ASSESS THE EFFECTIVENESS OF WARD TRIBUNAL IN SOLVING LAND DISPUTES IN TANZANIA:

A CASE STUDY OF KARATU DISTRICT

ALI KOMBO KHAMIS

Masters of Art in Peace and Security Studies (MA-PSS)

Institute of Accountancy Arusha.

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By

ALI KOMBO KHAMIS

A Dissertation Submitted in Partial Fulfillment of the Requirement for the Award of the Masters of Art in Peace and Security Studies (MA-PSS) at Institute of Accountancy Arusha.

DECEMBER, 2022

DECLARATION

I, **ALI KOMBO KHAMIS**, declare that this dissertation is my original work and that it has not been presented and will not be presented to any University/Institution for similar or any other degree award.

Signature …….

Date ……...

CERTIFICATION

I, the undersigned certify that I have read and hereby recommend for acceptance by the Institute of Accountancy Arusha the dissertation titled **"Assess the effectiveness of ward tribunals in solving land disputes in Tanzania**" A Case study of Karatu, in partial fulfillment of the requirements for the award of Masters of Art in Peace and Security Studies (MA-PSS) at Institute of Accountancy Arusha.

……..

MS. Agnes Mtui

(Supervisor Signature)

Date: ……

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ABSTRACT

The study is about assessing the effectiveness of Ward Tribunal in Solving Land Disputes in Tanzania as case study carried out at Karatu district in Arusha region. The study's aimed at examine the sources of land disputes, determine the contribution of tribunal measures on just and amicable settlement of land disputes and to investigate on whether the mechanism used for enforcement of measures help to bring peace and harmony to the parties involved in land disputes at Karatu. The study was guided by land conflict theory by Karl Max with assumption that economic organization particularly the ownership of the property determines the organization of the rest of the society. The struggle for ownership of scarce resources through class structure inherent in the economic organization is likely to create revolutionary class conflicts. The study used both probability and non-probability sampling procedures to draw up sample size of 100 respondents. The data for this study was collected by using questionnaire, structured interview and focused group discussion. The collected data were analyzed by using content and descriptive statistics techniques. Findings show that majority of land disputes cases at Karatu have been influenced by land boundary conflicts, fighting over land inheritance, and lack of land legal ownership documents and destruction of ones properties on land. Furthermore ward tribunals have been effective in resolving land disputes at Karatu and the study recommends that understanding historical background of the area is an efficient way in creating good land policies to avoid and solve land disputes.

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LIST OF ABBREVIATIONS

ADR	Alternative dispute resolution
FGD	Focus Group Discussion
URT	United Republic of Tanzania
TNRF	Tanzania Natural Resource Forum

CHAPTER ONE

INTRODUCTION

1.0 Introduction

This Chapter introduces the background to ward tribunal as a tool for resolving land disputes in Tanzania. It also defines the research problem, states the objectives of the study, research questions, significance of the study and the scope of the study.

1.1 Background of the problem

Globally, land has been recognized as the most influential asset for both economic and non-economic activities including; mining, agriculture, transportation, irrigation, and housing (Sopko, 2015). For example, most industrialized countries like the United States of America (USA), Britain, France, Germany, and Japan land are widely used for industrial construction (Alzeban and Sawan, 2013). Likewise, many African countries, land is widely used for agricultural purposes particularly crops production and the construction of food processing factories (Obicci, 2015). Similarly, in Tanzania majority of people depends on land for food production and agriculture as the main economic activity (Kilagula, 2016). Therefore, land acquisition for many years became a challenge, as population increases scuffle for land allocation, demarcation and ownership emerged.

Real property ownership particularly land, has over ages, been accompanied with struggle in acquiring and inconsistencies in possessing it. The reason is not far to trace. It is simply because land touches every aspect of human survival. This tussle therefore, all over the world, comes with disputes emanating from, though not limited to land allocation and ownership, land demarcation and possibly a mechanism to settle the disputes in case of any legal flaw may sometimes accelerate the

said land conflicts. Thus a need for a proper mechanism to settle the said intricacies through legal machineries is of paramount importance for the purpose of harmony and quiet enjoyment to the land. Worldwide, the struggle for land uses had been gradually increasing causing fight among individuals and organization on land acquisitions for different purposes emanating to land disputes (Mwihaki, 2018). Land disputes had been attributed to the increase in human population globally. Evidence from India reported land disputes between Indians and Pakistanis along Kashmir province near the India-Pakistan border. This conflict was influenced by the increase in population while the supply of land for agriculture and shelter is constant (Shamsuddin, 2014).In addition, in 2012, 26 years of land disputes between North and Eastern provinces in Sri Lanka came to an end after the reconciliation between the army and the civilians (Farca and Dragos, 2019).

In case of Africa, many land disputes are observed between pastoralists and farmers as they fight to acquire land for farming and pasture (Abdullah, 2019).In Kenya, pastoralists and farmers fought for land in Rift Valley County as the experience increasingly rate of population resulted to excessive land fragmentation as land used increased including building houses for a living, for animal feeding and farming was acquired for construction (Mazibuko and Fourie, 2017). Ward tribunals played a significant role in resolving land disputes in Northern provinces in Nigeria. Yoruba and Igbo were fighting for land for agriculture as land became eminent after the village urbanization policy of 2008. Many villages were urbanized and the land became scarce for agriculture. Public land was scrambled for agriculture among major tribes; Yoruba and Igbo (Moronge, 2017).

Land-use conflict between pastoralists and farmers in Tanzania has been a problem for decades. Researchers have identified a number of factors contributing to these conflicts, including the lack of land-use planning, ‘green grabbing’, large-scale agricultural investments, weak policy and institutional frameworks, climate change, corruption and the government’s failure to recognize

pastoralist as a viable livelihood option. Over the years, the media has periodically reported on murders, the killing of livestock and the loss of property resulting from these conflicts. Tanzania's worst recent conflict between pastoralists and farmers occurred in December 2000 in Kilosa district, Morogoro region, where 38 farmers were killed. Hostilities reignited in Kilosa in 2008 when eight people were killed, several houses set alight and livestock stolen. Similar events have been documented in Mbarali, Rufiji, Iringa, Kilindi, Hanang and other districts (Maghimbi, 2010).

Different actors, including civil society organizations, have tried to address the farmer– pastoralist conflict through program that involve mass education, land-use planning, policy reforms, the development of community institutions and efforts to give citizens a voice. However, none of these has been successful in ending the conflict. Elsewhere in sub-Saharan Africa land conflicts are also proving intractable, in part because the traditional principles of dispute resolution, such as compromise and consensus, are failing. Local institutions have largely lost their authority while few institutional innovations have been developed to fill this gap. Resolving the conflicts between farmers and pastoralists becomes more difficult because of two major factors. Firstly, the conflicts are linked to historical evictions that happened during the colonial and post-colonial period, until the early 1990s. Such evictions were supported by the government to establish protected areas and make land available for large-scale agricultural programmes. When these evictions took place the relocation and resettlement plans were inadequate. As such, rigorous scrutiny of the political ecology of the conflicts is required to understand their nature and dynamics. The conflicts between farmers and pastoralists in Morogoro, Coastal, Manyara, Arusha and other regions are all linked to these evictions. Thus the conflicts are the result of larger problems linked to past injustices (Kirk, 2017). The Village Land Council has jurisdiction within a village. It has seven members, including at least three women, who are appointed by the Village Council and approved by the Village

Assembly. This is a mediating body only, so litigants may choose to submit their claim at a higher level of the judicial system. The Ward Tribunal's mandate is limited to the ward level, and its functions are to maintain peace and harmony, secure the amicable settlement of disputes, reconcile marriages and enforce by-laws passed by the relevant council. This tribunal handles disputes regarding both registered and unregistered land. Its jurisdiction as Land Court is established under section 167 of the Land Act and section 10 of the Land Dispute Courts Act, with a pecuniary jurisdiction in land cases limited to TZS173 million (around $1,340). It has a maximum of eight members (including at least three women), who are appointed by the Ward Development Committee (Maganga, 2018). Often land disputes between farmers and pastoralists are handled by administrative mechanisms that involve politicians and the police. Researchers argue that these mechanisms do not yield significant positive results; in fact, they often deepen the conflicts. In restoring land disputes in Tanzania, the government established Tanzania Natural Resource Forum (TNRF), a non-governmental organization working on natural resource governance issues in Tanzania. In the course of addressing farmer–pastoralist conflicts, the TNRF has successful facilitated the establishment of a loose coalition of farmers and pastoralists in Pawaga division in Tanzania's Iringa District. The TNRF's approach is based on an understanding of the political economy of farmer–pastoralist conflicts, which informs support for a dialogue process among farming and pastoralist communities. This approach has provided an alternative option to address conflicts in these communities (Mwamfupe, 2017).

1.2 Statement of the problem

The role of the village land councils and ward tribunals in settling land disputes involving farmers and pastoralists is problematic for three main reasons. Firstly, farmer– pastoralist conflicts often involve more than one village and may entail the destruction of property valued well in excess of

the limits over which these tribunals have pecuniary jurisdiction. The defined and limited territorial and pecuniary jurisdiction of the relevant Village Council and Ward Tribunal thus limits the role that they can play in these disputes. Secondly, in most wards pastoralists are in the minority, with limited or no representation in village and ward-level institutions. As a result, pastoralists do not trust these institutions. Thirdly, there are allegations that village councils and ward tribunals have become politicized. Researchers claim that farmer–pastoralist conflicts are often instigated by local politicians. These politicians are said to favour farmers, as farmers form the larger voting bloc of the two groups. There is thus a widespread perception that pastoralists do not receive a fair hearing at the village and ward level (Maganga, 2018).

The effectiveness of land conflict settlement depends on the legal framework established for that purpose and the awareness of the community on the mechanisms of how to settle the conflict amicably whenever arises. However, Karatu is still mentioned as having land conflict despite of the exitance of ward tribunal. It is not known on whether the land conflicts are not handled well by the ward land tribunals (Ndimitu, 2018). A number of studies like Sulle (2015) in the study “Land grabbing and agricultural commercialization duality” and Cooksey (2012) in the study “Politics, Patronage and Projects: Besides all the initiatives that the Government has taken towards revamping land dispute resolution there has been little achievement in terms of timely and expeditious delivery of justice, therefore, this study will be conducted to assess the effectiveness of ward land tribunals in solving land conflicts in Tanzania.

1.3 Research objectives

1.3.1 General objective

The general objective of this research was to assess the effectiveness of ward tribunal in solving land disputes in Tanzania.

1.3.2 Specific objectives

The study will be guided by the following objectives

i. To determine sources of land disputes experienced by ward tribunal at Karatu district
ii. To investigate on the efficiency of land dispute resolution methods adopted by Ward tribunals at Karatu district
iii. To examine the effectiveness of the measures imposable by ward tribunal for justice and amicable settlement of land disputes

1.4 Research questions

i. What are the sources of land disputes experienced by ward tribunal at Karatu district?

ii. How efficiency are land dispute resolution methods adopted by Ward tribunals at Karatu district?

iii. How effective are the measures imposable by the tribunal in reaching to just and amicable settlement of land disputes?

1.5 Scope of the study

This study was delimited to the analysis of ward tribunal in solving land conflicts which was carried out at Karatu District in Arusha Region. The area was chosen because land disputes had been headache to the responsible authorities in many years. There have been unsolved cases of land disputes especially between farmers and pastoralists.

1.6 Significance of the study

The findings from the study serve as an empirical evidence on the factual on the role and effectiveness of ward tribunal in solving land disputes in Tanzania. The researcher with interest on the similar aspects of land disputes benefits from this study as sources of reference. The study findings inform and contribute to land problem issues. It pledges the debate on critical land disputes influencing the policy and decision on the whether there is a need for reviewing the law to enhance the effectiveness of ward tribunal in solving land disputes in Tanzania.

1.7 Organization of the study

This study comprises five chapters. Chapter one unveils the problem which informs the study and its context. This contains the background to the study, statement of the problem, objectives of the study, research questions, and significance of the study and organization of the study. Chapter Two contains description of the theoretical framework and empirical literature. Chapter three describes the research conceptual framework, methodology and procedures of data collection and analysis. Chapter four presents the study findings, analysis and discussion and chapter five contains the study summary of findings, conclusion and recommendations.

CHAPTER TWO

LITERATURE REVIEWS

2.0 Introduction

This chapter presents the review of related literature done by other authors with regard to Land disputes and its resolution mechanisms. Specifically, this chapter presents the theoretical framework which makes a base of the researcher in understanding and highlighting the empirical studies and the conceptual framework of this study.

2.1 Definition of key concepts

2.1.1 Tribunal

According to Ward Tribunal Act of 1985, a tribunal is considered as a body comprised of people who are appointed to mediate, judge or determine a certain claims or disputes, or a group of people selected for the purpose of maintaining peace and security by solving disputes with the ward area (URT, 1985).

2.1.2 Disputes

Ngemera (2016), dispute refers to complaint of a person and grievances of that person by the action of another. Complaint can be in an official capacity or against official act. According to The Courts Act, 2002 'dispute" includes any case where a person complains of and is aggrieved by the actions of another person, or any case in which a complaint is made in an official capacity or is a complaint against an official. act; "district council" means a district council established under the Local Act No.

7 of 1982 Government (District Authorities) Act, 1982; According to Barringer (1972) disputes means inharmoniousness of perceived interests, objectives or future positions.

Mwenda (2016) defined dispute as "a class of conflict which manifests itself in distinct, justifiable issues"". Dispute involves an agreement which is capable of being solved by negotiation, mediation and other dispute resolution mechanisms which involve neutral third party.

2.1.3 Land disputes

Land dispute is defined as difference in views with regard to certification of land rights, grant of land rights; registering of land rights including transference and publication of rights to title between parties which are interested with that land rights (Sumanto, 2018).

2.1.4 Justice

Justice is defined as social construct which regulates the relation of people with fairness and equity in order to improve their coexistence" (Lawi, 2017). The main criteria in the definition of justice are fairness and equity which are determined by the social values and conceptions. This is the right which takes its form from human rights standards that require people to be treated equally before the law and be treated fairly by any tribunal (MoCLA, 2013). Justice has also been defined by Plato and Aristotle, as a legal philosophy has been defined as a concept that embrace the rational principles that justify the lawful respect of equal rights and fair procedures for the distribution of scarce resources.

2.1.5 Ward tribunal

Ward tribunal is defined as court established by The Ward Tribunal Act, 1985 which has the jurisdiction and powers in relation to the area of its establishment. According to the land disputes

courts Act of 2002 (Act No. 2), the jurisdiction of ward tribunal with regard to land is limited to the valued land worth three million. Ward tribunal has also a jurisdiction to enquire into and determine disputes which arises under Land Act, 1999 and Village Act 1999. Ward tribunal has the main function of securing peace and harmony in the area of its establishment through mediating the parties to the dispute and coming up with the agreed solution on any matter concerning land within its jurisdiction. While performing its function, Ward tribunal has to consider three main issues, which are customary principles of mediation, natural justice and any principles and practice of mediation (Sackey, 2010).

2.2 Jurisdiction of ward tribunals

Notwithstanding subsection (1) of the Ward Tribunals established under the Ward Tribunal Act Cap. 206, a word tribunal shall have jurisdiction in relation to the area of a district Council for the purposes of the Act and shall be competent courts as are or may be established by a written law for the time being relating to the establishment and powers of magistrates and other courts of mainland Tanzania. A person aggrieved by a decision of a ward tribunal may appeal to the court of law having jurisdiction in the area of the relevant district council (The land Act, 1999).

2.3 Right to possession of land in Tanzania

All land in Tanzania shall continue to be public land and remain vested in the President as trustee for and on behalf of all the citizens of Tanzania. The President and every person to whom the President may delegate any of his functions under this Act, and any person exercising powers under this Act, shall at all times exercise those functions and powers and discharge duties as a trustee of all the land in Tanzania so as to advance the economic and social welfare of the citizens. Every person lawfully occupying land, whether under a right of occupancy, wherever that right of

occupancy was granted, or deemed to have been granted, or under customary tenure, occupies and has always occupied that land, the occupation of such land shall be deemed to be property and include the use of land from time to time for depasturing stock under customary tenure. For the purposes of the management of land under this Act and all other laws applicable to land, public land shall be) general land, village land and reserved land (The land Act, 1999).

2.4 Theoretical framework

2.4.1 Theory of Land conflict

Conflict theory as was advocated by Karl Marx. According to the conflict theory, economic organization especially the ownership of property regulates the organization of the rest of a society (Sackey, 2013). Struggle for ownership especially when the resources are scarce is likely to create class conflicts. This conflict leads to two classes i.e. dominant and dominated classes. When the dominated class gains awareness on their true interests is when they form the organization to overturn the dominant class. The cornerstone of the conflict theory is all about the distribution of scarce resources including ownership and power. According to Tenga and Mramba (2014), the term property in Tanzania Jurisprudence includes Land. Having Land conflict in any society, there must be a legal instrument to resolve, by declaring the rights of each party either on ownership or related interests to the property. This theory has application in this study in the view that, Tanzania has concerned with the conflicts which are taking place in different regions and districts hence develop machineries to resolve these conflicts and create peace and harmony. In Kenya Land conflict requires extra care by the legal institution.

This theory dedicates that land is a scarce resource and is vulnerable to multiple users which in turn can result into conflicts, and so, resolution bodies are inevitable. During the struggle of the parties

may be within the family or among the villagers, Conflicts arises. Sometimes it is between one village and another or between two individuals. In this instance, the theory implicates mechanisms for settling the disputes, especially through mechanisms that try to eradicate the classes and reduce misunderstanding between the contending parties.

2.4.2 Alternative Dispute Resolution

Alternative dispute resolution (ADR) is a contemporary approach to dispute resolution. It applies methods of dispute resolution which are non-adversarial in nature; these are mediation, conciliation, arbitration, and negotiation. The concept behind this approach is to study the patterns of social ordering. The main idea behind this approach was to involve society in solving its own disputes and preserve social harmony. According to Sackey (2010), this approach was introduced in India, Bangladesh, Latin America, and African states. The approach has been considered the solution to backlogs of unsolved cases. According to Wehrmann, (2008), this approach is called the consensus approach which can best re-establish peace, respect, and friendship among the parties.

It has been pointed out that the main goals of Alternative Dispute resolution are releasing court overcrowding, reducing unnecessary costs and delays of the matters at the court, improving community participation in the process of dispute resolution, helping to increase access to justice and providing a more effective resolution of a dispute. Alternative Dispute Resolution has been taken as an approach that offers a cheaper, faster, and more accessible approach for ordinary citizens, particularly the poor who have no access to state justice, either because they don't have financial resources, social marginalization, or lack of physical access to the state justice (Loode, 2006).

In most countries, land conflict is resolved through this approach whereby Alternative Dispute Resolution (ADR) ranges from those in which there is a third-party intervention to those which does not involve third-party intervention, followed by facilitative means in which the third party becomes a facilitator to the discussion and negotiation, but becomes less influential in the conclusion reached by the disputants (Vlassenroot, 2012). The methods used under facilitative processes include facilitative mediation, facilitation, conferencing, and certain types of conciliation. Another process is the advisory process, where the third party can make recommendations and/or give advice about legal, technical, or other issues but does not decide the dispute (Loode, 2006).

In summary, Alternative Dispute Resolution includes negotiation, mediation, facilitation, conciliation, and arbitration. Alternative Disputes Resolution approach to dispute resolution has its root in the movement called “Access-to-Justice", which postulates that a broader approach to access to justice was needed, in order to cater to the different situations of disputes by looking at a particular case and type of dispute (Loode, 2006).

2.4.2.1 Negotiation

Negotiation is a land dispute mechanism whereby the parties to a dispute hold a discussion about a matter with the intention to reconcile differences and establish areas of agreement, settlement or compromise. In this approach, the third-party controls what the parties need for the purpose of satisfying their needs (Mwenda, 2016). Negotiation is one of the most common forms of conflict management and saturates much of human existence. This is the simplest approach and least interventionist conflict management process, in which the disputing parties are left to communicate in order to fulfill their needs, wants and goals. This approach takes place against a background of rules, cultural, social and sometimes legal. It is often the first option of a variety of processes chosen

by disputing parties before they engage in more formal procedures, as this one is informal approach, usually the parties negotiate. The approach is contended that, it tends to be unsuccessful due to high degree of emotional more contends that informal discussions and negotiations can be unsuccessful due to the degree of emotional and practical divergence (Loode, 2006).

2.4.2.2 Mediation

These are the dispute resolution mechanism where there is the involvement of the third party in trying to facilitate the parties to the disputes to solve their dispute amicably by compromising (Nzogela, 2015). Mediation exists in almost every culture and it exists in all societies, although its implementation varies according to the societies. ADR involve the third party as the partial party and usually remains neutral as possible. It is a more democratic form of approach compared to other approaches (Loode, 2006).

2.4.2.3 Conciliation

This is a consensual method of land dispute which involves the mixture of consultation and mediation where the conciliator helps the parties to negotiate. Usually these mechanisms are applied during the pre-condition of conflict. This method is applied when there is no communication between the parties (Sackey, 2010). This mechanism is applied while there is still the internalized, perception, altitudes, intentions and behaviors. According to Nzogela (2015), this mechanism intends to reduce prejudices and hostility.

In totality, Alternative Dispute Resolutions land dispute resolution techniques have advantage that, the parties reach consensus and therefore plants seeds for administration of justice improvements and settlements of the land disputes. Also, Alternative Dispute Resolution reduces tensions in the

community and eradicates conflicts within the community (Sackey, 2010). But one of the disadvantages of this approach is that, sometimes the solution reached are not enforceable and also there is contradictions between the norms and the national laws, which together hinders the prosperity of the approach (Sackey, 2010).

This approach is useful in this study as the researcher is going to assessing the applicability of alternative dispute resolution methods in solving land dispute at Karatu and its efficiency.

2.5 Empirical Literature Review

2.5.1 Sources of land disputes in Tanzania

Land disputes in Tanzania have been a headache since independence as the population keeps growing steadily. Many areas in Tanzania experience a violent scramble for land caused by a variety of reasons. The researcher explains the source of land disputes in Tanzania as informed by other literatures

Flavianus and Chalam (2017) conducted a study on factors gives rise to land conflicts in Tanzania. The study revealed that northen and lake zone experience frequent land disputes as compared to other zones as these zones involves high interaction of farmers and pastoralists (Sukuma and Masai tribes). The study further revealed that due to population growth, land for farming and grazing has been unable to accommodate both parties given that weather condition is unpredictable. Masai as pastoralists and Mbulu as farmers fight for land as land potentiality keeps on increasing due to increased urbanization

Mwakibinga and Buvik (2013) conducted a study on the land possession in Tanzania and found that many people especially in villages hold land without having any recognized documents commenting

on their possession such as title deeds. Disputes arises in case the land is being claimed by two parties and the holding party fails to confirm their legality. This mostly happened in Arusha, Morogoro and Mwanza where land possession is claimed in majority rather than individually. Wehrmann (2018) signified that land disputes in Nigeria in 2008 arose due to ownership of land where two or more people can claimed to have equal ownership over the same piece of land. The researcher further asserted that these disputes were associated with inheritance within the family or clan.

Mahuwi and Panga (2020), land disputes in Kenya arose when people took land or portion of land which was owned by another person and claims to have the ownership of that portion. When that another person realized that his/her land has been taken, dispute arose between the parties. In some circumstances, disputes arises due to trespassing where one person enters the land of another person without permission of the owner. This dispute arises due to unclear boundary of the farm or village. It is mostly seasonal in nature and sometimes it was influenced by contradiction in laws; customary rights and statutory right. This dispute prevailed mostly in Naivasha area. Both of holders could have legal recognition, but in most cases statutory ownership overridden the customary right. When one side was favored the rest became aggrieved hence disputes between the parties(Masoud *et al.,* 2021)

2.5.2 Land dispute resolution methods

Matunga *et al.,* (2021) in the study land dispute resolution in Manyara, the study identified negotiation as primary approach to resolve land disputes in the region. However, the researcher found that this approach was almost failure as the cases of land disputes took farther approach as they didn't come to conclusion under negotiation approach. Negotiation is a land dispute

mechanism whereby the parties to a dispute hold a discussion about a matter with the intention to reconcile differences and establish areas of agreement, settlement or compromise. In this approach, the third-party controls what the parties need for the purpose of satisfying their needs (Mwenda, 2016). The researcher further explained that one party felt unjust when village leaders made decisions as the party could seek just to further or higher stages such as court

Ayub (2017) in the study of land dispute resolution methods in Uganda, the researcher concluded that mediation was highly used. It is a dispute resolution mechanism where there is the involvement of the third party in trying to facilitate the parties to the disputes to solve their dispute amicably by compromising (Nzogela, 2015). Mediation was highly recommended by the parties as it involved a third party whose responsibility is to stand as a witness and oversee the resolution. This methods deemed failure as every party (pastoralists and farmers) claimed legal owners as they both had legal rights; one party customary owning and the other party statutory owning

Islam, Moula& Islam (2015) conducted a study in Bangladesh on land rights, land disputes and land administration. Specifically, the authors intended to examine various ways to ensure land rights and provide a recommendation on different mechanisms to settle land disputes. The study found that, the mechanisms to settle land disputes is not time saving, cost effective, not peaceful and not sophisticated. This study has not dealt with the solution to the nature of the dispute resolution mechanisms. Also the study has not focused on how the mechanisms for dispute settlement delivery just and amicable settlement of disputes.

Another study was conducted by Tesfay (2011) on rural land dispute settlement mechanisms in Tigray taking the case of Humera. The study found that there was improper rural land disputes settlement mechanisms in Tigray and proposes to do away with the tribunal due to its

ineffectiveness. The study has also looked at the accessibility to the principles of justices, where the author found also that the principles of justice is at post, as the disputants are compelled to visit both land tribunals and court simultaneously for a single case.

2.5.3 Effectiveness of the measures imposable by the tribunal

According to Kironde (2016), Tanzania is one of the countries which are doing well in the recognition of rights on ownership of land and it has taken a number of steps including establishing land policies and laws which established village councils and ward tribunal. However, it has not developed the information system for land management which could reduce land double allocation, management of public land and hence reduce land disputes.

Kabote and John (2017) conducted a study on land governance and conflict management in Tanzania focusing on legal framework. This study was conducted in Rukwa and Katavi regions. The study found that, land conflict was common in those regions and the local governments were incapable on dealing with those legal issues, citizens were unaware of the land policies and legal framework.

Mtwale (2012) made an investigation in Kilosa district looking at conflict between pastoralists and farmers on land uses. According to this study the main causes of land use conflicts in Tanzania arises due to inability of the government to solve conflict whenever they occur. The study further found that lack of people participation in the land allocation results to land conflict. Again, this study focused on the cause of conflict between Pastoralists and farmers but not the role of ward tribunal in solving those disputes. Hence this study intends to focus on the efforts by the ward tribunal on solving all disputes arising from land.

Another study was conducted by Ngemera (2016) on Land Dispute Settlement Machineries: Is Inaccessibility a Source of Village Land Disputes in Morogoro. The study focused on looking at whether inaccessibility to the land dispute settlement machineries accelerate disputes in Morogoro. This study revealed that the land dispute settlement machineries are inaccessible something which poses the possibility of persistence in solving land disputes through self-help.

Likewise, Faabasua (2014) conducted a study on land disputes and the politics of economic development in Solomon Islands: the case study of Bina, west Kwaio and, Malaita. The study intended to examine the causes of customary land disputes. Study come up with the fact that failure of the people to understand the changes that occurs in the customary land practice, result to the failure with the disputes in more effective ways. This study has some implications on the re-thinking on the established dispute resolution approaches.

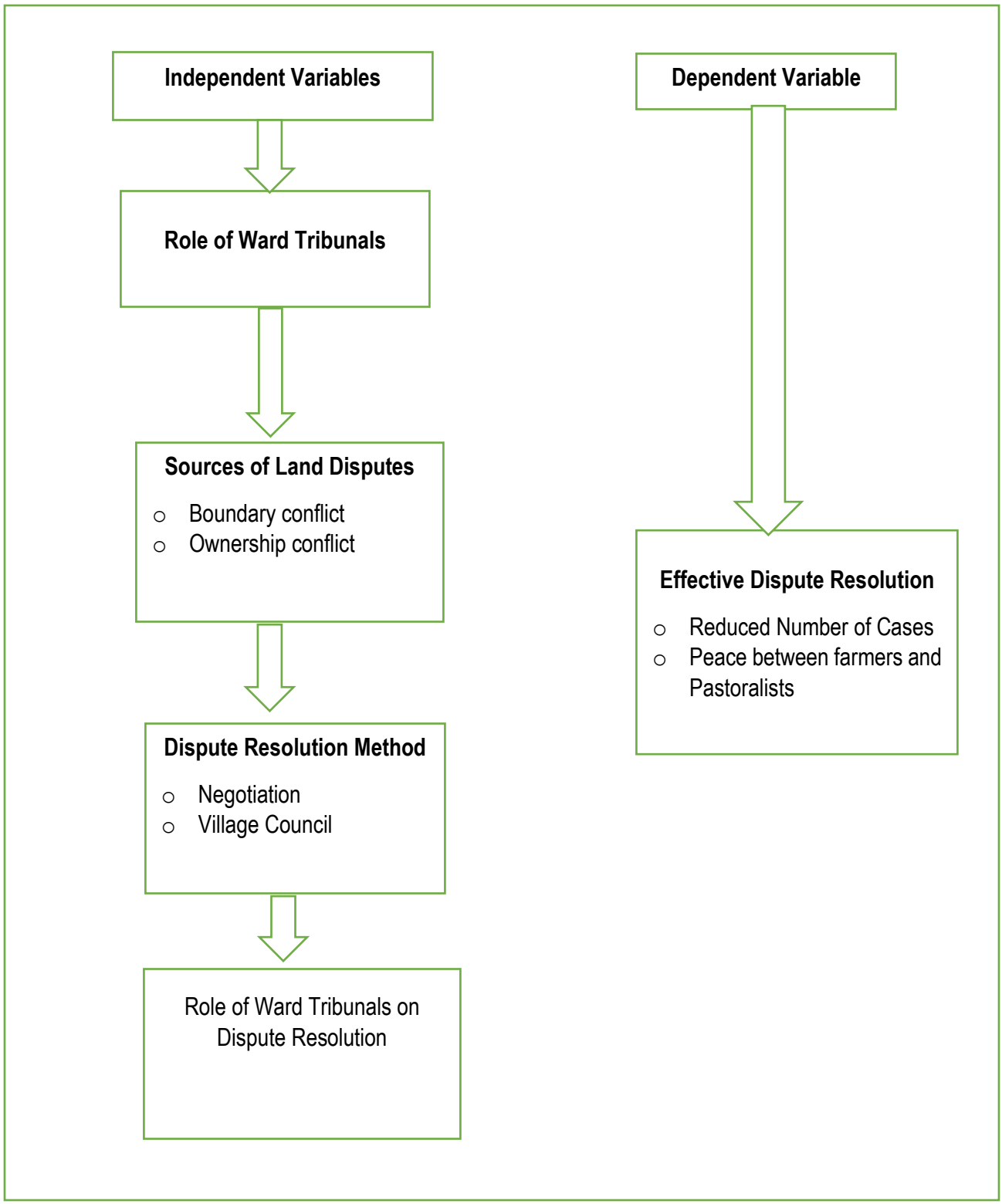
2.6 Research gap

Sources of land conflicts in Tanzania vary from place to place. In some areas, people scramble for land for agriculture and animal feeding, others scramble for mining activities but few of the studies that have identified sources of land conflicts in Tanzania have generalized the reasons. Other studies have commented on failure of ward tribunals in resolving land conflicts without identifying approaches used in resolving such disputes such as Kironde (2016), Mtwale (2012), Mwakibinga and Buvik (2013), Mahuwi and Panga (2020), Matunga *et al.,* (2021), Ayub (2017) and Ngemera (2016). The study intends to fill the gap by identifying specific and hidden reasons for land conflicts in Karatu, resolving approaches used in resolving land disputes and effectiveness of ward tribunals in resolving land disputes

2.7 Conceptual framework

According to Mugenda (2008), defined conceptual framework as the brief description of the phenomenon under study accompanied by a graphical or visual depiction of the major variables of the study. In this study, the conceptual framework involve independent variables, dependent variable and intervening variable. Effectiveness in land dispute resolution stands as a dependent variable, ward tribunal as a regulatory body stands as an intervening variable and sources of land conflicts, land dispute resolution methods and ward tribunals on land disputes resolution are the study independent variables.

Figure 2.1: The conceptual framework



Source: (Researchers, 2022)

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter presents the methodology that was used in this research. Specifically, this chapter presents the area of study, research design, population and sample, sampling procedures and techniques, and data collection methods. Finally, it presents the data analysis, reliability and ethical considerations.

3.2 Area of the study

The study was conducted at Karatu District in Arusha region, include four wards which were selected from two different divisions in Karatu District in Arusha region. This district was selected because it is one of the districts which are experiencing land conflicts and the ward tribunal is being used as machinery for their resolution. Again, there is little empirical study done to reveal the contribution of ward tribunal in the settlement of the land dispute. Moreover, it was within the researchers' reach as the amount of funds allocated for this research is limited.

3.2 Research design

According to Pandey and Pandey (2015) research design is the arrangement of conditions for collecting and analyzing data in a way that intents to generalize the findings obtained from the sample on the population. There are different types of research design which are experimental research design, case study research design, longitudinal research design and cross-sectional research design. The research design should be able to minimize biasness (Pandey & Pandey, 2015)

In this study the researcher used a case study research design. A case study involves an empirical enquiry that is aimed at investigating a particular phenomenon within its real-life setting (Woodside, 2010). This research design was applied due to its advantages that, it allowed the researcher to apply multiple methods of data collection which are observation, questionnaires, guided interview and documentation (Kothari, 2010). Hence, this study applied these methods in the data collection within the selected wards at Karatu District. Also, this research design was selected due to its emphasis on detailed contextual analysis of a limited number of events or conditions and their relationships as the case in this study whereby the focus will be on Karatu District.

3.3Population, Sample and Sampling procedures

3.3.1 Study Population

Target population is an aggregation of elements from which a sample is actually selected (Krishnaswami & Ranganatham, 2005). In this study, the target population involved people from ward tribunal members from fourteen wards in karatu district as selected from two different divisions, members of Village land councils, ward tribunal secretaries, Ward Executive Officers, Village Executive officers; land allocation committee; District land department staffs, conflict disputants and community in general. For the purpose of this study, the community in general was selected from the villages so as to participate in a focus group discussion.

3.3.2 Sample size

In determining the sample size, Cooper and Schindler (2008) argued that, for any valid and reliable study to be carried, its sample shouldn't be less than 30% of its population of the study for the first category. From the study the researcher believes that sample size of 100 respondents were

desirable. The study involves four focus groups discussion each comprising of 15 participants who were selected randomly.

Table 3.1 Distribution of sample population

S. N	**Category of Respondents**	**Sample Size**
1	District tribunal secretaries	2
2	Ward Executive Officers	5
3	Village Executive officers	5
4	Village community in general	88
	Total	100

Source: (Researchers Findings, 2022)

3.3.3 Sampling procedure

The study used two types of the sampling procedures which are purposive sampling and random sampling procedures. Purposive technique was applied when selecting the key informants especially the Ward tribunal secretaries, and Ward executive officers. This technique was used to select the divisions and wards and villages to be involved in the study. The researcher was aware of the danger of being biased; however, the researcher will try to be impartial and work without bias (Kothari, 2010)., On the other hand, random sampling procedures were used to select the sample from the community in general so as to be involved in the focus group discussion.

3.4 Data collection

Data collection refers to obtaining or gathering useful information with the sole purpose of establishing a factual basis for making decisions. There are three principles of data collection in a case study (Yin, 2003). First, it is important to use multiple sources of data, this ensures that any finding or conclusion to be more convincing and accurate. Second, is the creation of a case study database, here the collected data will be organized and documented. Lastly is to maintain a chain of evidence to allow an external observer to follow the derivation of any evidence. According to Krishnaswami and Ranganatham (2005), the sources of data may be classified into primary sources and secondary sources. Therefore, research data were categorized as primary and secondary data, both forms of data were collected in this research. This section describes how both primary and secondary data were collected.

3.4.1 Interview guide

Interview guide is the guide that is used to help the researcher to direct the conversation toward the topic and issues that the researcher wants to gain knowledge about. An interview is defined as a face to face, interpersonal role situation in which an interviewer asks participants questions designed to elicit answers pertinent to the research questions. There are basically two types of interviews, structured and non-structured interviews. This research employed the structured interview, here the researcher knew exactly what information was required to be collected and had a list of pre-determined questions intended to ask respondents to elasticize the required, and the researcher elicited additional information by asking additional questions not on his schedule. Interview method was used to interview population with highest position in the tribunal ward including ward tribunal secretaries, Ward Executive Officers and Village Executive officers;

3.4.2 Questionnaires

In this study the primary data was collected through structured questionnaire. The data was collected through use of closed questionnaire type as the main tools for collecting data. The choice of this questionnaire was guided by the nature of the data to be collected; time available as well as the objective of the study. The questionnaire weredistributed to the respondent through various mechanisms including use of the emails and hardcopies

3.4.4 Published Reports

According to Kothari (2004), secondary data refers to the data which have already been collected and analyzed by someone else. Krishnaswami and Ranganatham (2005) supported that, secondary sources containing data which have been collected and compiled for another purpose. These include census reports, annual reports and financial statements of companies, and reports of government departments.

There are number of secondary sources of data that were applied. These involve the policy, internal reports and other documents such as letters, internal memos, and minutes of meetings. Records on the decision of the land disputes were also used and the register of the disputes. The merits of using secondary data are that, it offered an historical context of the area of study; it was also cheap and easy to obtain, takes less time to collect data and could be of higher quality, an existing data bank was likely to have higher quality data than the lone, inexperienced researcher can hope to obtain (Kothari, 2010).

3.5 Data analysis techniques

The collected data through interview and focus group discussion will be analyzed by using content and contextual analysis techniques. The data collected through questionnaire were analyzed using descriptive statistics. The obtained information were presented by using mixed approach meaning that both qualitative and quantitative including descriptive statistics tools such as frequencies and percentages.

3.6 Validity and reliability of data

3.6.1 Validity

Validity is defined as the instrument's ability to measure exactly the concepts it is supposed to measure (Kothari, 2010). In order to substantiate the data collection instruments (interview) the researcher asked the experts to recommend on their responsiveness and suitability including the supervisor. The comments and recommendations of various experts were put together and taken into consideration in drawing up the final data collection instrument.

3.6.2 Reliability

According to Kothari (2004), a measuring instrument is reliable if it provides consistent results. A pilot study will be carried out in order to test the reliability of the questionnaires. Since the reliability of data goes with the accuracy or precision of a measuring instrument, it is concerned with the consistency of responses with the questions that will be asked in repeated measurements.

3.7 Ethical consideration

The study was conducted in accordance with the ethical requirements and the rights of individuals as stipulated in the constitution of the United Republic of Tanzania. Under no circumstance's researcher entertained the imposition of respondents without requesting prior approval from them. All these, were because ethical consideration is one of the key principles of the research. The researcher adhered to code of ethics by ensuring that the respect of the right of others were maintained during the researchers' desire and attempts.

The researcher aimed at following the acceptable code of ethics by obtaining respondents voluntary and informed consent. The respondents were informed about the research objectives and the method of recording their responses. Respondents were also informed about their freedom to withdraw from the study at any point without penalty. Moreover, the respondents were assured about confidentiality and protection of their privacy by codenaming respondents and the research sites. The researcher conducted the research in such a way that the findings obtained were not offer the misleading information.

CHAPTER FOUR

PRESENTATION AND DISCUSSION OF FINDINGS

4.1: Introduction

This chapter presents the findings of this study following the specific objectives described in chapter on. The chapter starts with preliminary data analysis, presentation of sample characteristics of the respondents, including the gender, age, marital status, education and experience

4.2 Response Analysis

The researcher has managed to collect 100 finished questionnaires which make a response rate of 100% as shown in the pie chart depicted in figure 4.1. Trumbo CW. (2004), pointed out that, in social science studies, a response rate of 50 is adequate for study while a response rate of 60% is goods and response rate from 85% is excellent. The high response rate in this study was a result of researcher commitment to making follow up and un testable of the respondents at Karatu.

Table 4.1: Response Rate

Response rate	Frequency	Percentage
Responded	100	100
Not responded	0	0
Total	100	100.0

Source: Field Data (2022)

4.3 Data Validity and Reliability Test

4.3.1 Validity Test

The Keyser Mayor test (KMO) was used to check whether data are valid. Therefore, according to argument made to different scholars realized that once the KMO approach to 1 such data was validity for further analysis also once the KMO is greater than 0.5 such data being validity. Therefore, according to findings realized that data were valid due to the fact that KMO was greater than 0.5. Consider table 4.2 below explain more about the validity of data.

Table 4.2 KMO and Bartlett's Test

KMO and Bartlett's Test		
Kaiser-Meyer-Olkin Measure of Sampling Adequacy.		0.673
Bartlett's Test of Sphericity	Approx. Chi-Square	109.245
	Df	10
	Sig.	0.010

Source: Field Data 2022

4.3.2 Reliability Test

Reliability is about the consistency of a measure which used to evaluate the quality of the research, it indicate how well a method, technique or test measures something (Lyatuu, 2020). If the same result can be consistently achieved by using the same methods under the same circumstances, the measurement is considered reliable. Reliability can be estimated by comparing different versions of the same measurement. The resulted obtained using Cronbach alpha coefficient were presented in Table 4.3 below.

Table 4.3: Cronbach Alpha Test

Cronbach's Alpha	N of Items
0.759	3

Source: Field Data 2022

Based on the results on Table 4.3, all variables were above the threshold alpha value 0.7 and hence they demonstrated that questionnaire data were reliable for use by the study.

4.4 Distribution of the Respondent's Attributes

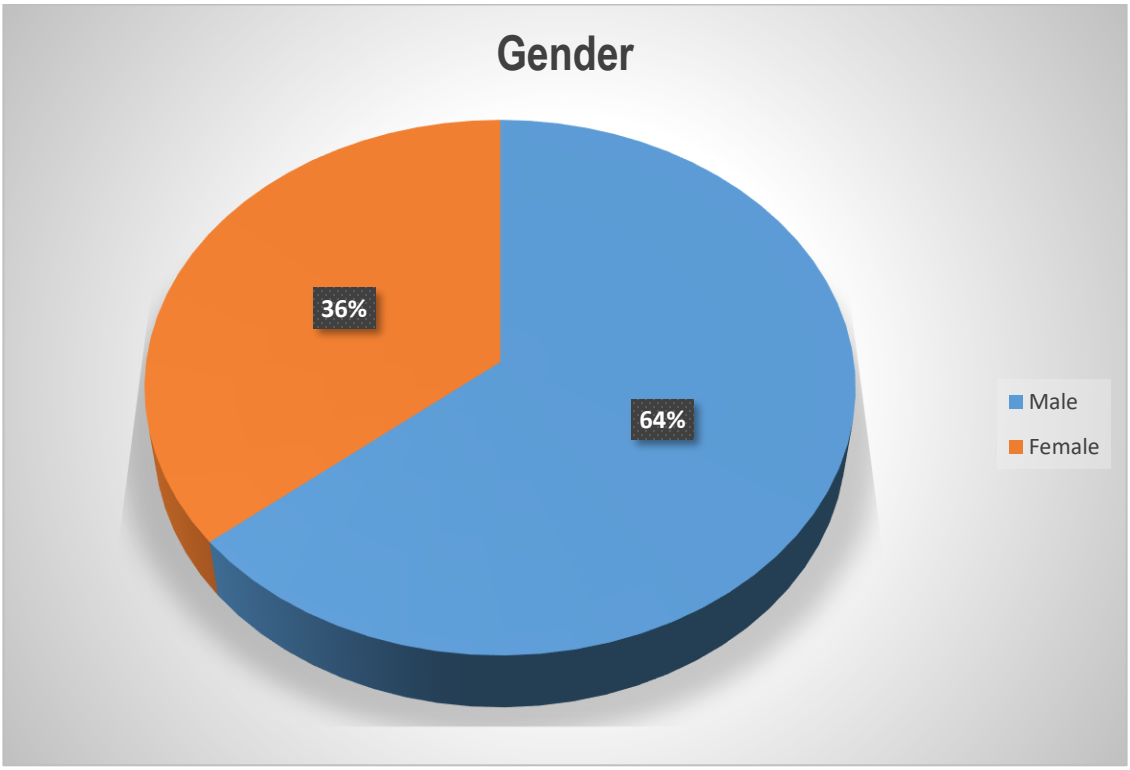
This section presents the characteristics of the sample involved in this study including the age of the respondents, gender of the respondents, education level of the respondents, working posts of the respondents and working experience of the respondents. The demographic information was used in generalizing about the total of respondents in this study

4.4.1 Gender of the Respondents

The researcher conducted gender analysis to determine the distribution of men and women with knowledge and experience about land disputes at Karatu. The purpose of analyzing the gender of the respondents was to assess gender parity during the data collection process.

The results of this study as shown in figure 4.1 indicate that 64 respondents equal to 64% were male, while 36 respondents equal to 36%were female. This means that the researcher tried to collect data from both genders without discrimination to obtain the unbiased information for the study.

Figure4.1: Gender Distribution



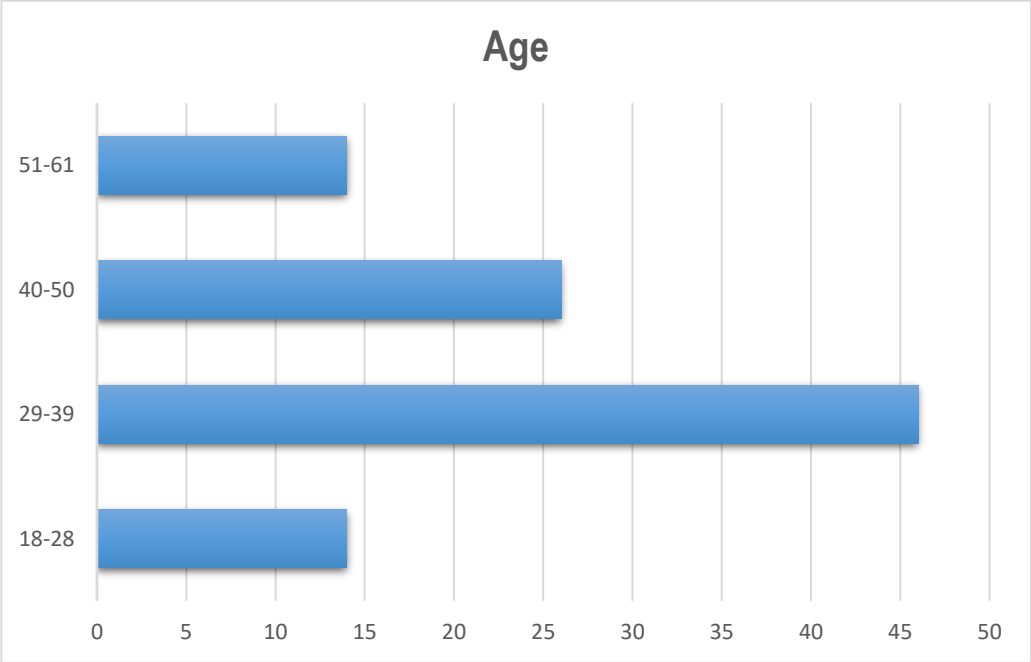
Source: Field Data, 2022

4.4.2 Age Distribution

Age distribution was conducted to show the level of knowledge about land disputes in Karatu around different age groups as identified by the study

Figure 4.2 presents the age group of the respondents involved in this study. The results show that there was 14 respondents with age 18-28, 46 respondents with age 29-39, age 40-50 had 26 respondents and 14 respondents had age 51-61. The findings in this study show that more than 46% of the respondents involved in this study were 29-39. This implies that the sample was occupied with young and energetic age.

Figure4.2: Age Distribution

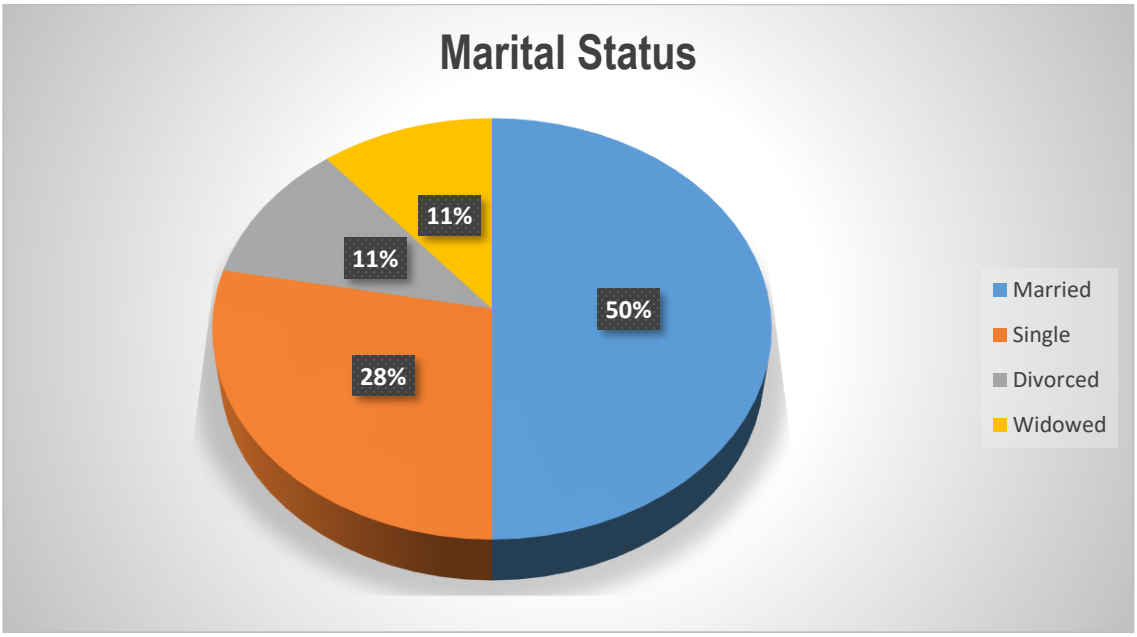


Source: Field Data, 2022

4.4.3 Marital Status

From figure 4.3, respondent's marital status were categorized as being married, single, divorced and widowed. 50% of the respondents were found to be married, 28% were single, 11% were divorced and 11% were widowed. The majority of the respondents were married as they dominated 50% of the total respondents.

Figure4.3: Marital Status



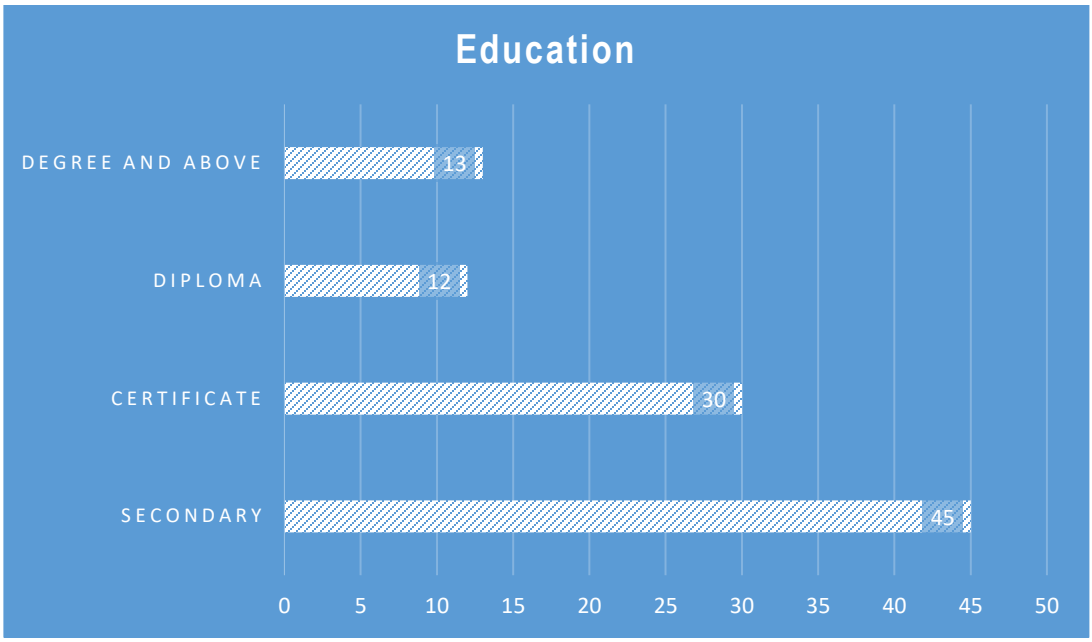
Source: Field Data, 2022

4.4.4 Education Level

The researcher grouped education levels in terms four groups as secondary school level, certificate level, diploma and degree and above. the findings are presented in figure 4.4

Findings stipulate the education level of the respondents involved in the data collection process. The results indicate that 45% had secondary education as their highest level of education, 30 respondents equal to 30% hold certificate, 12 respondents equivalent to 12% hold diploma and 13 equal to 13% hold bachelor degree and above.

Figure4.4: Education Level



Source: Field Data, 2022

4.5Descriptive Statistics

4.5.1 Nature of land conflict and size of land

The study focuses on exploring the nature of land conflict and size involved in the study area. The ward tribunal deals with land conflict from the respondents with different natures and size. In this study issue of nature of land conflict were based on allocation and encroachment while size were presented on acres as indicated on table 4.3 below.

Table 4.3: Nature of land conflict and size of land

Nature	**Frequency**	**Percent**
Double allocation of plots	48	48
Encroachments through the Boarder	52	52
Total	100	100
Size of land	**Frequency**	**Percent**
Less than an acre	34	34
1-10 acres	54	54
Above 10 acres	12	12
Total	100	100

Source: Field Data, 2022

Findings revealed that 52% of nature of land conflicts were caused by border encroachments and 48% were caused by double allocation of blots. This findings indicated that majority of respondents at Karatu suffers from land encroachment as compared to land allocation conflicts.

Respondents from the selected wards were asked to state the size of the disputed land where the majority (58%) had more than 10 acres being disputed, 34% of the respondents were disputing over a less than one acre and 12% were disputing over more than 10 acres of land.

The findings are similar to the study by Kabote and John (2017) in their study they found that, boundary conflict and mobility of farmers is common at Katavi. This entails that there is a number of sources of land disputes, hence making the tasks to address them difficult, hence injustice in decision making. The study identified the nature of land conflicts as encroachment, boundary disputes, farmers and pastoralists disputes, Inheritance land disputes and trespasses by other villagers.

4.5.2 Conflict Resolution Systems

The united Republic of Tanzania (2005) developed the Legal Land Courts guidelines which among other things mentioned the measures imposable to the litigants as to return the land, making stop order, compensation, payments of disputes costs and performance of the contract. From the study perspective, dispute resolution methods are tabulated in table 4.4

Table 4.4: Conflict resolution system and their effectiveness

Conflict Resolution System	**Frequency**	**Percent**
Ward tribunal	58	58
Village council	22	22
Other	20	20
Total	100	100
Effectiveness	**Frequency**	**Percent**
Resolved	30	30
On progress	63	63
Not yet	7	7
Total	100	100

Source: Field Data, 2022

When asked the conflicts resolution systems preferred most, 58% of the villagers preferred ward tribunals as the means of resolving land disputes, 22% preferred the village councils while very few (20%) preferred other systems like; agreements involving villagers, family meetings and religious resolutions. Respondents (villagers) were asked to give reasons as to why they prefer certain land disputes resolution systems. The answers were pegged on expenses, in which 60% preferred ward tribunals because they (tribunals) were nearby lands being disputed, 32% preferred village councils

because they are cheap and very few (8%) opted for other means as their disputes were neither resolved by the village councils nor ward tribunals. The researcher inquired about the state of the disputes and 30% agreed to have their disputes resolved by the ward tribunals, 63% had their disputes in resolution processes and very few (7%) have not yet resolved their disputes. It can therefore be interpreted that, ward tribunals have been effective means of land disputes resolution.

4.5.3 Number of cases per year

The researcher determined the number of land disputes cases the ward tribunals record per year for the past seven years and information were collected through secondary data review. The information were processed and data were tabulated in table 4.10 below.

4.5: Number of cases per year

year	Cases
2015	50
2016	46
2017	18
2018	63
2019	34
2020	12
2021	27

Source: Field Data, 2022

On average, the ward tribunals recorded 35 land dispute cases where the largest number of cases were recorded in 2018 and the least number of cases were recorded in 2020. The ward council stated that the numbers were low in 2020 due covid-19 pandemic.

4.5.4Source of land disputes

The researcher grouped the nature of land disputes as boundary-based conflicts, unauthorized grazing based, property destruction based, inheritance based and legal based conflicts.

Table 4.6: Nature of land disputes

Nature	**Percent**
Boundary conflict between individuals or between clans,	37
Unauthorized grazing off-land by livestock keepers	22
Destruction of property	5
Ownership conflict linked to inheritance within a family or clan	34
Ownership conflict due to lack of certificate of right of occupancy of the land	2
Total	100

Source: Field Data, 2022

Findings show that majority of the land conflicts at Karatu have a nature of disagreement on boundary issues. Family member conflict on boundary as one or both side claim the other side to have stepped on the boundaries of the other. 37%of disputes are boundary-based conflict

Moreover, inheritance issues were also found dominated the nature of conflicts at Karatu. 34% of the conflicts have a nature of inheritance disagreement. 22% are unauthorized grazing-based

conflicts, 5% are destruction of properties based conflicts and 2% are conflicts due to ownership conflict due to lack of certificate of right of occupancy of the land.

The findings are similar to Mwakibinga and Buvik (2013) who conducted a study on the land possession in Tanzania and found that many people especially in villages hold land without having any recognized documents commenting on their possession such as title deeds. Disputes arises in case the land is being claimed by two parties and the holding party fails to confirm their legality. Moreover Mahuwi and Panga (2020) found that land disputes in Kenya arose when people took land or portion of land which was owned by another person and claims to have the ownership of that portion. When that another person realized that his/her land has been taken, dispute arose between the parties

Furthermore, findings by Masoud (2021) show that other sources and nature of land disputes has been the lack of legal rights over a piece of land, unauthorized grazing off-land by livestock keepers and destruction of property. the disagreement over a piece of land can be settled by the national wide distribution of legal rights of owning land example title deeds and sales agreements provided by local government authorities. The village authorities have to step in inheritance of land structure. Family members and friend fight over land inheritance and there is likely little examination by the clan members. Furthermore, there is likely lack of boundary identity tools used by family and village authority. The scramble for land ownership due to boundary misrecognition shows that there is a failure in the system. There must be a unique identity to identify land boundaries like the use of beacons. Another solution for land disputes over inheritance should be a written will which is enforceable by the laws of Tanzania. A will is a written document a person makes to describe how their assets and wealth are to be distributed among their descendants. The making and execution of wills should be governed by the legal bodies like any court in Tanzania. Drafting a last will and

testament would ensure that your property is safely and securely distributed amongst land beneficiaries, as per the land owner wishes. This would avoid intestacy and minimize the chances of a dispute over right of land inheritance and avoid long-drawn court processes. Owner needs to name an executor (who will carry out all the proceedings of the will) and a legal guardian for children if they are minors

Formality rules play an important role in protecting vulnerable individuals; in ensuring caution; and in preserving the essence of an agreement should any future disputes arise. Formalities, as a requirement, applies to those circumstances when an agreement is required to be concluded in a specific manner or in a specific form The researcher further assessed the formality of land as a means that causes the land disputes and only 13% of the total respondents agreed that there are formalities in land agreements in Karatu. Majority of the respondents (71%) stated that there is less application of formality in the land agreements. From the findings, it is concluded that lack of formalities has influenced land disputes at Karatu.

Majority of the Karatu district residents involve themselves in agriculture and animal keeping activities. There are large group of farmers and pastoralists. The researcher further examined the situation between farmers and pastoralists at Karatu. Findings show that 51% of the respondents stated that there is lack of peace between pastoralists and farmers. The findings are further justified by interview findings below.

During interview, one farmer stated that

> *"…..there have been endless conflicts between farmers and pastoralists due to inadequate supply of land to accommodate both farmers and pastoralists. Sometimes pastoralists feed their cattle's on farmed land and sometimes farmers*

conduct agricultural activities on land set aside for pastoral activities. Any kind of such interference brings tension between farmers and pastoralists (Farmer-1)…..

Table 4.7: Sources of land disputes

		Frequency	Percent	Cumulative Percent
There are land disputes cases in your area	Strongly agree	46	46.0	46.0
	Agree	32	32.0	78.0
	Undecided	8	8.0	86.0
	Disagree	7	7.0	93.0
	Strongly disagree	7	7.0	100.0
	Total	100	100.0	
There are formalities in land possession at Karatu	Strongly agree	43	8.0	8.0
	Agree	36	5.0	13.0
	Undecided	8	8.0	21.0
	Disagree	8	43.0	64.0
	Strongly disagree	5	36.0	100.0
	Total	100	100.0	
There is a land tension between pastoralists and farmers at Karatu district	Strongly agree	32	32.0	32.0
	Agree	19	19.0	51.0
	Undecided	10	10.0	61.0
	Disagree	30	30.0	91.0
	Strongly disagree	9	9.0	100.0
	Total	100	100.0	
Pastoralists feed their animals on farmed land areas	Strongly agree	45	45.0	45.0
	Agree	16	16.0	61.0
	Undecided	9	9.0	70.0

	Disagree	23	23.0	93.0
	Strongly disagree	7	7.0	100.0
	Total	100	100.0	
Farmers farm on reserved land for pasturing	Strongly agree	12	12.0	12.0
	Agree	55	55.0	67.0
	Undecided	3	3.0	70.0
	Disagree	23	23.0	93.0
	Strongly disagree	7	7.0	100.0
	Total	100	100.0	
Village leaders take action in formalization of land	Strongly agree	43	43.0	43.0
	Agree	20	20.0	63.0
	Undecided	16	16.0	79.0
	Disagree	14	14.0	93.0
	Strongly disagree	7	7.0	100.0
	Total	100	100.0	

Source: Field Data, 2022

4.5.5 Disputes resolution methods

The researcher intended to identify dispute resolution methods and approaches in times of tensions and disputes brought by land disagreements. The responses were tabulated on table 4.12. the responses were measured on a liker scale of 5 scale for 1-strongly agree, 2-Agree, 3-Undecided,4-Disagree and 5-Strongly disagree.

Negotiation has also been characterized as the “preeminent mode of dispute resolution at Karatu, which is hardly surprising given its presence in virtually all aspects of everyday life, whether at the individual, institutional, national or global levels as shown by 90% agree rate. Each land negotiation

is unique, differing from one another in terms of subject matter, the number of participants and the process used.

During interview, a village council leader said that

> *"…….given the presence of negotiation in daily life, it is not surprising that negotiation is also applied within the context of land dispute resolution processes, such as mediation and litigation settlement conferences (Village Council-1)……..."*

Furthermore, the researcher required respondents to comment on the use and applicability of customary laws on the land disputes at Karatu. 72% of the respondents stated that customary fail to solve land disputes at Karatu where land disputes have to be solved at higher stages like the ward tribunal.

The village council leader (Village council-1) further stated that

> *"…….It is worth noting that under customary land tenure, land is not registered. Due to this, a number of problems at Karatu arise as there is no conclusive evidence of ownership. These problems include the following; Land grabbing due to the fact that the customary land owner cannot easily prove that he/she actually owns the land, difficulty in establishing whether one has any sort of interest over the land, difficulty in establishing which interest takes precedence over the other. This is because unlike other tenures like freehold where the interests in land are registered at the registry and precedence depends on who registered first, this is not the case with customary tenure as land is not registered. It therefore becomes difficult to determine which interest comes before the other and high chances of encroachment since land is in many cases not titled and does not have express boundaries……"*

The study assessed if Arbitration is useful in resolving smaller cases in which no lawyers are involved. Arbitration was found to be useful in solving land disputes at lower levels where no lawyers were involved in land disputes resolution. 81% of the respondents reported that land disputes were solved through arbitration resolution approach.

When asked about why some of the disputes are resolved through arbitration method, the ward tribunal councilor said that

> "*the ward council in addition to providing a binding adjudicative process, arbitration also provides the parties with the opportunity of selecting their arbitrator or, in the case of multiple arbitrators such as a three-member arbitral tribunal, the members of that tribunal. This means that an arbitrator or arbitrators may be chosen who bring particular experience and expertise and, in the case of a multi-member tribunal, a mix of experience and expertise. This is a significant distinction as between litigation and arbitration as in the former the parties cannot choose their judge but in the latter they can, or at least have the possibility of so doing, in the form of the arbitral tribunal*"

Furthermore, findings show that some cases are taken to adjudication phase where one of the disadvantages of this method is that it cannot re-establish the relationship between the parties. Even though the land conflict can be resolved, hostility can continue and be sharper than before and conciliation is applied in resolving land disputes at Karatu while there is still the internalized, perception, altitudes, intentions and behaviors and it helps to reduce prejudices and hostility as shown by 70% and 88% agree rates respectively.

Study by Mwenda (2016) show that mediation takes active role in resolving land disputes at Karatu and parties reach to conclusion. A mediator makes primarily procedural suggestions regarding how parties can reach agreement to the present land disputes. Occasionally, a mediator may suggest some substantive options as a means of encouraging the parties to expand the range of possible resolutions under land dispute consideration. A mediator often works with the parties individually, in caucuses, to explore acceptable resolution options or to develop proposals that might move the

parties closer to resolution. Moreovermost land disputes have been found to be unable to be resolved by customary laws hence reach ward tribunals.

Furthermore a study by Ayubu (2017) show that Arbitration is useful in resolving smaller cases in which no lawyers are involved. Many attorneys, other professionals or professional associations offer their services as arbitrators. Typically, attorney will select the arbitrator based on the particular type of land dispute. In complex and highly technical cases land cases, often an arbitrator who is knowledgeable in that field is chosen. Usually, fees are charged but some cases are taken to adjudication phase where one of the disadvantages of this method is that it cannot re-establish the relationship between the parties. Even though the land conflict can be resolved, hostility can continue and be sharper than before

Table 4.8: Disputes resolution methods

		Frequency	Percent	Cumulative Percent
Negotiation takes active role in resolving land disputes at Karatu and parties reach to conclusion	Strongly agree	46	46.0	46.0
	Agree	44	44.0	90.0
	Undecided	5	5.0	95.0
	Disagree	3	3.0	98.0
	Strongly disagree	2	2.0	100.0
	Total	100	100.0	
Most land disputes are unable to be resolved by customary laws hence reach ward tribunals	Strongly agree	53	53.0	53.0
	Agree	19	19.0	72.0
	Undecided	8	8.0	80.0
	Disagree	13	13.0	93.0
	Strongly disagree	7	7.0	100.0
	Total	100	100.0	

Arbitration is useful in resolving smaller cases in which no lawyers are involved	Strongly agree	36	36.0	36.0
	Agree	45	45.0	81.0
	Undecided	1	1.0	82.0
	Disagree	12	12.0	94.0
	Strongly disagree	6	6.0	100.0
	Total	100	100.0	
Some cases are taken to adjudication phase where one of the disadvantages of this method is that it cannot re-establish the relationship between the parties. Even though the land conflict can be resolved, hostility can continue and be sharper than before.	Strongly agree	32	32.0	32.0
	Agree	38	38.0	70.0
	Undecided	2	2.0	72.0
	Disagree	16	16.0	88.0
	Strongly disagree	12	12.0	100.0
	Total	100	100.0	
This **Conciliation** is applied in resolving land disputes at Karatu while there is still the internalized, perception, altitudes, intentions and behaviors and it helps to reduce prejudices and hostility.	Strongly agree	39	39.0	39.0
	Agree	49	49.0	88.0
	Undecided	2	2.0	90.0
	Disagree	6	6.0	96.0
	Strongly disagree	4	4.0	100.0
	Total	100	100.0	

Source: Field Data, 2022

4.5.6 Effectiveness of ward tribunals in resolving land disputes

The effectiveness of ward tribunals in solving land disputes in Karatu was assessed through number of land dispute cases recorded per year, ability of resolving disputes at initial stages, satisfaction of parties involved to disputes and the flow of decision from negotiation to the highest stages

The study found that number of land dispute cases been decreasing steadily over year at Karatu as shown by 85% of agree rate, 17% shows that land disputes have been resolved at their initial stages where 75% of responses show that the tribunal has failed to resolve disputes at their initial stages that lead to higher costs of resolving disputes in higher stages example in district courts and higher courts.

Furthermore, findings show that ward tribunals at Karatu have successful resolved disputes with the satisfaction of both parties. Majority of the respondents (62%) claimed to have been satisfied with the decisions given by the ward tribunals.

Table 4.9: Effectiveness of ward tribunals in resolving land disputes

		Frequency	Percent	Cumulative Percent
Number of land dispute cases have been steadily decreasing at Karatu district	Strongly agree	57	57.0	57.0
	Agree	28	28.0	85.0
	Undecided	4	4.0	89.0
	Disagree	8	8.0	97.0
	Strongly disagree	3	3.0	100.0
	Total	100	100.0	
Disputes are resolved at their initial stages before they are fierce to bring more hatred	Strongly agree	4	4.0	4.0
	Agree	13	13.0	17.0
	Undecided	21	21.0	38.0
	Disagree	54	54.0	92.0
	Strongly disagree	8	8.0	100.0
	Total	100	100.0	
Parties involved to disputes are satisfied with the decisions given by the ward tribunals	Strongly agree	33	33.0	33.0
	Agree	29	29.0	62.0
	Undecided	5	5.0	67.0
	Disagree	29	29.0	96.0
	Strongly disagree	4	4.0	100.0
	Total	100	100.0	
Land disputes are resolved practically from negotiation to the highest stages i.e. adjudication	Strongly agree	57	57.0	57.0
	Agree	29	29.0	86.0
	Undecided	4	4.0	90.0
	Disagree	7	7.0	97.0
	Strongly disagree	3	3.0	100.0
	Total	100	100.0	

Source: Field Data, 2022

4.6 Conclusion

Karatu like other part of the world had been experiencing land conflicts that were resolved with ward tribunal. The study findings reported that most of land distributes to be caused by boundary conflicts, lack of legal documents like title deeds and unauthorized grazing off-land by livestock keepers and destruction of property. Therefore, it is the finding of this study that Ward Tribunal are effective in solving land disputes. However the study observe that, though faced with several challenges, the Ward Tribunal have not been without important achievement, if the shortcoming analyzed above can be sorted out, the establishment of these Ward Tribunal will met with considerable enthusing and their performance on the whole.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

The chapter provides a summary of the findings and it also gives the conclusions and recommendations of the study based on the objectives of the study. The conclusions and recommendations drawn were focused on addressing the objective of this study.

5.2 Summary of Findings

The study's aimed at examine the sources of land disputes, determine the contribution of tribunal measures on just and amicable settlement of land disputes and to investigate on whether the mechanism used for enforcement of measures help to bring peace and harmony to the parties involved in land disputes at Karatu. The study found that majority of land dispute at Karatu are due to misunderstanding on boundary recognition and identification and misunderstanding about land inheritance. Moreover, the study found that in some extents, there are land disputes cases whose sources are destruction on one property like introduction of passage ways on others land without their consultation and grazing of animals on land without the owner's permission.

The study found that mediation and arbitration are the common disputes means on many land disputes at Karatu. Mediation takes active role in resolving land disputes at Karatu and parties reach to conclusion. A mediator makes primarily procedural suggestions regarding how parties can reach agreement to the present land disputes. Arbitration is useful in resolving smaller cases in which no lawyers are involved and this method was useful in maintaining financial stability of the parties to dispute as low costs are required.

Ward tribunals were found to be effective in resolving land disputes at Karatu as number of land dispute cases have been steadily decreasing at Karatu district and parties involved to disputes are satisfied with the decisions given by the ward tribunals however the ward tribunals have been ineffective in resolving land disputes at their initial stages before they are fierce to bring more hatred.

5.3 Conclusion

Ward tribunals were established with the main function of securing peace and harmony in the area of its establishment through mediating the parties to the dispute and coming up with the agreed solution on any matter concerning land within its jurisdiction. While performing its function, Ward tribunal has to consider three main issues, which are customary principles of mediation, natural justice and any principles and practice of mediation. They play significance role in the land dispute resolution at the early stages before they could be brought to courts.

The study found that majority of the land conflicts at Karatu have a nature of disagreement on boundary issues, inheritance issues and unauthorized grazing. Farmers and pastoralist enter into disagreements due to less land for farming and animal feeding. Pastoralists graze animals on farmed land and farmers clear reserved land for animal grazing for farming. Furthermore lack of documentation on inheritance led to relatives enter into conflict over inherited land.

ward tribunals was preferred as the means of resolving land disputes resolution systems over agreements involving villagers, family meetings and religious resolutions. Villagers felt more justice when their cases were resolved by the ward tribunal rather than on family level. At family levels, there was a sense of favoritism and personal feeling in result, ward tribunals were preferred for land disputes resolution.

Ward tribunals were found to be effective in resolving land disputes at Karatu as number of land dispute cases recorded per year were decreasing over time, many cases were resolved at their initial stages such that they couldn't reach courts, parties involved to disputes were satisfied by the decision made by the ward tribunals and there was good flow of decision from negotiation to the highest stages

5.4 Recommendations

Actors seeking to address land disputes especially farmer–pastoralist conflicts need to pay attention to the roles history, discourses, national policies and legislation, and local politics have played in instigating and aggravating such conflicts. Conflict resolution mechanisms should also take cognizance of these factors and dynamics. This paper recommends the adoption of an approach to resolving conflicts that falls outside the formal system and the dominant administrative approaches currently used. This innovative approach should be further developed and ultimately incorporated into the formal land conflict resolution system.

Civil society organizations and other development actors should ensure that communities are organized and empowered to address the challenges they face. This can be done by encouraging communities to openly discuss matters that affect them and ask hard questions that demand accountability from their leaders.

5.5 Areas for Further studies

The found that some land disputes are the results of lack of proper ownership documentation and border identification therefore the study recommends further studies to be conducted on the role played by the ministry for land and settlement in the survey of plots. Further studies should be conducted on the social-economic impacts of land disputes in Karatu-Tanzania.

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APPENDICES

Appendix I: Research questionnaires

My Name is **ALI KOMBO KHAMIS,** a student at the Institute of Accountancy Arusha pursuing Masters of Art in Peace and Security Studies (MA-PSS). I request your humble and kind assistance to fill in the questionnaire supplied to you for a while. My research title is "assess **the effectiveness of ward tribunals in solving land disputes in Tanzania**."

All the information will be used and kept confidentially and purposely for academics only.

Thank you in advance for your kind cooperation and dedicating your time.

PART A: GENERAL INFORMATION:

Tick (√) in the appropriate block

i. **Age** ☐ 18-28 ☐ 29--39 ☐ 40-50 ☐ 51--61 ☐ 62 and above

ii. **Gender**: tick the appropriate: ☐ male ☐ female

iii. **Marital status:** (Please tick the appropriate)

Single	Married	Divorce	Widowed

iv. **Educational level:** (Please tick the appropriate)

Certificate	Diploma	Bachelor degree	Master degree	PhD and above

PART B: Questionnaires to the specific objectives

Please indicate your selections, based on your level of acceptance, by marking [✓],

1 = Strongly Disagree, 2 = Disagree, 3 = Neutral, 4= Agree, 5= Strongly Agree

Items		Rating				
		1	2	3	4	5
Sources of land disputes						
1	There are land disputes cases in your area					
2	There are formalities in land possession at Karatu					
3	There is a land tension between pastoralists and farmers at Karatu district					
4	Pastoralists feed their animals on farmed land areas					
5	Farmers farm on reserved land for pasturing					
6	Village leaders take action in formalization of land					
Disputes resolution methods						
7	Negotiation takes active role in resolving land disputes at Karatu and parties reach to conclusion					
8	Most land disputes are unable to be resolved by customary laws hence reach ward tribunals					
9	Arbitration is useful in resolving smaller cases in which no lawyers are involved					
10	Some cases are taken to adjudication phase where one of the disadvantages of this method is that it cannot re-establish the relationship between the parties. Even though the land conflict can be resolved, hostility can continue and be sharper than before.					
11	This **Conciliation** is applied in resolving land disputes at Karatu while there is still the internalized, perception, altitudes, intentions and behaviors and it helps to reduce prejudices and hostility.					

Effectiveness of ward tribunals in resolving land disputes						
12	Number of land dispute cases have been steadily decreasing at Karatu district					
13	Disputes are resolved at their initial stages before they are fierce to bring more hatred					
14	Parties involved to disputes are settled with the decisions given by the ward tribunals					
15	Land disputes are resolved practically from negotiation to the highest stages i.e. adjudication					

Appendix II: Interview Guide

Guiding questions;

i. What are the sources of land disputes in your area?
ii. What are the types of land dispute instituted into the ward tribunal?
iii. Were you involved in any land disputes? If yes what was the nature of the disputes?
iv. How long did it take for the dispute to be solved?
v. What methods are used to solve the disputes and which methods of solving land disputes would you prefer?

Appendix III: Focus Group Discussion questions

i. Which are the ways used to enquire and determine the disputes.

ii. Do you feel free to institute land disputes to the ward tribunals?

iii. What are the measures the tribunal imposes to the disputant who are found fault, do you think to what extent the measures imposed found to resolve the disputes?

iv. What is the level of appeal to the district house and land tribunal?

v. Are there some persons who are aggrieved by the decision of the ward tribunal end up in creating enmity between them?

vi. How does the tribunal enforce its decision, and do that enforcement mechanisms help to bring peace and harmony to the parties involved in land disputes?

Appendix III: Research Budget

S/N	ACTIVITIES	ITEMS	COST (TSH)
1	**Research Preparation**	Internet services	30,000
		Typing and Printing	80,000
		Photocopies	20,000
		Binding	60,000
		Transport	80,000
		Subtotal	**220,000**
2	**Data Collection**	Transport	450,000
		Meals and Accommodations	250,000
		Subtotal	**750,000**
3	**Data Processing and Report Writing**	Printing and Photocopies	100,000
		Binding	20,000
		Meals and Accommodations	80,000
		Subtotal	**250,000**
		Grand Total	**1,170,000**

Source: Researcher (2022) **Source of fund: Self sponsored

Appendix III: Data Collection Letter

Institute Of Accountancy Arusha

P.O. Box 2798,Njiro Hill, Arusha, Tanzania

Telephone: +255 27 2970232 Mobile: +255 763 462109 Telex: 50009 JAA TZ

Fax: +255 27 2970234 Email: iaa@iaa.ac.tz Website: www.iaa.ac.tz

Ref. No.: MA-PSS/0019/2021 04th October 2022

.....

.....

P.O.BOX.....

.....

Dear Sir/Madam,

RE: **REQUEST FOR DATA COLLECTION**

The purpose of this letter is to introduce to you Mr. Ali Kombo Khamis who is our student pursuing Masters of Arts in Peace and Security Studies with registration number (MA-PSS/0019/2021). Currently, the aforementioned student is conducting a study on **"THE ROLE OF WARD TRIBUNAL IN SOLVING LAND DISPUTES IN TANZANIA, A CASE STUDY OF KARATU DISTRICT"**. We would like to highlight here that this study is part of the requirement for the award of the above mentioned programme of Study.

We therefore request you to extend to the above-mentioned student of our Institute any help that may facilitate him to achieve study objectives. We further request permission for him to see and talk to the staff of your Institution in connection with his study. The period for this' request is granted from October to end of November 2022.

Thank you for your continuing support.

Yours Sincerely,

INSTITUTE OF ACCOUNTANCY ARUSHA

DIRECTOR OF POSTGRADUATE STUDIES, RESEARCH & CONSULTANCY
INSTITUTE OF ACCOUNTANCY ARUSHA
P.O. BOX 2798 ARUSHA, TANZANIA
TEL: 254 9412, FAX: 254 9421

Mishael Abduel

FOR: RECTOR

All Communications to be addressed to the Rector

UNITED REPUBLIC OF TANZANIA
PRESINDENT'S OFFICE
REGIONAL SECRETARY AND ADMINISTESTRATIVE

KARATU DISTRICT COUNCIL

Phone: +255 27 297 0650
Fax: +255 27 297 0649
Email: ded@karatudc.go.tz
Website: www.karatudc.go.tz
When replaying please quote: -
Ref. No. KDC/DED/C.6/3/VOL. IX/174

S. L. P. 190,
Karatu,
Arusha.

Date: 06th October , 2022

TO:- WEO's

Karatu District Council

P. O. Box 190

KARATU

RE: RESEARCH PLACEMENT FOR MR. ALI KOMBO KHAMIS

Mr. Ali Kombo Khamis is a student at Institute of Accountancy Arusha

He has been permitted to collect data for his final research concerning "The Role of Ward Tribunal in Solving Land Disputes in Tanzania" from October to end of November, 2022 a requirement for the fulfillment for his studies.

Please render him any necessary assistance in fulfilling his research project.

Denis Ndege

For District Executive Director

KARATU

HALMASHAURI YA WILAYA
KARATU

Copy:
- Rector – Instite of Accountancy Arusha
- Mr. Ali Kombo Khamis

THE ROLE OF WARD TRIBUNALS IN SOLVING LAND DISPUTES IN TANZANIA: A CASE STUDY OF KARATU

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01st December, 2022

To whom it may concern,

Re: Proof for Proof reading of the Document of Ali Kombo Khamis.

I, Jackline Edson, Linguist and Research Consultant at the Olva Academy. In my first degree from the University of Dar es Salaam, I studied Bachelor in Education (BED), specializing in Linguistics where different courses of English language were taught. Moreover, my master's degree was in English and Linguistics from Kenyatta University in Kenya.

I went through the document mentioned above for the purpose of proof reading as one of my duties according to the area of my specialization.

It is my sincere hope that the paper will be accepted for further steps.

Yours faithfully,

Jackline Edson.