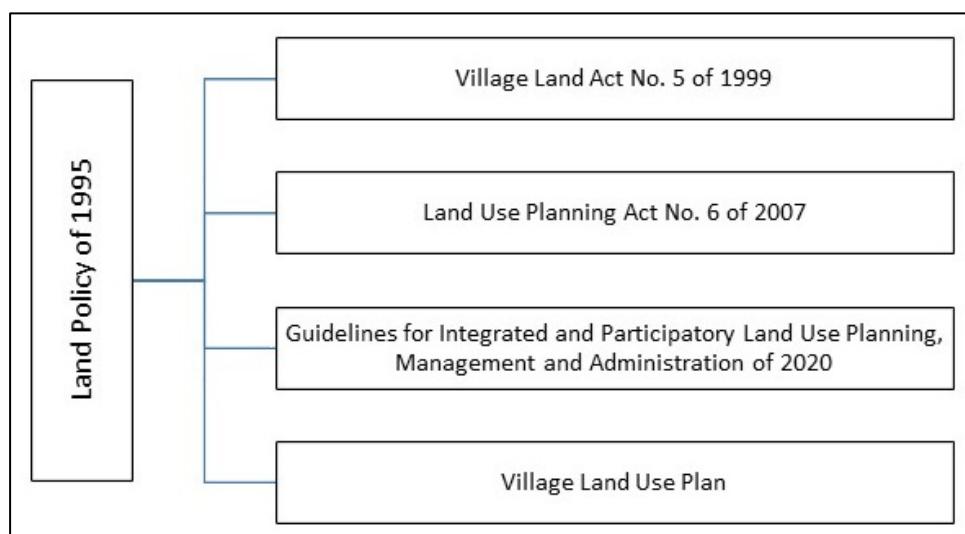


Figure 1. Legal framework for land use planning in rural authorities

The legal basis for formulation of village land use plans is the Village Land Act of 1999 and its regulations of 2002, and the Land Use Planning Act of 2007. The Village Land Act of 1999 (section 12 and 13) provides power to Village Councils and their institutions to formulate village land use plans. The local government regulations of 2002 (Local Government Act No. 7 of 1982) enables village governments to pass by-laws. By-laws which are passed by the Village Assembly have the role of guiding the use of village land. They provide the dos and the don'ts in the villages (NLUPC, 2020; Kabigi et al., 2021). By-laws are central component of the participatory village land use planning process because they give village land use plans a legal basis for enforcement. This enforcement is essential because both village residents and outsiders may violate the provisions and

implementation of the village land use plans from time to time (UCRT, 2010). However, enforcement of by-laws at village level has been a problem due to political interference (Kabigi et al., 2021). For the law that affect the voters of the politicians even if stipulated in the law, it has been difficult to implement it. The success of by-laws on ensuring effective village land use plans for enhancement of tenure security does not only rely on their existence, but also actor's willingness and people's compliance (Kabigi et al., 2021). In this view, by-laws established to implement the village land use plans sometimes are known to be rubber-stamped and a manifestation of business as usual (ibid).

On the other hand, Land Use Planning Act of 2007 (Section 18, 22, 33 and 35) provides the development of planning authorities, functions and procedures for formulating village land use plans and the approval process. More specifically, the Acts provides the room for local actor's engagement in the process of rural land use planning. Aboelata et al., (2011, p. 290) suggest that community engagement starts with "building relationships early in the planning processes, providing consistent opportunities for community input, offering ongoing mechanisms for decision-making by community participants, and demonstrating tangible ways in which community input influences outcomes". In other words, local actors' participation in the formulation of plans are vital in shaping the results of a plan. However, there have been major challenges in formulating village land use plans for tenure security. Participatory village land use planning is frequently dominated by the powerful local, national or international elites, resulting in loss of rights towards achieving a common goal (Huggins, 2018). In addition, there has been limited financial capacity to conduct the village land use planning, which is an important input into village land management and village land administration (AfDB, 2019). This calls for an alternative path for rural land use planning towards enhanced security of land tenure.

### **3. METHODOLOGY**

#### **3.1. Study Area**

Kilombero district found in South-western Tanzania, particularly in the selected three villages provides a case study area due to piloting of the land use planning project to improve tenure security among others. The customary land rights formalization through the lens of land use planning project were implemented under Land Tenure Support Programme (LTSP) in all villages that form Kilombero administrative. The programme was launched by the Government through the MLHHS in partnership with the Denmark's Development Cooperation (DANIDA), the British Department for International Development (DFID) and the Swedish International Development Cooperation Agency (SIDA) between 2016 and 2019. The LTSP aimed at illustrating village boundaries, preparing village land use plans and formalizing land and property rights for tenure security. Figure 2 illustrates the study area.

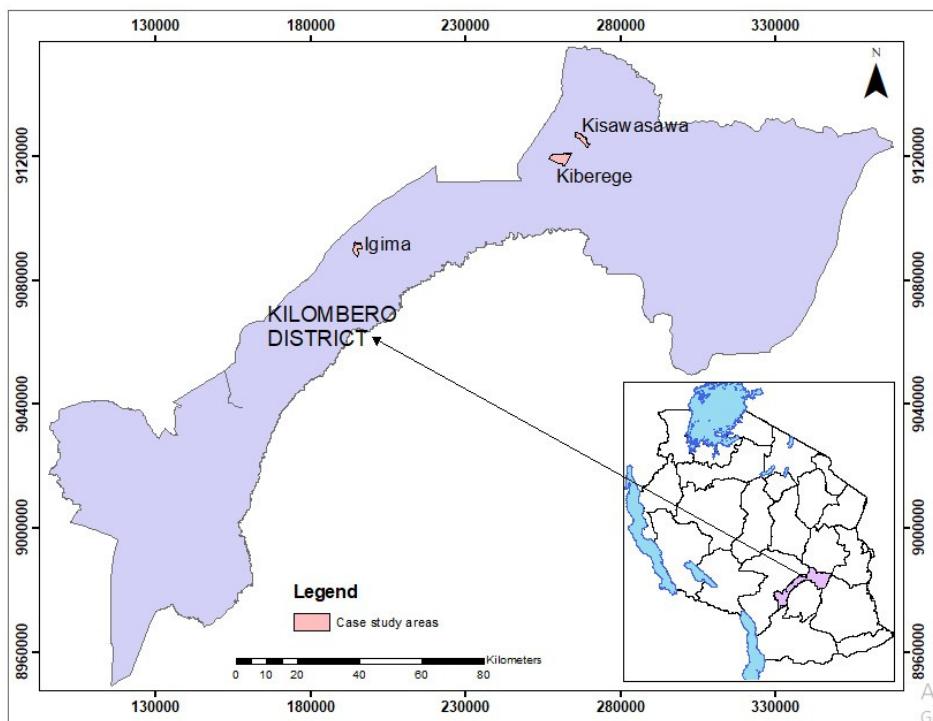


Figure 2. Map of Kilombero district showing case study areas

### 3.2. Data collection

Both secondary and primary data were gathered to explore the challenges and opportunities of the land use planning project in the case study areas. The secondary data refers to documents review<sup>2</sup> sources of data. However, documents review whether published or not published were based on its relevance to provide critical analysis of land use planning process in most developing countries including Tanzania. Data from secondary sources “were analyzed to extract meaning and develop knowledge regarding” land use planning practices from an engagement perspective. The primary data were collected from households through interviews with open-ended and closed-ended questions. The techniques allowed local landholders and key informants involved in the land use planning project in Kiberege, Kisawasawa and Igima villages to share their experience and knowledge regarding land use planning process. The interviews included 167 local landholders from the three villages, 20 Key informants from Land Tenure Support Program organization, Land Use Planning Authority, Local Leaders and other Land professionals and a few Focus Group Discussions (8-10 landholders). The methods for sampling the local landholders and Key informants were purposive. A snowballing technique was used to ensure that the local respondents selected for the study were individuals who were involved in land use planning project. The Key informants were purposively selected based on their experiences in the land use planning projects as well as responsibilities in their respective organizations. The respondents were interviewed at their homes or offices. The household respondent’s data were cross-referenced with the key informant’s data to create basic themes. The collected data were identified, organised and analyzed manually by means of content analysis. Content analysis refers to “a research method that provides a systematic and objective means to make valid inferences from verbal, visual or written data in order to describe and

<sup>2</sup> Documents review approach involves a “systematic description, analysis and summarization of the existing research studies and applying” the results to own situation (Gwaleba, 2018; Nuhu, 2018).

quantify specific phenomena" (Downe-Wamboldt, 1992, p. 314). A descriptive method for data analysis was adopted and findings were presented by means of texts and percentages.

## 4. RESULTS AND DISCUSSION

### 4.1. Opportunities for the Existing Land Use Planning

#### 4.1.1. Creation of Shared-Knowledge Base

The study found that through land use planning project, the VLUM team (i.e. village representative) exchanged the knowledge with the PLUM team during the land use planning from planning through decision-making and implementation processes. Knowledge about village land use plans formulation obtained from the PLUM team (i.e. professionals from the land use planning authority) helped them to grasp information on how to mobilize their villagers. One of the key informants from the VLUM team remarked:

*"When I was selected by the village residents at the Village Assembly to represent them during the land use planning project, I did not know anything. But through workshops that was designed to capacitate the villager's representatives, I grasped new knowledge that I did not have before. As a VLUM team member, I was also asked to share community-based issues for the purpose of creating sustainable village land use plan".*

Also, during the implementation process of the village land use plans, some of the local actors declared to grasp new knowledge especially in the adjudication, demarcation of boundaries, and registration of land parcels process. The VLUM team was able to share their knowledge particularly on land required for the public use, for instance areas for cemetery. Applying know-how of the local actors to the land use planning process, gives familiarity with the mode of operation and usual conditions of the given territory.

### 4.2. Challenges for the Existing Land Use planning

#### 4.2.1. Power Imbalances in the Plan-Making Processes

Land use planning as a decision-making process (Chigbu et al., 2017) which addresses power imbalances between the actors involved in the process through public participation. However, powerful actors such as administrative officers have been easily to manoeuvre the process to their own interests (Bandauko, 2018). The research findings indicate that village land use planning is characterized by low actors' engagement in the process. In Figure 3, about 89 respondents (53.3 percent) rated their participation as low, while 21.5 percent of the respondents rated their participation as average. Also, 12 percent rated their participation as high and 8.4 percent rated their participation to be very high. Only 4.8 per cent of the respondent rated their participation as very low. This low level of participation in land use planning could be due to inappropriate deliberative mechanisms that resemble to power imbalances to reach a consensus decision-making. This is also evidenced by Huggins's study in Arusha District who assert that local land use planning is frequently dominated by the powerful local, national or international elites, resulting in loss of rights towards achieving a common goal (Huggins, 2018). on the other hand, there has been limited financial capacity to conduct the village land use planning, which is an important input into village land management and village land administration (AfDB, 2019). Further, the village residents did not

know the formal procedures of the formulation of the village land use plans. Rather, they heard that village land use plans are mechanisms for enhanced tenure security.

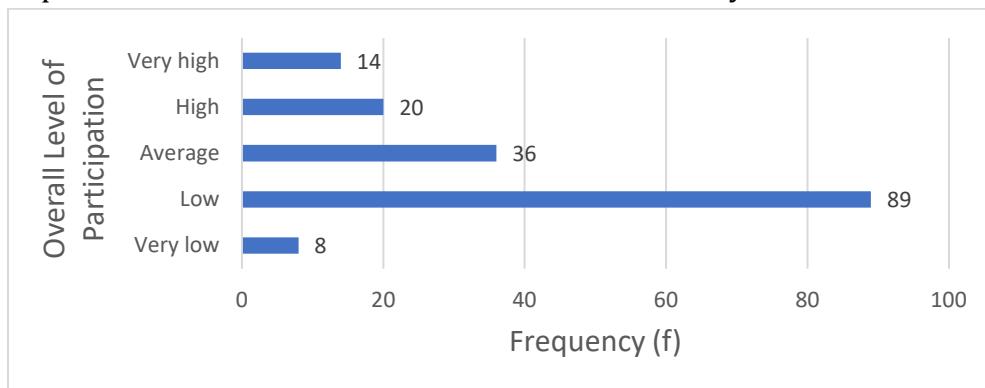


Figure 3. Overall level of local actors' participation in land use planning process

#### 4.2.2. Non-Local Actors Representation

The research findings have found that engagement of local actors in the land use planning process were highly skewed by the selected representatives. Poor institutional capacity and inadequate space to undertake the planning and decision-making activities for the potential actors (i.e. local) have not really identified their viewpoints. Representation has led to conflicts due to divisiveness and hostility between the public officials and the affected people or society. There was no consultation to local people in case their lands were taken for other purposes. One Respondent remarked:

*Participation through representation in land use planning projects is not good indeed. Can you imagine someone represent you on land issues? Is it real possible? Decisions regarding change of the land use were done in ineffective way. For instance, nobody came to me and ask that my land is taken for other uses during the preparation of village land use plan. So, they just prepared the plan and send it to the village meeting for discussion and approval. It was not possible for some of us to stand up and start asking about land that was already taken and shown on a plan its use. Lack of self-confidence led me to lose my land. The process was top-down planning in the sense that there was no negotiation. I just wondered to find the sign board on my land saying I am not supposed to continue developing my land as it has taken for other uses. This was not fair at all"*

It can therefore be said that the process of local actor's representation was monopolized by the Participatory Land Use Management (PLUM) team and the Village Land Use Management (LUM) team and the local village leaders. Land use planning as an activity and a decision-making process, requires to enable local actors to plan, share, and act accordingly.

#### 4.2.3. Lack of Empowerment and Capacity Building

The study found that local actors were not empowered in the land use planning and they found themselves idle in the process. Village residents could not understand why they could have the certificate of customary rights while they have lived there for long without such documents. On the other side, local actors blamed that the government is not such 'ignorant'. There is something which is hidden behind because it is not possible to provide the customary land certificate for free. Further,

the Local Government Act No.7 of 1982 as revised in 2002 stipulates that copy of village land use plans should be stored in the Village Offices. However, the study could not find any copy of village land use plans in the three cases. This indicates that lack of community empowerment and capacity building persisted in the case study areas. A study by Huggins (2016) in Arusha District, Northern Tanzania also indicates that Village Land Use Plan documents were no available at the District Headquarters and even the District personnel could not explain how they had been used to guide the district level land use planning. Thus, empowerment and capacity building are needed to ensure that there is no shift of decision-making responsibility and accountability from the relevant actors because it increases the sustainability of the land use planning process.

#### **4.2.4. Lack of Information and Awareness About the Rural Land Use Planning**

Numerous studies have found that lack of information about the land use planning limit some of the village residents to participate in the process (Moote et al., 1997; Ansell and Gash, 2008; Kaswamila and Songorwa, 2009; Legacy, 2012; Gwaleba and Masum, 2018; Gwaleba and Chigbu, 2020). The study has found lack of communication between the local and experts during the land use planning process. Local residents did not get time to learn and share some information. The procedures limited local actors' spaces in sharing information about the rural land use planning. Also, the study has found lack of education among the local actors on the concept of land use planning and its underlaying procedures in the formulation of the village land use plans prior to registration process, despite the procedures put forward in policies and laws. Local community became aware about the land use planning at the stage of implementation after they have found sign boards on their land indicating change of their land use. This designates that land use planning process in rural Tanzania is still illusive such that local actors' involvement is seen more on attending village meetings within the context of public hearings about the essence of village land use plan and tenure security issues.

It is worth noting that the importance of local actors participation and engagement in rural land use planning is to broaden the information base upon which land use planning decisions are made; ensure the planning authority understand the needs, concerns and interests of the local community; inform the local actors about the land use planning activities; and provide the local communities with an understanding of the land use planning project and proposed actions (Moote and McClaran, 1997). In addition, lack of local communities' awareness can be hindered by lack of empowerment and capacity building which, in turn, led to lack of commitment by the actors, in particular, the government officials to implement the key policies and rules that leads to sustainable land use planning for enhanced tenure security outcome. For successful rural land use planning towards improved tenure security, empowerment and capacity building among the affected actors must be taken into consideration (Ansell and Gash, 2008; Mocca, 2020).

#### **4.2.5. High Level of Poverty and Illiteracy**

The study has established the fact that lack of regular income of the households and low level of education among the rural residents is a major factor contributing to ineffective of the rural land use planning process. Low level of education for most of the rural residents affects rural land use decision-making. Lack of self-confidence has led village residents not partaking in decisions in the land use planning process. In contrast, poverty is the main restrictions to local actors' engagement

in rural land use planning. This is because village residents struggle for a living in the so-called hands-to-mouth, it has affected their participation in the process of land use planning.

#### **4.2.6. Lack of Innovative and Reasons-Based Solutions.**

Agreement that can be reached by the actors through negotiation and dialogue with different opinions and interests enhances the quality of decisions and hence reasons-based solutions (Moote et al., 1997; Ansell and Gash, 2008). The study has revealed lack of reason-based decision-making in the land use planning process, resulting to non-innovation of the local actors involved. Technocratic innovations from the land use planning experts have been taking a lead in the planning process, leaving out the societal needs and concerns. Existing literatures have also pointed out that there is lack of collective decision-making towards village land use plans for tenure security (Kaswamila and Songorwa, 2009; IIED, 2010; ILC, 2013). From these viewpoints, there is therefore a need for a new methodology in order to diminish these challenges.

#### **4.2.7. Lack of Education on Land Use Planning and Tenure Security**

The contemporary processes of land use planning in rural Tanzania as prescribed in guidelines (3<sup>rd</sup> edition) lacks education package to local actors regarding tenure security during the implementation of the land use planning process. However, the PLUM team which is composed of experts often take four days for training about the process of land use planning. This is not done at the village level rather than keeping the local community aware about what will be done. In addition, there is no land use planning evaluation and monitoring. This indicates that the land use planning authorities has no capacity to undertake the land use planning monitoring and evaluation which could be contributed by financial problems. The study suggests that from evaluation and monitoring, there is a room for learning for the purpose of improving future projects.

### **5. REVISITING THE PROCESS OF LUP: THE NEED FOR ALTERNATIVE PATH**

It is seen that the contemporary practices of land use planning in rural Tanzania have lot of challenges compared to opportunities. The main reasons behind all these challenges could be ineffective and inappropriate participation in governance for land use planning. There is therefore a need to mainstream participatory governance to support integration of actors in rural land use planning for better addressing local community needs, interests and concerns - in this case tenure security.

To comprehend how land use planning process is conceptually linked to participatory governance approach, it is important to unpack the related relevant concepts to participatory governance mechanisms. The participatory governance approach and land use planning are deconstructed to show their linkages in Figure 4. The point of departure is to acknowledge that participatory governance mechanisms (i.e. institutional capacity and governance capacity) represent various integrations in the land use planning process. Therefore, they all function within the land use planning process, which is the decisions and activities of land rights within the context of land uses. As a result, issues related to governance capacity and institutional capacity enables effective land use planning process from planning through decision-making and activity implementation towards security of land tenure outcome.

Figure 4 portrays a visual presentation of the conceptual framework for participatory governance in rural land use planning for improved tenure security. The framework has three main variables

including participatory governance, land use planning and tenure security. The first two variables can be fragmented into more fine-grained variables. The participatory governance variable is treated as a core of the framework consisting of institutional capacity and governance capacity mechanisms. It aims to promote actors' inputs in the process of rural land use planning so as to reach consensus on the best use of land for enhanced tenure security (GIZ, 2011; Chigbu et al., 2015; Chigbu et al., 2017).

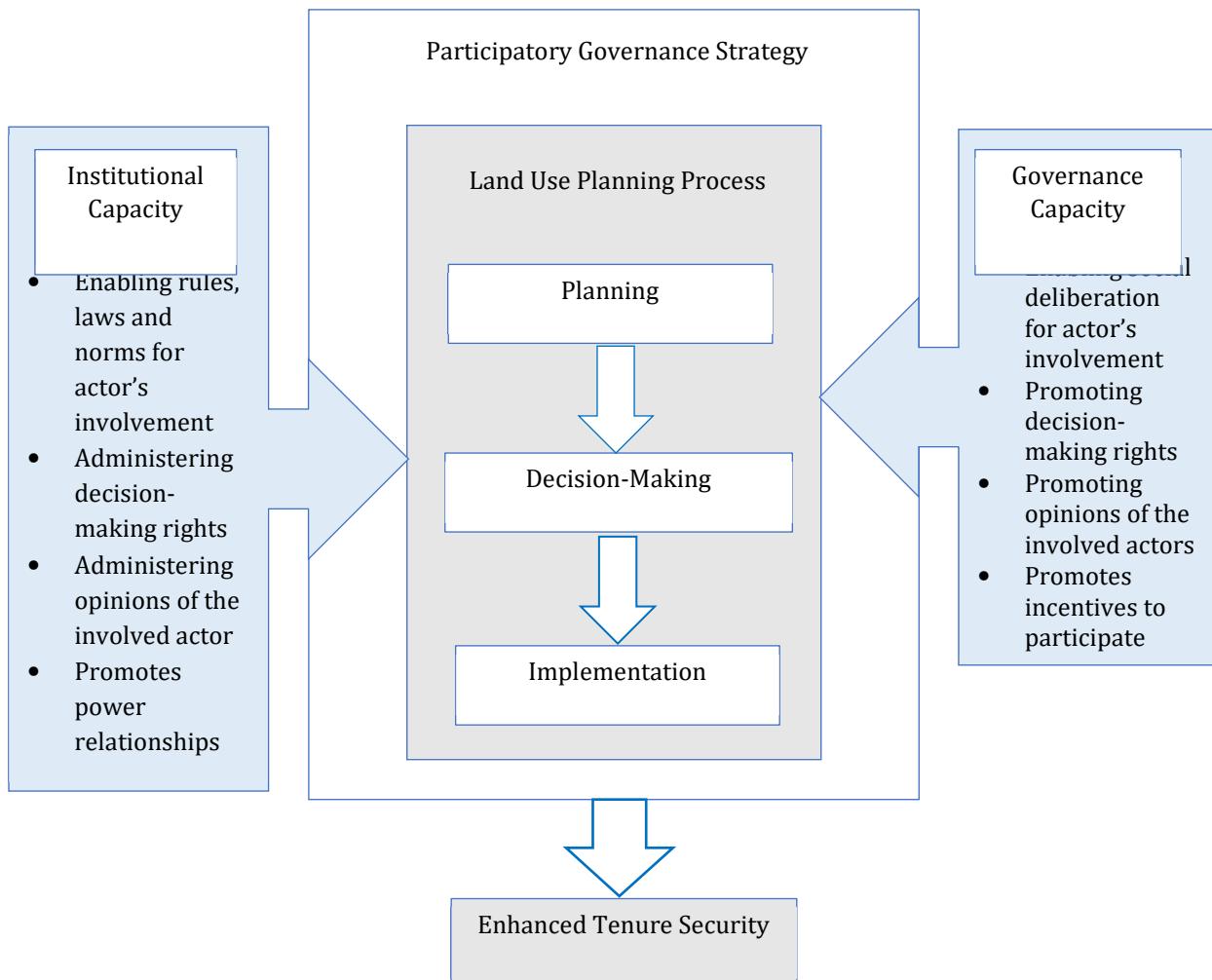


Figure 4: Conceptual framework for participatory governance approach in rural land use planning for improved tenure security

### 5.1. Participatory Governance Strategy

In the conceptual framework, however, participatory governance is conceived as a pivotal feature of rural land use planning process and the enhanced tenure security. It may also be termed as a set of institutions and actors that are drawn from government and citizens. In this perspective, it is regarded as independent variable – *'the cause'*, and that the implication of participatory governance on tenure security outcome – *'the effect'* is regarded as dependent variable. Institutional capacity as a mechanism of participatory governance sets out the rules, regulations and procedures to enable actors to deliberate in order to address their collective problems (Dang et al., 2015; Koop et al., 2017) in land use planning process. In other words, institutional capacity aims to provide rights of the affected actors (i.e. local actors) in land use decision-making process. Through rules, laws and by-

laws, the value and respect to each actor's opinions in the process of land use planning can be recognized.

Parallel to institutional capacity, the governance capacity supports collaboration that enable mutually dependent of the involved actors to achieve a common goal in the land use planning process. It promotes actors to coordinate their decisions and activities around public issues in a collaborative fashion (Spekkink and Boons, 2016, drawing on van Popering-Verkerk and van Buuren, 2017, p. 3). The governance capacity acknowledges actors' inputs through collaborative participation and involvement (Dang et al., 2015). In other words, it provides essential mediation and facilitation for the collaborative participation process.

## 5.2. Land Use Planning Process

Land use planning process occurs within a string of human decision-making that forms complex socio-economic, political and cultural context between the actors involved (FAO, 1993; GIZ, 2011, GLTN/UN Habitat, 2016; Chigbu et al., 2017). Land use pattern is always changing due to increased development pressures on land for socio-economic benefits (EPSON, 2013; Nha, 2017). In this view, interventions in land use planning has moved from traditional approach to a more deliberative and collaborative process for promoting power relations of the involved actors in land use plan choices (Gwaleba and Masum, 2018; Gwaleba and Chigbu, 2020) that range from planning through decision-making to implementation. Because land use plans determine the security of land tenure of the individuals or groups, creating power relations for the actors involved is crucial (Head, 2007; Ansell and Gash, 2008). In this view, land use planning process cuts across of both participatory governance and tenure security variables, hence termed as intermediate variable (both dependent and independent variables). On one side, land use planning is a dependent variable as it derives from the interpretations and implementation of procedures and approaches proposed by authorities or formal and local (informal) actors to be put into action. On the other side, land use planning can be termed as independent variable because it is the determinant of the outcome - in this case, the security of land tenure.

## 5.3. Implications

Improved interaction in land use planning processes is crucial to advance skills and knowledge of how the underlaying mechanisms for participatory governance can support all actor's engagement in the process. Insights in participatory decision-making process at the local level can help to ensure the needs, interests and concerns of the local actors. Additionally, insights in participatory governance mechanisms could help experts to better understand the complexity of actor's interactions in the land use planning process and can improve the contemporary challenges over the land use planning process in rural Tanzania. Thus, building participatory governance approaches within the context of land use planning means to make rules (formal and informal) for a set of actors to act in relation to each other. In addition, the rules provide structure under which social collaboration in local land use decision-making takes place (Dang et al., 2015). Yet, "rules for individual expression, information transmittal, and social choice" (Ostrom, 1986, p. 3), commitment, inclusivity and accessibility, and shared understanding (Ansell and Gash, 2008) are crucial aspects for land use planning decision-making.

## 6. CONCLUSION

Engagement of local actors in rural land use planning is still a rural phenomenon. There have been major challenges limiting local actors' participation in the process of rural land use planning. These challenges have been caused by the planning authority and the authoritative institutions (or local community committees) who do not consider the value of the local community needs. The process of rural land use planning has been concentrating too much on achieving the end results, without focusing on considering local actors needs and concerns.

For the rural land use planning to work effectively from planning throughout decision-making and implementation processes towards enhanced security of tenure, it requires participatory governance mechanisms that allows a face-to-face negotiation in order to draw attention from the knowledge of experts as well as the local community. Face-to-face negotiation refers a knowledge exchange between actors and it is imbedded in participatory governance (Ansell and Gash, 2008; Brabham, 2009; Legacy, 2012). In addition, it is the "process of trust-building, mutual respect, shared understanding, and commitment to the process" (Ansell and Gash, 2008, p. 558). So, when expert knowledge interacts with local knowledge, the quality of decision-making in the process of land use planning is premised to be strengthened (Somoza et al., 2011; Legacy, 2012; Namatama, 2020). Within the context of land use planning, Bandauko (2018) distinguished three types of face-to-face negotiation including: pre-negotiation, negotiation and post- negotiation. The "pre-negotiation" is when the team from the land use planning authority intervene with the local community in the administrative village through face-to-face meetings, build capacity to village residents about the land use planning in connection with tenure security in the society. This will go in line with identifying or selecting the local residents' representatives and recruiting them as well as drafting by-laws that can help the to steer the process.

Namely, the 'face-to-face negotiation' occurs when the actors start sharing their interests, needs and concerns in the process outcomes and setting rules of conduct. Actors brainstorm about the importance of land related issues at hand and provide their views and opinions. Once the opinions are brought together by the relevant actors, solutions or alternatives are made through consensus approach with intervention by the administrative team (Bandauko, 2018). The primary role of the administrative team or PLUM team and VLUM team in a participatory governance domain is to act as a facilitator and guide to facilitate the collaborative learning and actor deliberation in the planning process (Moote et al., 1997). After debating on the formulation of the village land use plan, the draft should be presented to the village assembly meeting for discussion and approval. The "post-negotiation" involves formulation of the final village land use plan document and securing for legal approval and/or implementing the outcome of the process (ibid). This could bring the rationality to mainstream the processes and the actors involved in rural land use planning process towards tenure security outcome. All these can be done effectively if the institutional capacity and governance capacity are strengthened in the land use planning process. A newly issue in this study is that participation in governance process within the context of rural land use planning is necessary to limit the emerging challenges.

This paper reveals the challenges and opportunities of land use planning process in rural Tanzania. Also, it deconstructs the conceptual framework of participatory governance strategy in rural land use

planning for enhanced tenure security of the local people. The challenges and opportunities addressed in this paper are necessary for alarming the need for responsible land use planning approaches in the development of village land use plans.

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The Author(s) declare no conflict of interest with respect to authorship and/or publication of this paper.

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## 12. KEY TERMS AND DEFINITIONS

**Decision-making:** refers to an iterative process which involves a series of activities from problem identification to reasons-based solution of that problem.

**Governance capacity:** Refers to ability or rights of actors to participate and jointly act on the shared problems in development projects.

**Institutional capacity:** Refers to the degree to which rules, regulations and procedures enable actors to participate in development projects to address their shared problems.

**Land use planning:** A process that entails activities and decision-making process regarding land use patterns for the purpose of improving community's ways of living.

**Tenure security:** Denotes protection of individuals or groups on land against forced eviction.