

**EFFICTIVENESS OF DECENTRALIZED GOVERNANCE IN LAND DISPUTE
SETTLEMENTS IN TANZANIA: THE CASE OF WARD TRIBUNALS IN
ARUSHA CITY**

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Master of Arts in Peace and Security Studies (MA-PSS)

Institute of Accountancy Arusha

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By

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**Dissertation Submitted in Partial Fulfillment of the Requirements for the
Degree of Master of Arts In Peace and Security Studies of the
Institute of Accountancy Arusha**

November, 2023

AUTHOR'S DECLARATION

I, Stanislaus Venust Ismail declare that this dissertation is my own original work and that it has not been presented and will not be presented to any university for similar or any other degree award.

Signature.....

Date.....

CERTIFICATION BY SUPERVISOR

I the undersigned certify that I have read and hereby recommend for acceptance by Institute of Accountancy the dissertation titled: **“Effectiveness of Decentralized Governance in Land Dispute Settlements in Tanzania: The Case of Ward Tribunals in Arusha City”** in fulfillment of the requirements for the Master of Arts in Peace and Security Studies offered at the Institute of Accountancy Arusha.

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(Supervisor Signature)

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Date

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DEDICATION

This dissertation is dedicated to my wife, Filomena Joseph, and my children Bright V. stanslaus and Brigitha .V.Stanslaus, and my mother Mary Ismail.

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This dissertation is written from contributions of individuals and organizations. First I thank God for granting me good health to write this dissertation.

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ABSTRACT

Despite being praised as a land of peace, Tanzania is not immune to land disputes. Particularly, local communities in Arusha region have been experiencing conflicts. For instance, in Meru District and Arusha City local community clash over ownership and use of land. The general objective of this study was to assess the effectiveness of Ward Tribunals in settling land disputes in Arusha City. The study applied a mixed method approach which combined questionnaires and interviews in data collection. The study was based on a sample size of 112 respondents that included 64 members of ward tribunals and 48 disputants. Data collected through questionnaires were analyzed using descriptive statistics (frequencies and percentages), and independent t-test. Study findings identified land use and land ownership disputes. The land disputes identified included disputes over payment of house land, disputes over land use between the City Council and micro entrepreneurs, land use disputes between pastoralists and farmers, land use disputes between pastoralists and other land owners, and land use disputes between family members. The study identified three land ownership disputes that included multiple allocation of land, land inheritance disputes and boundary disputes. The study found that most frequent applied mechanisms included consultation, mediation, conciliation. The study revealed that decentralized land governance has enabled ward tribunals to resolve land disputes on timely manners, dispensing justice and reducing land conflicts at the community levels. The study identified four constraints affecting effectiveness of ward tribunals. They included resource constraints, legal constraints, socio-cultural and political constraints. Based on the findings the study concludes that decentralized land governance has facilitated application of alternative dispute settlements mechanisms to address land disputes. The study recommends multiple strategies for strengthening effectiveness of ward tribunals, through provision of financial support, sufficient training and community awareness.

TABLE OF CONTENTS

AUTHOR'S DECLARATION	i
CERTIFICATION BY SUPERVISOR	ii
COPYRIGHT	iii
DEDICATION	iv
ACKNOWLEDGEMENTS	v
ABSTRACT	vi
LIST OF TABLES	xi
LIST OF FIGURES	xii
CHAPTER ONE	1
GENERAL INTRODUCTION	1
1.1 Introduction	1
1.2 Background to the Problem	1
1.3 Statement of the Problem	4
1.4 General Objective	5
1.5 Specific Objectives	5
1.6 Research Questions	5
1.7 Scope of the Study	5
1.8 Significance of the Study	6
1.9 Organization of the Dissertation.....	7
CHAPTER TWO	8
LITERATURE REVIEW	8
2.1 Introduction	8
2.2 Theoretical Literature Review	8
2.2.1 Definitions of Key Concepts.....	8
2.2.2 Theoretical Literature Review about Types of Land Disputes	10
2.2.3 Theoretical Literature Review about Mechanisms for Land Dispute Settlements	12
2.2.3.1 Mediation	12
2.2.3.2 Conciliation	13
2.2.3.3 Arbitration	13
2.2.3.4 Adjudication	13
2.2.4 Theoretical Literature Review about Constrains Towards of Land Tribunals	14
2.2.4.1 Resource Constraints	14
2.2.4.2 Lack of Accountability Mechanisms	14

2.2.4.3 Marginalization of Traditional Leaders in Land Dispute Settlements	14
2.3 Empirical Literature Review	15
2.3.1 Empirical Literature Review on Types of Land Conflicts	15
2.3.2 Mechanisms Used by Tribunals in Settling Land Disputes	18
2.3.3 Empirical Literature on Effectiveness of Ward Tribunals in Dispute Settlement.....	19
2.3.4 Constrains Affecting Affectiveness of Ward Tribunals	21
2.4 Knowledge Gaps	23
2.5 Theoretical Frameworks	24
2.5.1 Decentralization by Devolution Theory	24
2.5.2 Resource-based Theory	25
2.6 Conceptual Framework.....	26
3.1 Introduction.....	28
3.2 Study Area.....	28
3.3 Research Design	28
3.4 Research Approach.....	29
3.5 Population, Sample Size and Sampling Techniques	30
3.5.1 Population.....	30
3.5.3 Sampling Techniques	31
3.6 Data Collection Methods.....	31
3.6.1 Questionnaires.....	31
3.6.2 Interviews	32
3.7 Pilot Study	33
3.8 Data Analysis Methods.....	34
3.8.1 Quantitative Data Analysis Methods.....	34
3.9 Validity and Reliability.....	34
3.9.1 Validity.....	34
3.9.2 Reliability	35
3.10 Ethical Considerations	36
CHAPTER FOUR	37
PRESENTATION AND DISCUSSION OF FINDINGS.....	37
4.1 Introduction.....	37
4.2 Respondents' Characteristics	37
4.2.1 Gender Categories of Respondents	37

4.2.2 Age Categories of Respondents	38
4.2.3 Education Levels of Respondents	39
4.2.4 Marital Status of Respondents.....	40
4.2.5 Land Ownership Status of Respondents	41
4.3 Presentation of Findings	42
4.3.1 Type of Land Disputes Addressed by Ward Tribunals.....	42
4.3.1.1 Land Use Disputes Resolved by Ward Tribunals in Arusha City	42
4.3.1.1.1 Land Use Disputes Over Payment of House Rent.....	43
4.3.1.1.2 Land Use Disputes Between Micro Entrepreneurs and City Council	44
4.3.1.1.3 Other Land Use Disputes.....	45
4.3.1.2 Land Ownership Disputes Resolved by Ward Tribunals in Arusha City.....	45
4.3.1.2.1 Disputes Over Multiple Allocation of Land	46
4.3.1.2.2 Disputes Over Land Inheritance	47
4.3.1.2.3 Disputes Over Boundaries	48
4.3.2 Findings of Mechanisms Employed by Ward Tribunals in Settling Land Disputes.....	48
4.3.2.1 Consultation Mechanism	49
4.3.2.2 Mediation Mechanism	50
4.3.2.3 Conciliation Mechanism.....	51
4.3.2.4 Arbitration Mechanism	51
4.3.2.5 Adjudication Mechanism.....	52
4.3.3 Findings of Effectiveness of Ward Tribunals in Resolving Land Disputes.....	52
4.3.4 Findings of Constraints Affecting Effectiveness of Ward Tribunals in Resolving Land Disputes.....	58
4.3.4.1 Legal Constraints.....	59
4.3.4.2 Resource Constraints	60
4.3.4.3 Socio-Cultural Constraints	62
4.3.4.4 Political Constraints	63
4.4 Discussion of Findings.....	64
CHAPTER FIVE	66
CONCLUSIONS AND RECOMMENDATIONS	66
5.1 Summary	66
5.2 Conclusions	66
5.3 Recommendation.....	67
5.3.1 Recommends to Address Challenges Related to Resolving Land Conflicts	67

5.3.2 Policy Implications	68
5.3.3 Recommendations for Further Studies	69
5.4 Critical Evaluation of the Study	69
REFERENCES	70
APPENDIX I: QUESTIONNAIRE FOR DATA COLLECTION.....	79
APPENDIX II: Data Collection Letter	85

LIST OF TABLES

Table 3. 1: Sampling Procedure	31
Table 4. 1: Gender Categories of Respondents	38
Table 4. 2: Age Categories of Respondents	39
Table 4. 3 Education Levels of Respondents	40
Table 4. 4: Marital Status of Respondents.....	41
Table 4. 5: Land Ownership Status of Respondents.....	42
Table 4. 6: Land Use Disputes Settled by Ward Tribunals in Arusha City Council (N= 64)	43
Table 4. 7: Land Ownership Disputes Settled by Ward Tribunals in Arusha City Council (N= 64)	46
Table 4. 8: Survey Findings of Mechanisms in Settling Land Disputes (N=112).....	49
Table 4. 9: Survey Findings of Effectiveness of Ward Tribunals in Resolving Land Disputes (N=112)	53
Table 4. 10: The Differences in Perceptions between Members of Ward Tribunals and Disputants.....	57
Table 4. 11: Legal Constraints Affecting the Effectiveness of Ward Tribunals in Resolving Land Disputes (N=64).....	59
Table 4. 12: Resource Constraints Affecting the Effectiveness of Ward Tribunals in Resolving Land Disputes (N=64).....	60
Table 4. 13: Socio-cultural Constraints Affecting the Effectiveness of Ward Tribunals in Resolving Land Disputes (N=64).....	62
Table 4. 14: Political Constraints Affecting the Effectiveness of Ward Tribunals in Resolving Land Disputes (N=64).....	63

LIST OF FIGURES

Figure 2. 1: Conceptual Framework.....	26
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LIST OF ABBREVIATIONS

ADR	Alternative Dispute Resolution
ANGOC	Asia NGO Coalition of Agrarian Reform and Rural Development
D by D	Decentralization by Devolution
LWA	Land Watch Asia
NBS	National Bureau of Standards
URT	United Republic of Tanzania

CHAPTER ONE

GENERAL INTRODUCTION

1.1 Introduction

This chapter is about introduction to the research study. The chapter is composed of nine sub-sections that include background to the problem, statement of the problem, general objective, specific objective, research questions, research questions, scope of the study, limitations, significant of the study and brief organization of the research proposal.

1.2 Background to the Problem

Land as a valuable and limited resource. With increase in human development activities, land has become one of the sources of many conflicts in various parts of the world (White, et al., 2012; Borrás & Franco, 2013). At the surface, these conflicts are borne out of competing interests. While for some, land is key to securing wealth, for many including the rural poor, land is a vital part of individual and community survival (ANGOC & LWA, 2021). The government plays the regulatory role of ensuring allocation and distribution of land and other natural resources. In numerous occasions, governments' decisions have led to capital-driven utilization of land and resources that led to economic gain for a few but left many in poverty (ANGOC & LWA, 2021).

Land is a contested resource in developing countries in Asia and Africa continents. Particularly, vulnerable local communities in Asian countries such as Pakistan and Indonesia face the problem of land grabbing resulted from government development projects and foreign investments (Magsi, et al., 2017). Furthermore, from January to December 2020, the Land Watch Asia gathered at least 1,371 cases of land conflicts from six Asian countries including Bangladesh, Cambodia, India, Indonesia, Nepal and Philippines. Such conflicts have affected livelihood of 2.3 million households owned by farmers and indigenous people (ANGOC & LWA, 2021). Such conflicts are driven by government and private sector investments, clashes over

tenure and ownership and resistance over land reform. The land conflicts in Asian countries have resulted to severe consequences such as injuries, deaths, displacement, criminalization and disruption of peace and security (ANGOC & LWA, 2021).

In Africa, land use and ownership conflicts are common. Conflicts over land use have continued to threaten peace and security in West African countries such as Mali, Chad, Mauritania, Niger and Burkina Faso. Conflicts have left 1.5 million internally displaced people in the West African countries (Ikoku, 2022). Land use conflicts in the West African region are associated with encroachments, opportunistic motives, corruption and rent seeking behaviours among government officials (Benjaminsen, et al., 2012).

Similarly, in East Africa land use conflicts prevail in East African countries such as Kenya, Uganda, and Rwanda. At least 60% of court cases in Kenya are related to land conflicts (Nyamasege, et al., 2017). Land use conflicts affect vulnerable communities in Kenya. Land conflicts occur between herders and farmers over control of water resources for grazing and irrigation (Njagi, 2018). In Uganda land disputes are at the height of all conflicts. Land conflicts occur among individuals, family members, community members and between investors and communities. Land disputes in Uganda are common in Northern Uganda in parts of Haimo and Amuru Districts where oil resources have been discovered (Musumba, 2014). Customary land disputes also prevail in Eastern parts of Uganda (Kandel, 2018).

In Tanzania, several researchers have documented prevalence of land conflicts in various local communities in Tanzania. Mbonde, (2015) has shown that Kongwa District faces the problem land conflicts involving clashes between pastoralists and farmers, clashes between family members and clashes between communities and investors. Mwambashi (2015) has shown that land conflicts between pastoralists and farmers are common in Ulanga District. Ramadhani, (2016) has shown that herder-farmer land conflicts are common in Kilombero District in

Morogoro Region. Moreover, anecdotal evidence from media reports such as Jamuhuri Media (2018) has shown that Arusha City Council faces the problem of land ownership conflicts.

Various countries in the world have established decentralized systems of settling land disputes. Such systems involve establishment of land tribunals at local government levels. In Scotland in the United Kingdom, Land Tribunals are established the Lands Tribunal Act of 1949 (Scottish Government, 2020).

African countries have also made efforts to decentralize land governance. In Zambia, Land Tribunals are established under the Land Act of 2010, with the aim of improving efficiency in solving land disputes (Government of Zambia, 2010). Ghana has decentralized land dispute settlement through formulation of Alternative Dispute Resolution (ADR) Act of 2010. The Act allows use of customary mediation and arbitration. Land disputants are recommended to use ADR prior taking disputes to formal judicial system. These mechanisms are implemented on the community level by using community chiefs, heads of families and customary courts (Ibrahim, et al., 2022). In Uganda, District Land Tribunals are established under the Land Act No. 16 of 1998 with the aim of settling land disputes in the respective districts (Kobusingye, et al., 2016). In Tanzania, the Land Disputes Settlement Act of 2002 establishes and empowers Ward Land Tribunals as machineries of mediating land conflicts in respective wards (URT, 2002).

Despite existence of land tribunals, land disputes have prevailed. For instance despite existence of District Land Tribunals in Uganda, land disputes are ranked among the most common conflicts in Uganda (Kobusingye, et al., 2016). Similarly, in Tanzania land conflicts persist despite existence of Ward Tribunals for over 20 years (Mwambashi, 2015; Mbonde, 2015; Marwa, 2018). This trend raises a research question *'to what extent are Land Tribunals effective in addressing land conflicts in Arusha City?'*

Researchers have established mixed results about effectiveness of decentralized governance machineries such as land tribunals. Balula (2019) has shown that ward tribunals have played

instrumental role in solving land disputes in places such as Kilosa District. On the contrary, Marwa (2018) has found that despite operating for over a decade, ward tribunals have not succeeded to address frequent land disputes in Tarime District. On the other hand Mangure (2015) has shown that Ward Tribunals in Arusha City have provided hope for residents in settling land disputes. However, the study has not identified types of land disputes settled by Ward Tribunals in Arusha City. The study has also not revealed mechanisms employed by Ward Tribunals in settling land disputes in Arusha City. Hence, the current study has contributed to new knowledge by assessing the efficacy of ward tribunals as governance machineries of settling land conflicts in Arusha City in Tanzania.

1.3 Statement of the Problem

Despite being praised as a land of peace, Tanzania is not immune to land disputes (Walwa, 2018). Particularly, local communities in Arusha region have been experiencing conflicts. For instance, in Meru District and Arusha City local community clash over ownership and use of land (Mhina, et al., 2015). Such conflicts have occurred despite the presence of ward tribunals that are vested with authority to settle land disputes in respective wards. This trend raises a researcher question 'to what extent are Ward Tribunals effective machineries for settling land disputes in Arusha City?' Little empirical knowledge exists to answer this question. Researchers have established mixed evidence about effectiveness of ward tribunals. While Balula (2019) and Mangure (2015) have shown that Ward Tribunals have helped to solve land disputes in Morogoro and Arusha City, Marwa (2018) has revealed that such machineries have not helped to address land disputes in places such as Tarime District. Notwithstanding their contributions, the previous studies do not offer new insights regarding effectiveness of ward tribunals taking into account recent amendments of the Land Disputes Court Act by the Written Laws (Miscellaneous Amendments) Act No.5 of 2021. It is under this trajectory that the current study assessed efficacy of Ward Tribunals in settling land disputes in Arusha City.

1.4 General Objective

The general objective of this study was to assess the effectiveness of Ward Tribunals in settling land disputes in Arusha City.

1.5 Specific Objectives

- (i) To assess types of land disputes that are addressed by Ward Tribunals in Arusha City.
- (ii) To examine mechanisms employed by Ward Tribunals in settling land disputes in Arusha City.
- (iii) To evaluate effectiveness of Ward Tribunals in settling land disputes in Arusha City.
- (iv) To assess constraints that affect effectiveness of Ward Tribunals in settling land disputes in Arusha City.

1.6 Research Questions

- (i) What types of land disputes that are addressed by Ward Tribunals in Arusha City?
- (ii) Which mechanisms are employed by Ward Tribunals in settling land disputes in Arusha City?
- (iii) To what extent are Ward Tribunals effective in settling land disputes in Arusha City?
- (iv) What constraints affect effectiveness of Ward Tribunals in settling land disputes in Arusha City?

1.7 Scope of the Study

This study was conducted across nine wards in Arusha City, giving it a wide geographic scope. They are Sokon I, Olasiti, Sakina, Osunyai, Engutoto, Moshono, Sombetini, Maivaro, and Kimandolu. With regard to the breadth of inquiry, this study investigated types of land disputes, mechanisms employed to settle land disputes, effectiveness in settling land disputes. This study will be conducted from January to June 2023, over a six-month period. Three theories, namely the resource-based theory and the decentralization theory, served as the theoretical foundation for this study.

1.3 Limitations of the Study

This study encountered various constraints. Situational constraints resulted from the procedures of obtaining research permits. Research permits are approved by the regional secretariat office. Then issues by the office of the Arusha City Council. It took three weeks to obtain research permit. This limitation delayed data collection. This limitation was addressed by obtaining research permit at least one-month prior data collection.

The research faced challenges in reaching respondents provided wide geographical nature of wards in Arusha City. In order to address this limitation, the researcher obtained names and contacts of the selected ward executive officers (WEOs) from the offices of Arusha City Council. Then, WEOs will facilitate the researcher to reach to ward tribunal members.

The third limitation was reluctance of respondents to participate in this study. Some respondents hesitated to participate in this research due to various reasons such as fear of disclosing confidential information about land disputes and fear of disclosing their identities. To address this limitation, the researcher prepared research consent form that declared right to confidentiality of the respondents. The form was signed by both researcher and respondents prior data collection.

1.8 Significance of the Study

This study's findings provide academic and practical contributions. The study has generated new knowledge about the mechanisms employed by Ward Tribunals in settling land disputes and maintenance of peace in their respective wards. Furthermore, this study provided an understanding of capacity of Ward Tribunals in addressing land disputes and maintaining peace. This knowledge will enrich the literature of peace and security studies in Tanzania.

In terms of practical contributions, findings of this study will help to inform best practices of conflict resolution and peace maintenance in local communities. Uptake and implementation of

these findings will enable WEOs to improve peace keeping strategies for addressing conflicts that affect socio-economic development.

Furthermore, the findings of this study will inform the Ministry of Lands to advocate for legal reforms that empower capacity of ward tribunals in addressing land disputes. Owing the recent amendments of legislations for land dispute resolution in Tanzania, this study will inform the Ministry of Lands on areas that requires further improvements to strengthen ward tribunals.

1.9 Organization of the Dissertation

There are five chapters in this dissertation. The first chapter provides an overview of the research problem. The second chapter discusses the theoretical and empirical literature that supports this study. The chapter consists of a theoretical literature review, an empirical literature review, knowledge gaps, theoretical frameworks, and the conceptual framework of the current study. The third chapter describes the study's research methodology. The chapter describes the study area, the research design, the research approach, the population, the sample size and sampling techniques, the data collection methods, a pilot study, data analysis methods, validity and reliability, and ethical considerations.

Chapter four provides presentation and discussion of findings based on data collected to answer research questions and achieve specific research objectives. Chapter five provides conclusions and recommendations in the light to the findings presented in chapter four.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter covers literature review that will guide assessment of effectiveness of ward tribunals in settlement of land disputes in Arusha City. The chapter comprises of theoretical literature review, empirical literature review, identification of knowledge gaps, theoretical frameworks and conceptual frameworks.

2.2 Theoretical Literature Review

Theoretical literature review provides definitions of key concepts and theoretical literature review in relation to specific objectives of the study.

2.2.1 Definitions of Key Concepts

2.2.1.1 Decentralized Governance

Decentralized governance is the system of structuring government through transferring of power, responsibility and decision making from the central to the local government levels (Rodden & Wibbels, 2019). The purpose of decentralized governance is to enhance citizens' participation in social, economic and political activities which improve transparency, accountability and responsiveness of the government (Rajasekhar, 2021). Political decentralization involves empowering citizens or elect representatives are empowered to make political decisions such as passing by laws and policies (Lago, 2021). Administrative decentralization involves redistribution authority, responsibility and resources to allow local government authorities to deliver public services (Debnath & Hossain, 2014). Fiscal decentralization involves empowering local government authorities to generate and make decisions on the use of revenues (Faguet & Pöschl, 2015).

In the context of land, decentralized governance helps to facilitate good governance of land resources by improving efficiency, transparency and accountability in land ownership, land tenure and land dispute settlements (Warren & McCarthy, 2012).

In this study, the concept of decentralized governance means structures and mechanisms of settlement of land disputes in local government authorities and community levels.

2.2.1.2 Land Tribunal

A land tribunal is a specialized court or administrative body that handles land and property ownership disputes (Scottish Government, 2020). It has jurisdiction over matters such as boundary disputes, title disputes, claims of adverse possession, compensation for compulsory property acquisition, and disputes over property owners' rights and interests. It serves as an independent and impartial forum for resolving land disputes. The powers, functions and authority of land tribunals are prescribed by relevant legislations. Purpose is to serve as an independent and impartial forum for resolving land and property disputes (Mwenguo, 2020).

2.2.1.3 Land Dispute

Several definitions exist to describe the concept of land dispute. This study will focus on three definitions. Wabelo, (2020) define land dispute land dispute is disagreement between two parties and which can arise due to the existing variance between the two parties to use land and other related rights on land. Walebo (2020) further discusses vulnerable conditions for land conflicts. The conditions include acute land scarcity, insecurity of tenure and longstanding land grievances between groups.

Moreover, Walebo (2020) highlight causes of land dispute. Political forces such as nationalization or privatization of land, the introduction of foreign institutions that are not widely accepted, political corruption, state capture, and land grabbing, among other things, are all mentioned as political causes for land disputes.

A land dispute may also result from economic factors such as rising land prices, and the scarcity of money. Another possible reason of land disputes is socioeconomic reasons such as significant inequality in the allocation of land resources. Demographic factors such as rapid population increase and new and returning refugees can also trigger land disputes.

ANGOC and LWA (2021) define land conflict as a situation whereby two or more parties disagree, clash and compete over ownership, valuation and use of land resources.

2.2.1.3 Ward Tribunals

According to the Courts (Land Dispute Settlements) Act of 2002 of the United Republic of Tanzania, Ward Tribunals are machineries for securing peace and harmony in the respective wards. Ward Tribunals mediate parties to reach to a mutual acceptable solution on land disputes that have happened in the respective ward. Ward Tribunals are required to perform their functions in accordance to customary principles of mediation, principles of mediation acquired through training and principles of natural justice. Ward Tribunals are composed of not less than four members and not more than eight members. Three members of Ward Tribunals shall be women that are selected by the Ward Committee (URT, 2002). In this study, the concept of ward tribunals means ward tribunals that operate in Arusha City in Tanzania.

2.2.2 Theoretical Literature Review about Types of Land Disputes

Various types of land disputes are discussed in the literature of land management and governance. Such disputes are broadly categorized into land use conflicts, land value conflicts, and land ownership conflicts. Other types of land conflicts include intra-community land conflicts and inter-community land conflicts.

2.2.2.1 Land Ownership Conflicts

Land ownership conflicts are conflicts that are caused by competition and struggle over the right to own land (Mushinge, 2017). Land ownership conflicts occur in many forms such boundary disputes, conflicts over inheritance of land, conflict over multiple sales of land, conflict

between government and community over ownership of land, illegal encroachment of reserved areas and land ownership conflicts due to lack of registration (Marwa, 2015). Land evictions are typical forms of land ownership in Tanzania. For instance, in July 2022 a group security forces including police officers, army officers, park rangers entered in Loliondo in Ngorongoro District to administer eviction of pastoralists who settled in the game reserved areas. The forceful eviction resulted to injuries, loss of human life and cattle (Mbise, 2022).

2.2.2.2 Land Using Conflicts

Land use conflicts are conflicts that are caused by disputes over the use of land. Land use conflicts occur in many forms such as farmer-herder conflicts which involve disputes between farmers and pastoralists. In Tanzania such conflicts are common in areas such as Kilosa, Tarime, Rufiji and Kisarawe where pastoralists and farmers frequently fight over use of land for grazing and agriculture respectively (Walwa, 2018; Saruni, et al., 2018). Another type of land use conflict is the conflict involving gas exploration in Mtwara and Lindi regions in Tanzania. The conflicts involves disagreement between local communities on one hand and the government and investors on the other hand over use of land for gas exploration and extraction activities. Such conflicts have taken form of public protests that have disrupted peace in the regions (Kamat, et al., 2019).

2.2.2.3 Land Value Conflicts

Land value conflicts may involve conflicts between tax payers and the government over land tax, conflicts between landlords and tenants over rent payment, conflicts over buying of land when either the buying or selling party refuses to honor terms of contract, and refusing to pay rent for leasing land (Wehrmann , 2008).

2.2.2.4 Intra-community Land Conflicts

Intra-community land conflicts occur between members within the same community. This may involve conflicts between traditional leaders and community members (Boudreaux, et al., 2017).

In most African communities' traditional leaders are trusted as customary guardians of land. However, in other cases, such leaders are corrupt, have conflicts of interest and engage in self-dealing (Boudreaux, et al., 2017). They wrongfully lease out or sell land to investors and fail to consult with and acquire benefits for their community. Corrupt, or self-interested, leaders can generate intra-community conflicts that are particularly difficult to identify if investors and implementers only engage with chiefs, traditional authorities or other local elites (Boudreaux, et al., 2017).

2.2.3 Theoretical Literature Review about Mechanisms for Land Dispute Settlements

Various mechanisms are employed in settling land disputes. Each mechanism has its strengths and weaknesses.

2.2.3.1 Mediation

Mediation is a mechanism of settling land disputes through use of a third-party that facilitates parties to reach to amicable agreements (Nzogela, 2015). For instance, customary tribunals at local levels usually employ mediations to solve land disputes (Kobusingye, et al., 2016). However, the resolutions from mediations made by customary institutions are not binding legally because they do not have a legal status. Hence, it is up to the conflicting parties to choose to accept the or not. Customary institutions are relevant where there is dialogue but when it comes to litigation they become irrelevant. Customary institutions make decisions but they do not have the authority to enforce their decisions (Kobusingye, et al., 2016).

Mediation is widely applied as a mechanism for land dispute settlement in various countries in Africa. For instance, in 2015 land conflicts broke out in Otuke District in Northern Uganda. Such disputes escalated into violence. Non-Governmental Organizations (NGOs) such as Safer World facilitated formulation of community-led mediation committee which was trained in dispute settlement procedures. The mediation committee has played an important role of settling land disputes in the area (Chigbu, et al., 2019).

2.2.3.2 Conciliation

Conciliation is a cooperative way of resolving a land dispute that combines consultation and mediation, with the conciliator assisting the parties in their negotiations (Nzogela, 2015). These methods are typically used when conflict is just beginning. When there is no communication between the parties, this strategy is used (Sackey, 2010). This process is used while internalized perception, attitudes, intentions, and behaviors are still present. Hence, conciliation helps to lessen prejudice and animosity among parties (Nzogela, 2015).

After the subject has been sent to the conciliator, he or she will meet separately with the parties to the disagreement, make a report, and offer particular procedures for resolving the dispute. Conciliator has no authority to examine evidence or summon witnesses and cannot render a decision or award; he or she can only recommend steps that, if implemented, will result in the resolution of the dispute (Patoari, et al., 2020).

2.2.3.3 Arbitration

In order to resolve land disputes, arbitration combines mediation and adjudication. It enables the parties to rebuild mutual respect and trust. Arbitration is typically used when mediation is unsuccessful (Balula, 2019). The arbitrator has greater authority and clout than the mediator. The arbitrator considers the evidence, hears both sides of the argument, and then renders a legally binding decision (Marwa, 2015).

2.2.3.4 Adjudication

Adjudication is a formal hearing of a land disputes presided by a judge in a regular court, a specialist land court, or a tribunal. The hearing proceedings adhere to specified guidelines and standards. The judge's ruling is conclusive for all parties, and the parties are frequently represented by attorneys (Balula, 2019). The losing side may file an appeal with the higher court. One of the shortcomings of adjudication is that it does not allow establishment of amicable relationship among disputing parties (Boudreaux, et al., 2017). Despite the possibility of a

peaceful resolution to the land dispute, antagonism may persist and perhaps worsen even after justice is restored (Marwa, 2015). Therefore, adjudication is the last resort and is normally utilized after failure of conciliation and mediation processes (Wahrmann, 2008).

2.2.4 Theoretical Literature Review about Constrains Towards of Land Tribunals

2.2.4.1 Resource Constraints

One of the constraints that affect effectiveness of land tribunals is scarcity of resources. In Kenya, land tribunals lack the necessary courtroom infrastructure to hear and decide their cases. They additionally lack computers, furniture, stationery, file and storage retrieval systems, registries, and other crucial infrastructure requirements. They also lack fundamental assistance systems, like IT support systems and library services for data and research. Furthermore, the human resources available to Kenyan tribunals are insufficient (Kevins, 2021). Only a few employees have legal training, and the majority are temporary. The vast majority of tribunals rely heavily on personnel employed by parent ministries. The shortage of resources has hampered the ability of the tribunals to deliver fair and credible outcomes. Most tribunals rely solely on funding from parent ministries, jeopardizing their independence (Kevins, 2021).

2.2.4.2 Lack of Accountability Mechanisms

The statutes that establish tribunals in Kenya do not establish accountability systems. Tribunals are not audited to ensure they fulfill their mandate and deliver justice (Kevins, 2021). There is no framework in place to oversee tribunals. Parent ministries or the judiciary do not govern tribunals. Because of this lack of accountability and oversight, the quality of justice delivered by some Tribunals falls short of expectations (Kevins, 2021).

2.2.4.3 Marginalization of Traditional Leaders in Land Dispute Settlements

Traditional leaders such as clan heads play vital role in land management in Africa. In South Africa, the Municipal Structure Act of 1998 requires active participation of community members and local levels in development activities including land use planning (Bikam & Chakwizira,

2014). In countries such as Malawi and Botswana, traditional leaders are important bridge between the local government and community members. Traditional leaders are used as mediators in dispute settlements (Dipholo, Tshishonga & Mafema, 2014). In Tanzania, the Courts (Land Disputes) Settlement Act of 2002 recognizes the role of customary mediation in settlement of land disputes (URT, 2002). However, the law does not stipulate for traditional leaders in the composition of land tribunals.

Despite their importance, traditional leaders are not valued in land dispute settlements. For instance, in Botswana, the power of traditional leaders in land management has been eroded with introduction of land boards. In countries such as Tanzania, Kenya and Malawi the role of traditional leaders in land management has been eroded with government policies such as nationalization (in Tanzania) and privatization (in Kenya) (Manatsha, 2019).

2.3 Empirical Literature Review

Empirical literature review is presented according to specific research objectives.

2.3.1 Empirical Literature Review on Types of Land Conflicts

The first specific objective of this study was to assess types of land conflicts that are addressed by Ward Tribunals in Arusha City. This sub-section presents empirical literature review about types of land disputes.

In Africa, studies have documented types of land disputes that affect local communities. Mushingi (2017) assessed the role of land tribunals in addressing land conflicts in Lusaka District in Zambia. The study employed qualitative approach which involved interviews in data collection. The study identified several types of land disputes that included invasion of public or private land, boundary conflicts between land owners, multiple allocation of land and eviction by government authorities.

Kidido and Bugri (2020) investigated traditional land dispute resolution among youth in Techiman area in Ghana. The common types of land disputes identified included boundary clashes, ownership conflicts, multiple allocation of land, disagreements over holding terms, dispossession and encroachment. However, this study did not include views of land tribunal members. Hence, it has left knowledge gaps about perspectives of tribunals as decentralized machinery of land dispute settlement.

Agegnehu et al. (2017) assessed land tenure conflicts and land dispute resolution in Debre Markos Town in Ethiopia. The study identified seven types of land disputes that included boundary trespassing disputes, landholding disputes, land rental disagreements, divorce-related land disputes, bequeath disputes, parcel exchange disputes, and land use-related disputes.

Asaaga (2021) explored the role of traditional land dispute resolution mechanisms in rural Ghana. The study identified six types of land disputes. They included farmland boundary disputes, land rent conflicts, land inheritance disputes, chieftaincy disputes, tree-tenure conflicts and landlord-tenant conflicts.

Adeoye, (2017) assessed land use conflicts between farmers and pastoralists in Kano, Yobe and Borno States in Nigeria. The study identified various types of land conflicts that comprised of clashes over grazing land, encroachment of farmers into water holes and cattle paths, and bush burning. Land disputes took place in various areas such as human settlements, farmers, near water holes and at grazing reserve areas.

In Tanzania, studies have shown land disputes addressed by land tribunals. Marwa (2015) investigated challenges facing land disputes in Rorya District in Mara Region. The study identified several types of land conflicts which included encroachment, family land ownership conflicts, boundary conflicts, trespassing and farmer-herder land use conflicts.

Saruni et al. (2018) explored forms and drivers of land conflicts between pastoralists and farmers in Kilosa and Kiteto Districts in Tanzania. The study identified eight types of land conflicts. The first one involves conflicts between farmers and pastoralists over village boundaries. These conflicts are escalated by disagreements over village boundaries. The second type involves conflicts between farmers and pastoralists over grazing. These conflicts occur when cattle owned by pastoralists destroy crops owned by farmers. The third type involves conflicts between farmers over land use. The fourth type involves conflicts between farmers and pastoralists on one hand and government authorities on the other hand. The fifth type involves conflicts between pastoralists and conservation authorities over reserved areas. The sixth type involves conflicts between family members over land inheritance. The seventh type involves conflicts between pastoralists over grazing and. The eighth type involves conflicts between residents and village government over land for settlement.

Mwamlangala (2019) assessed effectiveness of rural tribunals in settling land disputes in Dodoma and Mbeya Regions in Tanzania. The study identified six types of land conflicts which included farmer versus pastoralists, farmers versus farmers over boundary conflicts, pastoralists versus pastoralists, villagers versus conservation authorities like TANAPA, and villagers versus villagers over boundaries. Despite its significant contribution in providing understanding of types of land disputes, the study did not include opinions of ward tribunal members.

Mhina et al. (2015) investigated community participation in addressing land disputes in Meru District in Arusha. The study employed case study design which involved use of quantitative and qualitative research methods in sampling, data collection and data analysis. The study identified several types of land disputes that included boundary conflicts, disputes between farmers and pastoralists, disputes between farmers and investors, and disputes between

farmers and investors. The major shortcoming of this study is that it did not include ward tribunal members in the sample size.

2.3.2 Mechanisms Used by Tribunals in Settling Land Disputes

The second objective of the study was to examine mechanisms employed by Ward Tribunals in settling land conflicts in Arusha City. This sub-section presents empirical literature regarding mechanisms employed by tribunals in settling land disputes. Studies have shown that traditional leaders are largely utilized by labour tribunals in addressing land conflicts in various countries in Africa. Asaaga (2021) explored the role of traditional land dispute resolution mechanisms in rural Ghana. The study has shown that community members in rural Ghana prefer customary mediation and adjudication mechanisms to address land conflicts.

Achieng (2015) assessed the role of traditional leaders in addressing land conflicts in Somalia. The study has shown that use of traditional leaders in mediation, conciliation and arbitration is one of the mechanisms employed in settling land disputes in Somalia. Traditional leaders are favorable because of various reasons such as detailed understanding of history and nature of land conflicts, detailed understanding of community members, ability to gain respect from community members and ability to restore peace, and resource limitations.

Agegnehu et al. (2017) assessed land tenure conflicts and land dispute resolution in Debre Markos Town in Ethiopia. The study identified both alternative dispute resolution (ADR) mechanism and formal mechanisms. ADR mechanisms included negotiation, mediation and arbitration. Formal mechanisms identified include court proceedings.

Adeoye, (2017) assessed land use conflicts between farmers and pastoralists in Kano, Yobe and Borno States in Nigeria. The study revealed that farmer-herder land disputes were solved by using various mechanisms comprising of use of law enforcement agents, use of customary mediation via local leaders, military interventions and youth leaders.

Similarly, Mohamed (2013) assessed effectiveness of traditional leaders in addressing land disputes in Nzega District in Tabora Region. The study has shown that traditional leaders are used in settlement of land disputes in Nzega District. However, effectiveness of traditional leaders has been questionable due to delays in settling disputes, limited awareness about land laws and lack of training about dispute settlements.

Balula (2015) investigated ward tribunals in Kilosa District and revealed that ward tribunals used conciliation, mediation and arbitration mechanisms to settle land disputes. Initially, ward tribunals attempt to help parties to address conflicts on their own through conciliation and mediation. When conciliation and mediation fails, ward tribunals apply arbitration whereby parties call witnesses and gather evidence, and reach to binding decision that should be adhered by the parties.

2.3.3 Empirical Literature on Effectiveness of Ward Tribunals in Dispute Settlement

The third specific objective of this study was to evaluate effectiveness of Ward Tribunals in settling land conflicts in Arusha City. This sub-section presents empirical literature review regarding effectiveness of land tribunals in land dispute settlement.

In East Africa, studies have attempted to investigate effectiveness of land tribunals in addressing land conflicts. Omodo, et al. (2023) assessed effectiveness of local governance institutions in addressing land conflicts in Lira District in Uganda. The study applied describe design that combined qualitative and quantitative methods in data collection and analysis. The study has revealed that land tribunals are effective in prevention of conflicts, resolving disputes, ensuring conflicts do not resurface and de-escalating land conflicts.

In Tanzania, studies have provided mixed evidence about effectiveness of ward tribunals in settlement of land disputes. Balula (2019) assessed the contribution of ward tribunals in settling land disputes in Kilosa District in Tanzania. The study applied descriptive case study design which involved a combination of interviews and questionnaires in data collection. The study has

shown that ward tribunals help to restore peace and harmony in the community. Nchia (2015) investigated role of ward tribunals in investigating land conflicts in Karatu District in Tanzania. The study has shown that when ward tribunals apply customary mediation principles of addressing land conflicts, positive results are achieved such as restoration of peace, justice and harmony in the community.

On the other hand studies have also shown that ward tribunals are not effective in addressing land disputes. Mwamlangala (2019) assessed effectiveness of rural tribunals in settling land disputes in Dodoma and Mbeya Regions in Tanzania. The study has combined qualitative and quantitative methods in data collection and analysis. The study found that land tribunals in rural areas are not effective in addressing land conflicts because conflicts persist even after they have been reported and handled in the tribunals.

Marwa (2018) assessed effectiveness of ward tribunals in settlement of land disputes in Tarime District in Tanzania. The study has shown that ward tribunals are not effective machineries for addressing land disputes in Tarime District because despite their existence in over 15 year, land dispute still prevail. Despite its contribution, this study focused on limited scope of Tarime District. Hence, findings are not sufficient to provide understanding in other areas such as Arusha City.

Mangure (2015) assessed effectiveness of ward tribunals in settling land disputes in Arusha City in Tanzania. The findings have shown that ward tribunals have helped to ensure availability of legal services near residents. The study has also revealed that ward tribunals are utilized as mechanisms for settling land disputes by community members that cannot afford to file cases in courts.

2.3.4 Constrains Affecting Affectiveness of Ward Tribunals

The fourth specific objective of this study was to assess constraints that affect effectiveness of Ward Tribunals in settling land conflicts in Arusha City. This sub-section presents empirical literature review regarding constrains affecting effectiveness of land tribunals.

Studies have revealed constraints affecting effectiveness of land tribunals in African countries. Mushingi (2017) assessed the role of land tribunals in addressing land conflicts in Lusaka District in Zambia and revealed several constraints that affect land tribunals. The constraints identified included lack of public awareness about importance of land tribunals, shortage of financial resources to settle cases, low staff capacity to settle land disputes, lack of training programmes of land tribunal members, and inadequate of transport facilities to transport tribunal staff to settle disputes.

Tchatchoua-Djomo, et al. (2020) explored influence of politics on land certification and land dispute resolution in Burundi. The study has shown that political interference in land certification process heightens land disputes.

Kobusingye et al. (2016) explored the impact of decentralized governance on land dispute settlements in Uganda. The study has shown that decentralization of land dispute settlement via land tribunals has failed to settle land disputes due to constraints such as political interference is one of the constraints that hinder effectiveness of land tribunals in Uganda. The study has also shown that unclear roles and responsibilities make it difficult to solve land disputes.

In Tanzania studies have pointed out constraints towards ward land tribunals. Mangure (2015) assessed effectiveness of ward tribunals in Arusha City in Tanzania. The study has found that Ward Tribunals in Arusha City face several constraints. Such constraints include limited understanding of tribunals by the public, rampant corruption, limited understanding of the laws and legal procedures among members, and limited representation of female members in the ward tribunals. Other constraints included a shortage of working infrastructure, such as

courtrooms and offices, insufficient rooms to accommodate claimants' and defendants' stationery, and a lack of allowance for members of the tribunals. Similarly, Nchia (2015) investigated role of ward tribunals in investigating land conflicts in Karatu District in Tanzania. The study noted that ward tribunals face constrains such as difficulties to reach mutual agreements between parties, corruption, lack of sitting allowance, ignorance about laws and political interference.

Rwegasira (2018) explored challenges of dispensing justice in land courts in Tanzania. The study has shown that ignorance of land dispute settlement legislations among citizens is a challenge that affects land courts in Tanzania in settling disputes. Despite of its contribution, the study by Rwegasira (2018) took a general perspective. Hence, it has not offered insights on how ignorance of the law affects effectiveness of ward tribunals.

Mohamed (2013) assessed effectiveness of traditional leaders in addressing land disputes in Nzega District in Tabora Region. The study has identified five constrains that hinder effective settlement of land disputes. Such constrains include political interference in dispute settlement, corruption, poor working conditions, increase in number of land disputes and ignorance about the law. This study was done 10 years ago. Therefore, it does not reflect the current reforms of land dispute settlement legislation in Tanzania, part of which may have bearing influence on effectiveness of ward tribunals.

Marwa (2015) investigated challenges facing land disputes in Rorya District in Mara Region. The study has revealed several challenges that included low level of awareness of land dispute settlement procedures among land owners, lack of training among members of village land council, lack of resources (finances, stationary and offices) to conduct dispute settlements, corruption among members of district land council, political interference in dispute settlement and lack of allowance for members of village land council. Similarly, Balula (2015) investigated

effectiveness of ward tribunals in solving disputes in Kilosa District in Morogoro. The study has also shown that effectiveness of land tribunals is affected by corruption and favouritism.

Mwamlangala (2019) assessed effectiveness of rural tribunals in settling land disputes in Dodoma and Mbeya Regions in Tanzania. The study found that ward tribunals face constraints such as limited motivation of tribunal members, shortage of human resources, lack of office facilities to run cases, and poor customer care. Notwithstanding the valuable contribution of this study, it solely focused on rural settings. Hence, it does not provide understanding of effectiveness of ward tribunals in urban settings such as Arusha City.

Mangure (2015) assessed effectiveness of ward tribunals in settlement of land disputes in Arusha City and revealed that ward tribunals face several challenges comprising of insufficient of time in settling disputes (tribunals meet once per week), lack of sitting allowance for the members of the tribunals, high fees for settling land disputes, and corruption among some of the members of the tribunals.

2.4 Knowledge Gaps

From the empirical literature review it is observed that several studies have investigated effectiveness of land tribunals in resolving land conflicts in Tanzania. While Balula (2019) and Mangure (2015) have shown that Ward Tribunals have helped to solve land disputes in Morogoro and Arusha City, Marwa (2018) has revealed that such machineries have not helped to address land disputes in places such as Tarime District.

Furthermore, a number of studies have investigated constraints facing ward tribunals. Mohamed (2013), Kilagula (2013), Nchia (2015), Mwamlangala (2019) have identified constraints including political interference in dispute settlement, corruption, poor working conditions, increase in number of land disputes and ignorance about the law.

Notwithstanding their contributions, the previous studies do not offer new insights regarding effectiveness of ward tribunals taking into account recent amendments of the Land Disputes

Court Act by the Written Laws (Miscellaneous Amendments) Act No.5 of 2021. It is under this trajectory that the current study seeks to assess efficacy of Ward Tribunals in settling land disputes in Arusha City.

2.5 Theoretical Frameworks

This study was guided by two theories. They included decentralization by devolution and resource-based theory.

2.5.1 Decentralization by Devolution Theory

The concept of decentralization through devolution has a long history and has been developed and advocated by various scholars, thinkers, and political leaders (Dick-Sagoe, 2016). One of the earliest proponents of devolution was the 18th-century philosopher and economist Adam Smith, who argued that decision-making power should be devolved to the most local level possible to increase efficiency and accountability (Paganelli, 2006).

In the 20th century, the idea of devolution gained recognition following political movements and governments around the world as a way of addressing issues of centralization and inequality. For example, the UK government devolved powers to Scotland, Wales, and Northern Ireland through the Scotland Act 1998, the Government of Wales Act 1998, and the Northern Ireland Act 1998, respectively.

Decentralization by Devolution (D by D) is the process of transferring administrative decision-making from the central government to local government authorities (LGAs) and local communities (World Bank, 2013). D by D empowers LGAs to generate and control human and financial resources. Moreover, it allows local governments to make by-laws, provide social services, and settle disputes (Dick-Sagoe, 2020). One of the premises for D by D is that community participation in decision making improves efficiency and effectiveness of LGAs in public service provision (Doh, 2017).

Despite of its promising results, some scholars have questioned effectiveness of D by D. Adam et al. (2021) have argued that D by D may not be effective in settlement of land disputes in contexts where lines of responsibilities and authorities among stakeholders are not clear. Lack of clarity results to competition for power and local-elitism, which in turn undermines settlement of land disputes.

The theory of D by D is relevant in this study because it guided assessment of the effectiveness of ward tribunals as part of decentralized governance system in improving efficiency of settlement of land disputes in Arusha City.

2.5.2 Resource-based Theory

The resource based view was developed by Jay Burney in 1991 published article titled Firm Resources and Sustained Competitive Advantage. Basically, the theory assumes that resources constitute the importance source of organizational effectiveness to perform functions. Resources are assets and capabilities possessed by an organization. Firm's resources constitute human resources, physical resources, information, knowledge and financial resources. These resources enable an organization to envisage and execute strategies that can lead to improvement of performance in terms of "efficiency and effectiveness" (p. 101).

The theory is criticized for focusing on internal factors while overlooking external factors that may affect utilization of resources (Rumelt, 1991). Organizations are influenced by external surroundings such as political, legal, economic, social and technological forces which may affect performance (Scott, 2003).

The theory is relevant to this study because it will guide assessment of constraints that affect effectiveness of ward tribunals. Use of this theory is supported by works of previous researchers such as Mohamed (2013), Kilagula (2013), Nchia (2015), Mangure (2015), Marwa (2018) Mwamlangala (2019), who have collectively established that most ward tribunals in Tanzania

fail to settle land disputes due to shortage of resources such as knowledgeable legal and conflict resolution experts, lack of finances to compensate tribunal members, and lack of offices to conduct settlement proceedings.

2.6 Conceptual Framework

Figure 2. 1: Conceptual Framework

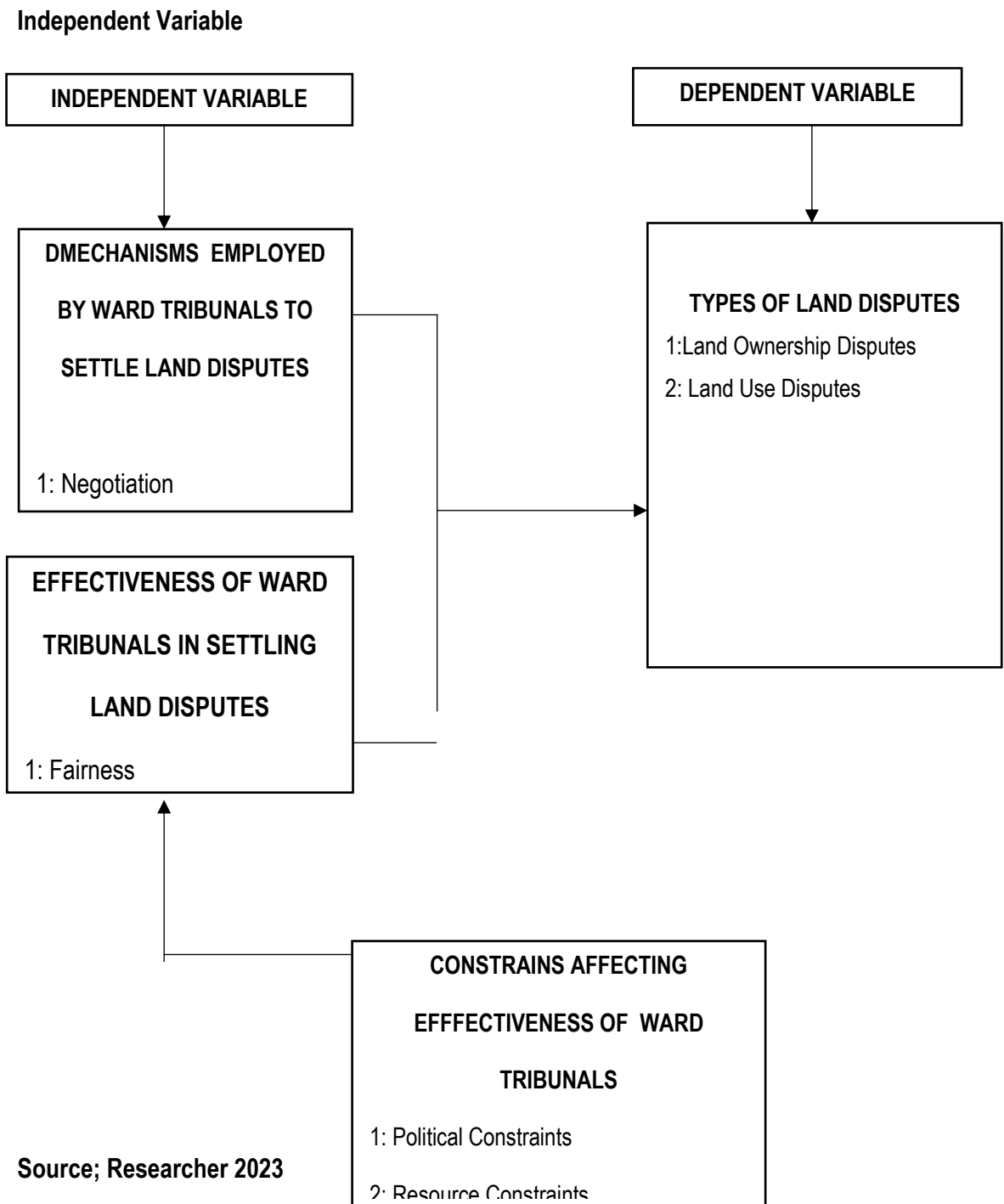


Figure 2.1 shows the conceptual framework of the study. The conceptual framework indicates that this study investigated types of land disputes addressed by ward tribunals. The conceptual framework also shows that this study investigated dispute settlement mechanisms and constrains affecting ward tribunals settlement of land disputes.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

The this chapter describes the research methodology for investigation of effectiveness of ward tribunals in settlement of land disputes in Arusha City. The chapter comprises the study area, the research design, the research approach, the population, the sample size and sampling techniques, the data collection methods, a pilot study, data analysis methods, validity and reliability, and ethical considerations.

3.2 Study Area

This study was conducted in Arusha City in located in Northern Tanzania. Arusha City is the capital of Arusha Region. The city has a population of 617, 631 people (NBS,2022). The City covers land area of 267 kilometers. The average temperature of Arusha City is 20 °C. Arusha City has two rainy seasons with brief rains from October to January and extensive rains from March to May. The main economic activities of Arusha City include agriculture, tourism, industries and trade. Moreover, Arusha City is composed of 25 administrative wards. The City has 154 streets.

3.3 Research Design

Research design is a methodological blueprint for answering research questions. This study applied the descriptive correlation design. Descriptive Survey design seeks to describe opinions of respondents and use information to describe variables. Descriptive design involves use of structured surveys in collection of data, describing variables and then establishing bivariate between the variables (Gray & Grove, 2020). Descriptive design may combine qualitative and quantitative methods in investigation of a research problem (Kothari, 2014).

This study applied the descriptive research design to describe respondents; opinions regarding types of land conflicts, methods used to address land conflicts, effectiveness of ward tribunals in addressing land conflicts and constraints affecting ward tribunals in addressing land conflicts. Descriptive design of this study involved use of interviews and questionnaires in data collection. A combination of qualitative and quantitative data collection methods enhanced both broad and depth understanding of the effectiveness of ward tribunals in settlement of land disputes.

3.4 Research Approach

This study applied a mixed method research approach. Mixed method design is which combines both qualitative and quantitative methods to investigate a research problem. Morse and Niehaus (2009) contend that mixed method approach is employed to investigate a complex research problem which requires to either use multiple sources from one research approach or to use combination of both qualitative and quantitative research methods. Essentially, if a research involves multiple groups of participants such as heads of schools, students, teachers and caregivers. Moreover, mixed method strategy can be employed when a study required various sources of data for triangulation to validate data (Morse & Niehaus, 2009).

Cresswell and Clark (2011) also inform that mixed methods approaches can be combined in sampling, data collection and data analysis. Mixed method strategy can be used for various reasons which can include insufficiency of one source of data, the need to provide detailed understanding of findings beyond statistical measurements, the need to generalize exploratory findings (Cresswell & Clark, 2011).

Mixed method has four designs. The first design is QUAL-qual which qualitative approach as a core component and supplementary qualitative components that are conducted subsequent to each other. The second design is QUAL-quan which comprises of qualitative as the core-driven component and quantitative as supplementary component. The third design is QUAN-quan

which comprises of quantitative as core-driven component and other quantitative methods as supplement to the core. The fourth design is QUAN-qual which comprises of quantitative as the core-driven component and qualitative as supplementary component (Morse & Niehaus, 2009).

This study applied QUAN-qual mixed method design for two reasons. First of all, the complexity of problem. In order to gain understanding of the effectiveness of ward tribunals, the research will required to use questionnaires and interviews. Initially, questionnaires will be used to collect structured opinions. Then interviews were used to collect detailed data from 10 participants that were selected from members of ward tribunals, ward executive officers and residents (disputants).

Secondly, the researcher applied a combination of both random sampling methods and non-random sampling methods to select respondents. For instance, ward executive officers and members of ward tribunals were selected by using purposive sampling. On the residents provided perceived opinion and hence they were selected by using random sampling.

3.5 Population, Sample Size and Sampling Techniques

3.5.1 Population

This study was based on the population 350 people that are involved in land disputes in 8 selected wards in Arusha City Council. The first group comprised of 200 members of 8 ward tribunals who are involved in settlement of land disputes. The second group of the study population involved 150 disputants of land disputes from 8 wards in Arusha City.

3.5.2 Sample Size

An electronic sample size calculator (i.e., Survey Monkey) was used to determine sample size. The sample size was determined by Confidence Level of 95% and Margin Error of 10%. Based on the electronic calculator, the study targeted a sample size of 164 respondents including 66 members of ward tribunals, and 59 disputants. However, the study was able to reach 112

respondents who included 64 members of ward tribunals and 48 disputants as shown in Table 3.1.

3.5.3 Sampling Techniques

The study used both probability sampling methods to select respondents. Probability sampling methods were used to select disputants and members of ward tribunals. Specifically, stratified sampling was used to select respondents from each each subgroup. With regards to stratified sampling Thompson, (2012) informs that stratified sampling is used if the study population is divided into sub-groups (Thompson,2012). The researcher used stratified sampling to select teachers because the population of the study is divided into subgroups.

Table 3. 1: Sampling Procedure

Categories of Population		Population	Sample Size	Actual Sample	Sampling Procedures
2	Ward Tribunal Members	200	66	64	Random Sampling
3	Disputants	150	59	48	Random Sampling
Total		350	164	112	

Source: Researcher (2023)

3.6 Data Collection Methods

The study collected data from primary sources namely questionnaires and interviews.

3.6.1 Questionnaires

Initially, the researcher collected data from all 100 respondents through a structured questionnaires. The respondents included the members of ward tribunals and disputants and ward executive officers. Questionnaires are preferred because they are not only easy to distribute to a larger sample but also guarantee anonymity of respondents and reduce the researcher's bias on data (Mitchell and Jolley, 2012: Gratton and Jones, 2010).

The questionnaire was composed of two sections. The first section was about socio-economic characteristics of the respondents. The second section of the questions composed of items for research questions. The items for the first research question about 'types of land disputes' were constructed by Five-point Likert Scale for measuring frequency of occurrence of an event. The respondents were asked to select choices (Never, rarely, sometimes, often, always).

The questionnaire items for the second research question 'methods used by ward tribunals for addressing land disputes' were constructed by using Five-point Likert Scale for measuring frequency of occurrence of an event. The respondents were asked to select choices (Never, rarely, sometimes, often, always). The scale helped to describe the frequency of usage of different mechanisms for settlement of land disputes.

The questionnaire items for the third research question 'effective of ward tribunals' were constructed using a five-item Likert scale whereby respondents were asked to provide their opinions among the alternative choices including strongly disagree, disagree; undecided, agree and strongly agree.

The questionnaire forms were administered by respondents themselves to allow anonymity and prevent the researcher's bias on data collected. In order to facilitate respondents to understand questions clearly, the questionnaire form, a language expert was consulted to translate the questionnaire to Swahili language.

3.6.2 Interviews

The researcher used interviews to collect data from 8 members of ward tribunals. Interviews were administered by interview guide. The interview guide was composed of open-ended questions that reflect the three specific research questions of the study. The interviews were administered in natural settings where disputes are settled.

3.7 Pilot Study

A pilot study is a preliminary investigation conducted before a full-scale research project is launched. Its purpose is to test and evaluate the research methods, procedures, and designs used in the main study (arrant, et al., 2014). It provides an opportunity to identify and address potential problems, make necessary adjustments, and increase the chances of success in the main study (Ruel, et al., 2015).

Pilot studies are often conducted on a small scale and use a sample of the target population representative of the larger group. They may include a limited number of participants, a limited number of measures, and a limited scope of the research questions. The pilot study results are used to inform adjustments in data collection methods, type of research respondents and time allocated in data collection (Ruel, et al., 2015).

The pilot study involved four procedures. First, a sample size of 30 respondents were selected for the pilot study. The respondents included 10 ward executive officers, 10 disputants of land disputes, and 10 members of ward tribunals. The respondents of the pilot study were selected from Kati Ward and Kaloleni wards, which were not be involved in the final data collection for this research.

Second procedure involved translation of the questionnaire in Swahili language to allow respondents to answer questions. The third procedure involved distribution of questionnaire to the respondents for data collection. The fourth procedure was data analysis. The fifth procedure involved revision of the questionnaire.

3.8 Data Analysis Methods

3.8.1 Quantitative Data Analysis Methods

Data collected from questionnaires were analyzed by using both descriptive statistics by the aid of SPSS. Frequencies and percentage values will be used to analyze data for socio-economic characteristics of respondents (gender, age, education, marital status, designation).

Data collected for research questions were analyzed by using frequencies and percentages. Independent sample t-test was applied to establish significance levels of differences in perceptions between members of ward tribunals and land disputants.

3.8.2 Qualitative Data Analysis

Data collected from interviews were analyzed by using qualitative content analysis by utilizing techniques such thematic analysis and narrative analysis. According to Neundorf (2017) narrative analysis can help a researcher to understand interaction between data and social realities such as constraints facing ward tribunals in addressing land disputes. Story telling technique of narrative analysis can help a researcher to unpack respondents' experiences about the types of land tribunals, effectiveness of land tribunals, mechanisms and constraints.

First data for each research question were read and summarized. Then key themes that have emerged from each set of data were inform presented according to the research questions. Narrative analysis was employed to enrich the key themes with stories and experiences related to school types of land disputes, methods that are used by ward tribunals to settle disputes, effectiveness of ward tribunals in settling land disputes.

3.9 Validity and Reliability

3.9.1 Validity

Validity refers to whether or not the test measures what it claims to measure. In this study, data collection instruments will be validated through content validity. Content validity is the measure

that checks the degree to which a data collection tool is composed of relevant constructs and concepts that reflect the research objectives and research questions of an inquiry (Ruel, et al., 2015). To conduct content validity of data collection tools, a researcher needs to consult an expert on the subject matter (Bell & McCallum, 2015).

The content validity of this study comprised five steps. The first step is to define the content domain. The conceptual framework has defined the domain and scope of the variables (Figure 2.1). The second step is to develop an outline of the test. The outline for the test involved the construction of the questionnaire and interview guide for data collection.

The third step is expert review. The researcher consulted five experts in land dispute settlements to review the contents of the questionnaire and interview. Then a language expert was consulted to translate the data collection tools from English to Swahili.

The fourth step was pre-testing. The researcher pre-tested data collection to a small sample. Pre-testing helped to determine the extent to which participants understand questions in the data collection tools on respondents. The fifth step was revising and refining data collection tools. This step involved revising and refining data collection tools based on feedback from experts and pilot test participants.

3.9.2 Reliability

Reliability is the degree or extent to which a test is consistent and stable in measuring whatever it is measuring (Ruel, et al., 2015). This is called internal consistency reliability. This measures how well an instrument is internally consistent by correlating scores in each item. Internal consistency reliability is calculated by using Coefficient Alpha called Cronbach Alpha. Alpha score from .80 and above is considered good enough to determine that an instrument is reliable (Rubin & Babbie, 2010).

This study measured reliability in terms of internal consistency of items for each research question. This was done through the following procedures. First of all, the researcher pre-tested

the questionnaire to 30 respondents. Then, the researcher analyzed data on SPSS by testing the Cronbach Alpha. Alpha score from .75 and above was considered good enough to determine that the questionnaire instrument is reliable.

3.10 Ethical Considerations

The researcher followed research ethics, principles, and standards that encourage responsible research and protect the rights of research stakeholders. The researcher informed respondents about the nature and purpose of the research and any potential risks and benefits. The researcher ensured protection of confidentiality of the respondents. The researcher did not disclose the names of the respondents. The researcher will also prevent unauthorized access to data. Researchers was transparent about methods of data collection. The researcher reported findings honestly and accurately.

The researcher complied with relevant laws, regulations, and policies, including those related to data protection, privacy, and human subjects research. The researcher obtained an approval letter from the Institute of Accountancy Arusha to conduct this research.

CHAPTER FOUR

PRESENTATION AND DISCUSSION OF FINDINGS

4.1 Introduction

This chapter provides presentation and discussion of findings regarding assessment of the effectiveness of Ward Tribunals in settling land disputes in Arusha City. Findings are based on survey of 112 respondents who comprised 64 members of ward tribunals and 48 disputants who were selected from 8 wards in Arusha City. The chapter is organized into five sections, namely introduction, description of respondents' characteristics, presentation of findings, discussion of findings, and summary.

4.2 Respondents' Characteristics

Respondents of this study were categorized into two groups namely members of ward tribunals and disputants. Then, for each group respondents were further characterized in terms of gender, age, education levels, land ownership and marital status.

4.2.1 Gender Categories of Respondents

The study determined distribution of respondents on basis of gender for both members of ward tribunals and disputants. Understanding the gender distribution of disputants was crucial for assessing whether certain groups, such as women, are involved in settling land disputes and accessing land justice. Gender categories are shown in Table 4.1. Gender distribution of respondents reveal that members of ward tribunals comprised of 51 (79.7%) males and 13 (20.3%) females. With regards to land disputant, Table 4.1 reveals that 37 (77.1%) were males while 11 (22.9%) were females. The gender distribution of respondents suggests a gender gap among members of the ward tribunals and the parties involved in land disputes. Such disparities could have significant implications for decision-making processes, access to justice, and the outcomes of disputes in the community.

Table 4. 1: Gender Categories of Respondents

Categories	Members of Ward Tribunals (N=64)		Land Disputants (N=48)	
	Frequency	Percent (%)	Frequency	Percent (%)
Males	51	79.7	37	77.1
Females	13	20.3	11	22.9
Total	64	100	48	100

Source: Field Data (2023)

4.2.2 Age Categories of Respondents

The study determined distribution of respondents on basis of age categories for both members of ward tribunals and disputants. Understanding the age distribution of disputants was crucial for assessing whether there is diversity and inclusion of people from various age groups in settling land disputes and accessing land justice. Age categories of respondents are shown in Table 4.2. Table 4.2 shows that members of ward tribunals comprised of three age groups: 36-50 years (23.4%), 51-60 years (60.9%), and above 60 years (15.6%). Age distribution reveal that most members of ward tribunals were old aged people. On the other hand, membership in ward tribunals lacked representation of youth. This situation could be attributed by cultural factors. One of the members of ward tribunals said “most members of ward tribunals are old aged people because it is culturally believed old people are more familiar with history of land ownership of a particularly area” (Interview with a Member of Kimandolu Ward Tribunal).

On the contrary, disputes comprised of more diverse age groups ranging from 18-24 years (16.7%), 25-35 years (29.2%), 36-50 years (43.8%), and 51-60 years (10.4%). The age distribution for disputants suggests that land disputes in Arusha City involve people of various age groups ranging from youth, middle aged and old aged people. Generally, age categories of respondents reveal lack of age diversity in membership of ward tribunals in Arusha City. The

Table 4.2 reflects overrepresentation of old aged people in decision making in addressing land disputes and underrepresentation of youth and middle-aged people.

Table 4. 2: Age Categories of Respondents

Age Categories	Members of Ward Tribunals (N=64)		Land Disputants (N=48)	
	Frequency	Percent (%)	Frequency	Percent (%)
18-24 years	0	0	8	16.7
25-35 years	0	0	14	29.2
36-50 years	15	23.4	21	43.8
51-60 years	39	60.9	5	10.4
Above 60 years	10	15.6	0	0
Total	64	100	48	100

Source: Field Data (2023)

4.2.3 Education Levels of Respondents

The study determined distribution of respondents on basis of education levels for both members of ward tribunals and disputants. Understanding the education levels was important to understand whether people of diverse education levels are involve settling land disputes. Education levels of respondents are shown in Table 4.3. Table 4.3 reveals that members of ward tribunals held primary education (57.8%) and secondary education (42.2%) levels. On the other hand, land disputants held primary education (53.4%), secondary education (29.2%), and college education (16.7%). Presence of high proportion of individuals with primary and secondary education levels in membership of ward tribunals suggest that members of ward tribunals in Arusha City Council may not possess sufficient legal and conflict resolution education. Limited education levels may pose implication of effectiveness of ward tribunals in addressing land conflicts.

Table 4. 3Education Levels of Respondents

Education Levels	Members of Ward Tribunals (N=64)		Land Disputants (N=48)	
	Frequency	Percent (%)	Frequency	Percent (%)
No Formal Education	0	0	0	0
Primary Education	37	57.8	26	52.4
Secondary Education	27	42.2	14	29.2
College/University Education	0	0	8	16.7
Total	64	100	48	100

Source: Field Data (2023)

4.2.4 Marital Status of Respondents

The study determined distribution of respondents on basis of marital status for both members of ward tribunals and disputants. Understanding the marital status of respondents helped to inform socio-cultural nature of land disputes in Arusha City Council. Marital status of respondents is indicated in Table 4.4. On basis of marital status Table 4.4 indicates that members of ward tribunals included people who were married (82.8%), and widowed (17.2%). On the other hand, land disputants included individuals who were married (64.6%), single (12.5%), and widowed (22.9%).

Table 4. 4: Marital Status of Respondents

Marital Status	Members of Ward Tribunals (N=64)		Land Disputants (N=48)	
	Frequency	Percent (%)	Frequency	Percent (%)
Married	53	82.8	31	64.6
Single	0	0	6	12.5
Widowed	11	17.2	11	22.9
Total	64	100	48	100

Source: Field Data (2023)

4.2.5 Land Ownership Status of Respondents

The study determined distribution of respondents on basis of land ownership for both members of ward tribunals and disputants. Understanding the land ownership status of respondents helped to determine the nature of land disputes in Arusha City Council. Information about land ownership status of respondents is indicated in Table 4.5.

On basis of land ownership status Table 4.5 indicates that members of ward tribunals included 60 (93.8%) land owners, and 4 (6.3%) non-land ownership. The distribution suggests that most members of ward tribunals own land, and hence have prior experience about dynamics of land disputes. On the other hand, Table 4.5 shows that 35 (72.9%) disputants were land owners, while 13 (27.1%) did not own land. The distribution suggests that disputants who participated in this study were mostly involved in land ownership and land use conflicts.

Table 4. 5: Land Ownership Status of Respondents

Land Ownership Status	Members of Ward Tribunals (N=64)		Land Disputants (N=48)	
	Frequency	Percent (%)	Frequency	Percent (%)
I own land	60	93.8	35	72.9
I do not own land	4	6.3	13	27.1
Total	64	100	48	100

Source: Field Data (2023)

4.3 Presentation of Findings

This section covers presentation of findings based on specific research objectives of the study. Section 4.3.1 covers findings of types of land disputes resolved by ward tribunals. Section 4.3.2 covers mechanisms employed by ward tribunals in solving land disputes. Section 4.3.3 covers findings of effectiveness ward tribunals in resolving land disputes. Section 4.3.4 covers challenges that constraint ward tribunals in resolving land disputes.

4.3.1 Type of Land Disputes Addressed by Ward Tribunals

This sub-section covers findings for the first specific objective regarding assessment of types of land disputes that are addressed by Ward Tribunals in Arusha City.

4.3.1.1 Land Use Disputes Resolved by Ward Tribunals in Arusha City

The study determined the extent to which the Ward Tribunals resolve land use disputes occurring in Arusha City. The data were collected through a survey of 64 members of ward tribunals from 8 wards in Arusha City. Key Informant Interviews were further conducted with secretaries of ward tribunals to explore the nature of land use disputes.

Table 4. 6: Land Use Disputes Settled by Ward Tribunals in Arusha City Council (N= 64)

SN	Forms of Land Use Disputes	Frequency	Percent (%)	Rank
1	Disputes over payment of house rent	27	42.2	1
2	Land use disputes between micro entrepreneurs and Arusha City Council	18	28.1	2
3	Land use disputes between pastoralists and farmers	8	12.5	3
4	Land use disputes between other land owners and pastoralists	6	9.4	4
5	Disputes between family members of land use	5	7.8	5
Total		64	100	

Source: Field Data (2023)

4.3.1.1.1 Land Use Disputes Over Payment of House Rent

Table 4.6 indicates that the study identified five forms of land use disputes. The most cited land use disputes were disputes over payment of house rent (42.2%) which involve land lords and tenants. The secretary of Ngarenaro Ward Tribunal explained that:

Most of the land use conflicts in Arusha City involve landlords and tenants. Landlords often complain about tenants acting against their agreements, for instance, refusing to pay rent or delaying rent payments. Others come to complain about tenants subleasing the property without the landlord's permission (Interview with a Member of Ngarenaro Ward Tribunal).

Another member of Sekei Ward Tribunal indicated that disputes over payment of house is increasing house rent without informing the tenants. It was noted that some tenants refuse to

pay rent because some landlords increase rent without informing tenants (Interview with a Member of Ngarenaro Ward Tribunal).

The findings of interview with the members of ward tribunals reveal that disputes over payment of house rents are rooted from delaying of paying rent, subleasing proper without informing landlords, and increasing land rents without informing tenants. These challenges could be attributed to weaknesses in regulation of residential real estate business in Tanzania where landlords operate business without regulations.

4.3.1.1.2 Land Use Disputes Between Micro Entrepreneurs and City Council

Table 4.6 indicates that the second most cited land use disputes comprise of disputes between micro entrepreneurs and Arusha City Council (28.1%). Members of Ward Tribunals explained the nature of land use disputes between community members and organization.

Conflicts of this nature often involve the city council and small-scale entrepreneurs who violate land use regulations. For example, if you visit Kariakoo and the city centre, you will find that some traders have placed their goods in road areas. When they do this, it leads to land use conflicts because pedestrians lack space to walk, and vehicle owners may also face difficulties. Small-scale traders often lack knowledge about land use regulations. They rely on their experience as they have been operating in these informal areas for a long time. Some even install permanent infrastructure and build shops in road areas (Interview with Member of Kati Ward Tribunal).

From the interview findings, it is observed that land use conflicts between micro entrepreneurs and Arusha City Council could be rooted to land planning shortcomings. Until recently, Arusha City Council did not allocate designated business areas for micro entrepreneurs (known as machinga). As a result, the machinga conduct businesses along the roads, leading to tensions of land use among different groups such as pedestrians, vehicle owners and other business owners.

4.3.1.1. 3 Other Land Use Disputes

Table 4.6 indicate that the least cited land use disputes were disputes between pastoralists and farmers (12.5%), disputes between other land owners and pastoralists (9.4%), and land use disputes between family members (7.8%). During interviews members of ward tribunals revealed that land use disputes between pastoralists and farmers are occasional, rather than frequent. One explained by a member of Sokon I Ward Tribunal:

Land use conflicts between pastoralists and farmers are rather occasional. A few households in Arusha City own cattle. But also, some people conduct subsistence horticulture *farming* at home. Sometime the horticulture farmers and pastoralists tend to class over land use, especially when pastoralists feed their cattle in horticulture gardens where people grow vegetable for household consumption. Or sometimes, some people let their chicken out and they eat vegetables, resulting to conflicts between neighbors (Interview with Member of Sokon I Ward Tribunal).

The findings imply that disputes between pastoralists and farmers, conflicts involving other landowners and pastoralists, and land use disputes between family members are less prevalent than other land use disputes in the study area.

4.3.1.2 Land Ownership Disputes Resolved by Ward Tribunals in Arusha City

The study determined the extent to which the Ward Tribunals resolve land ownership disputes occurring in Arusha City. The data were collected through a survey of 64 members of ward tribunals from 8 wards in Arusha City. Key Informant Interviews were further conducted with secretaries of ward tribunals to explore the nature of land use disputes.

The study identified three forms of land ownership disputes settled by ward tribunals in Arusha City Councils. Such disputes included multiple allocation of land (39.1%), disputes over land inheritance (34.4%), and boundary conflicts among land owners (26.6%).

**Table 4. 7: Land Ownership Disputes Settled by Ward Tribunals in Arusha City Council
(N= 64)**

SN	Forms of Land Ownership Disputes	Frequency	Percent (%)	Rank
1	Allocation of single plot to land to multiple owners	25	39.1	1
2	Land inheritance conflicts between family members	22	34.4	2
2	Boundary conflicts among land owners	17	26.6	3
3	Forceful eviction of land owners by powerful individuals	0	0	-
Total		64	100	

Source: Field Data (2023)

4.3.1.2.1 Disputes Over Multiple Allocation of Land

Findings in Table 4.7 indicate that the most frequent cited land ownership disputes resolved by ward tribunals was allocation of land to multiple owners (39.1%). The members of ward tribunals further revealed that multiple allocation of land is attributed to lack of land survey. As it was explained by a member Sakina Ward Tribunal:

“Most of land owners have not registered land. They own land on basis of land sale contracts, but they lack formal land title deeds. Most land owners are not known by the Ministry of Land. Lack of land registration offers lope holes for dishonest land owners who tend to sell land plots to more than one buyer, resulting to land conflicts between these buyers” (Interview with a member of Sakina Ward Tribunal).

Another member of ward tribunal from Muriet ward also explained that multiple allocation of land is caused by limited awareness of procedures for land transfer.

“Most citizens do not have sufficient awareness of procedures of purchasing land. Most citizens rush into buying land without conducting sufficient due diligence to determine ownership of land. Most land owners also take advantage of limited awareness of land buyers to sell land twice even sometimes one piece of land is sold to three people at different times”. (Interview with a member of Muriet Ward Tribunal).

These findings highlight significant challenges in the land ownership and transfer processes within the studied areas. The lack of formal land title deeds and land registration and limited awareness among citizens contribute to land disputes and conflicts over ownership.

4.3.1.2.2 Disputes Over Land Inheritance

Table 4.7 further show the second most cited land ownership conflict was inheritance conflicts. Out of 64 surveyed members of ward tribunals, 22 (34.4%) cited inheritance conflicts between family members. One the members of ward tribunals from Olmoti ward stated:

“Our ward tribunal settle many cases that are related to land inheritance. These conflicts mostly affect women and children. Some family members forceful take land and houses from children and widows. Members of the husband side take land which is rightful owned by the children and their mother due to the belief that women are not entitled to own land, which is not the case. Land Act recognizes wife and husband of the owners of land. But most women are not aware of this law. When they bring cases to the tribunal, we educate them” (Interview with a member of Olmoti Ward Tribunal).

Another member of Baraa Ward Tribunal explained that land inheritance conflicts are rooted to lack of culture of writing will. As explained:

“Here in Tanzania most people who own properties do not have a culture of writing will, because it is considered as a wish of death. Death happens anytime, no one has power to prevent it. As a result, when property owners die without a written will to indicate distribution of land and properties, family members start fighting over ownership. Some male children fight with their mothers against land which is left by a deceased father. Sometimes, children themselves fight and class over ownership” (Interview with a member of Baraa Ward Tribunal).

The findings highlight root causes of land inheritance conflicts. Such conflicts are caused by limited awareness of vulnerable groups about land ownership rights. Particularly, women are not aware that the Land Act allows both wife and husband to have the right to ownership of land. Moreover, cultural norms of not writing will result to land ownership conflicts among family members especially when the original owners pass away.

4.3.1.2.3 Disputes Over Boundaries

Findings in Table 4.7 indicate that 17 (26.6%) out of 64 surveyed members of ward tribunals cited boundary conflicts as part of land ownership disputes. A member of Muriet Ward Tribunal stated that:

“Most areas in periphery wards such as Muriet are not surveyed. As a result, land transfer is done through traditional methods. People measure size of land by using feet. This method is not accurate. Land surveyors have the ability to measure and determine size of land. Yet, they are not involved during land transfer process. Consequently, boundary conflicts among land owners are common because land plots are not measured properly during the transfer process”. (Interview with a member of Muriet Ward Tribunal).

The interview findings reveal that one of the key factors contributing to boundary conflicts is the absence of formal land surveys, particularly in peripheral wards such as Muriet. Land transfers often rely on traditional methods in these areas, such as measuring land size using feet. This inaccurate method can lead to discrepancies and disputes over land boundaries.

The interview findings also point out that land surveyors have the expertise to accurately measure and determine land boundaries and are not consistently involved in the land transfer process. This absence of professional input can result in imprecise measurements and undefined boundaries, leading to landowner conflicts.

4.3.2 Findings of Mechanisms Employed by Ward Tribunals in Settling Land Disputes

This sub-section covers findings for the second specific objective regarding mechanisms employed by Ward Tribunals in settling land disputes in Arusha City. The study surveyed opinions of both members of ward tribunals and disputants. Findings of surveys were presented using frequencies and percentages. Interviews were incorporated with survey findings to provide detailed understanding of mechanisms employed in settling land disputes. The study assessed five mechanisms as shown in Table 4.8.

Table 4. 8: Survey Findings of Mechanisms in Settling Land Disputes (N=112)

SN	Mechanisms	Responses in Frequencies and Percent (%)				
		Never	Rare	Occasionally	Often	Always
1	Ward tribunals receive complaints and meet with disputants	0	0	29 (25.9%)	61 (54.5%)	22 (19.6%)
2	Ward tribunals mediate conflicts between land disputants	0	0	15 (13.4%)	56 (50.0%)	41 (36.6%)
3	Ward tribunals act as conciliators by advising disputants	0	0	13 (11.5%)	40 (37.5)	59 (52.7%)
4	Ward tribunals act as arbitrators with final decision making over dispute resolution	110 98.2%	2 1.8%	0	0	0
5	Ward tribunals refer cases to the land court for further proceedings	0	62 (55.4%)	50 (44.6%)	0	0

Source: Field Data (2023)

4.3.2.1 Consultation Mechanism

Findings in Table 4.8 reveal that the study examined five mechanisms for settling land disputes. The first mechanism was consultation. Respondents were asked to indicate the extent to which ward tribunals receive complaints and meet with disputants. Findings show that 29.5% said occasionally, 54.5% said often, and 19.6% said always. The findings suggest that ward tribunals

meet with disputes either on occasional basis or often depending on nature of disputes. One of members of ward tribunals from Kati Ward said

“We meet once or twice a week. I can say we meet often. Our meetings depend on nature of land conflicts and number of disputes reported. If we receive many disputes, we have to meet twice a week but if we receive a few disputes, we meet once a week or not at all.” (Interview with a member of Kati Ward Tribunal).

4.3.2.2 Mediation Mechanism

Secondly, the study assessed application of mediation mechanism in addressing land disputes. Findings in Table 4.8 reveal that 13.4% said occasionally, 50.0% said often while 36.3% said always. The findings suggest that ward tribunals apply mediation in addressing land conflicts. Members of ward tribunals shared various ways through which mediation is applied in solving land disputes. A member of Sekei Ward Tribunal stated use of voluntary participation technique of mediation:

“We encourage disputant to participate willingly in addressing land disputes. For instance, when we solve land disputes between family members or neighbours, We encourage disputants to apply collaborative and diplomatic approach rather than confrontation and competition. We encourage parties to work together in solving conflicts. Although it is very challenging because disputants are always angry and each part consider themselves as being the right one” (Interview with a member of Sekei Ward Tribunal).

Another member of Olmoti Ward Tribunal indicated that mediation involves informal conversations without apply strict rules:

“We normally speak like we speaking at home. Mediation is not strictly like court hearing. We use the language that we normally use at home. It helps to encourage disputants to express concerns calmly and be eager to participate in addressing disputes. For instance, we address each other using names like ‘my son, our mother, our sister, our brother’ to make sure disputants collaborate in addressing the disputes” (Interview with a member of Olmoti Ward Tribunal).

The findings from surveys complemented by interviews suggest that ward tribunals actively apply mediation mechanisms in addressing land disputes. This approach involves voluntary participation, a collaborative and diplomatic mindset, informal communication, and respectful language. While mediation appears to be a preferred method, it is essential to recognize the challenges and complexities that may arise during the process.

4.3.2.3 Conciliation Mechanism

Thirdly respondents were asked to indicate the application of conciliation mechanism in addressing land disputes. Findings in Table 4.8 reveal that 11.5% said that conciliation is applied occasionally, 37.5% said that conciliation is often applied, and 52.7% said the ward tribunals always apply conciliation in settling land disputes. Members of ward tribunals stated that conciliation is applied when mediation is not working. One of the members of ward tribunals in Muriet Ward said:

“Sometimes disputants themselves are not able to discuss issues amicably because of tensions and anger. We apply conciliation by taking an active role in finding solutions to the disputes. We help parties to find common ground and reach to mutual agreement”
(Interview with a member of Muriet Ward Tribunal).

4.3.2.4 Arbitration Mechanism

Fourthly, the study assessed application of arbitration mechanism in addressing land disputes. Findings in Table 4.8 reveal that 100% said arbitration is never applied in resolving land disputes. These findings suggest that ward tribunals do not have arbitration power. Interview data revealed that:

“Recently, in 2021 the Land Act of 1999 has been amended and the powers of ward tribunals have been reduced. Before the amendments ward tribunals had powers to engage in mediation, conciliation and arbitration. But now, the law requires ward tribunals to only provide mediation and arbitration services to land disputants. Where ward tribunals fail to mediate disputes within 30 days, they are supposed to refer the dispute to the District Land and House Tribunal which has the arbitration power”
(Interview with a member of Kati Ward Tribunal).

4.3.2.5 Adjudication Mechanism

The study examined application of adjudication mechanism in resolving land disputes. The findings in Table 4.8 reveal that 55.4% said adjudication is rarely applied while 44.6% said adjudication is occasionally applied. When asked why adjudication is rarely applied members of ward tribunals said:

“The law requires us to address land disputes whose land value does not exceeding TZS 3 million shillings. Therefore, most of the disputes we solve are easily addressed through negotiations, mediation and conciliation. We only refer parties to seek assistance in District Land and House Tribunal when we have exhausted all mechanisms without success” (Interviews with members of Kati and Sekei Ward Tribunals).

Members of Baraa Ward Tribunals also explained circumstances that result to solving of land disputes through court proceedings.

“Boundary conflicts are so far difficult to solve because disputants are always reluctant to give in. Therefore, most of the disputes related to boundaries end up in the land court. Sometimes, the land court direct disputes to take the case back to us so that we can resolve through mediations and conciliations” (Interview with a member of Baraa Ward Tribunal).

The findings of interviews indicate other methods for resolving land disputes in the study area. Legal thresholds and a preference for less adversarial methods like negotiation, mediation, and conciliation contribute to its limited application. Complex disputes, such as boundary conflicts, may still lead to adjudication, but even in those cases, there is a willingness to explore alternative mechanisms like mediation and conciliation. These findings reflect a balanced and pragmatic approach to land dispute resolution, combining formal legal processes with alternative dispute resolution methods as appropriate.

4.3.3 Findings of Effectiveness of Ward Tribunals in Resolving Land Disputes

This sub-section presents findings for the third specific objective on evaluating the effectiveness of Ward Tribunals in settling land disputes in Arusha City. Data were collected from 64 members

of ward tribunals and 48 land disputants. The findings of surveys are presented using descriptive statistics comprising of frequencies and percentage values. The survey findings are completed by key informant interviews with members of ward tribunals. Then independent sample t-test is applied to establish the whether there were statistically significance differences in mean scores of members of ward tribunals and land disputants regarding the effectiveness of ward tribunals in resolving land disputes. Findings of surveys are shown in Table 4.9.

Table 4. 9: Survey Findings of Effectiveness of Ward Tribunals in Resolving Land Disputes (N=112)

SN	Effectiveness of Ward Tribunals	Responses in Frequencies and Percent (%)			
		Strongly Disagree	Disagree	Agree	Strongly Agree
1	Ward tribunals have helped to ensure justice in resolving land disputes	0	21 (18.8%)	50 (44.6%)	41 (36.6%)
2	Ward tribunals respect the principle of the right to be heard in resolving land disputes	0	0	54 (46.4%)	60 (53.6%)
3	Ward tribunals have helped to ensure reduction of land disputes	0	44 (39.3%)	38 (33.9%)	30 (26.8%)
4	Ward tribunals have helped to resolve land disputes quickly	0	40 (35.7%)	42 (37.5%)	30 (26.8%)
5	Ward tribunals have helped to ensure land is returned to the rightful land owners	0	28 (25.0%)	51 (45.5%)	33 (29.5%)

Source: Field Data (2023)

Table 4.9 shows that respondents were asked to indicate their opinions regarding six statements that described the effectiveness of ward tribunals in resolving land disputes in Arusha City Council. In the first statement, respondents were inquired to indicate if ward tribunals have helped to ensure justice in resolving land disputes. Findings indicate that 21 (18.8%) disagreed, 50 (44.6%) agreed, and 41 (36.6%) strongly agreed. The findings suggest that majority of respondents indicated that ward tribunals have helped to ensure justice in resolving land disputes. It is worth to note a few 18.8% of the respondents who disagreed, which suggests that they had negative experiences in resolving land disputes via ward tribunals.

In the second statement, respondents were inquired to indicate if ward tribunals adhere the principle of the right to be heard in resolving land disputes. Findings in Table 4.9 indicate that 52 (46.4%) agreed, and 60 (53.6%) strongly agreed. The findings suggest that all of respondents indicated that ward tribunals respect the principle of the right to be heard. To expound these findings data were gathered through interviewing members of ward tribunals who said:

After we receive complaints, the next procedure is to call the disputants and listen to all of them at once. Sometimes we delay addressing land disputes because some disputants reside outside Arusha Region. But we normally wait for them to come so that we can hear both sides. This principle applies to all ward tribunals. Decisions should be made after disputants have expressed their views regarding the nature of conflicts. Hearing both sides is necessary to ensure justice (Interview with Members of Ward Tribunals).

The interview findings tally with those of surveys indicating that ward tribunals apply the principle of the right to be heard in resolving land disputes.

In the third statement, respondents were inquired to indicate if ward tribunals have helped to ensure reduction of land disputes. Findings in Table indicate that 44(39.3%) disagreed, 38 (33.9%) agreed, and 30 (26.8%) strongly agreed. The findings suggest that most respondents

indicated that ward tribunals have helped to reduce land disputes. However, it is important to note the 39.3% of the respondents who have disagreed, suggesting that land tribunals have not helped to reduce land disputes. During interviews members of ward tribunals stated that:

“Some disputes such as house rent disputes have somehow been reduced because we normally advise landlords to make sure that they enter into a written contracts with tenants to avoid disputes. Most land lords now make sure they have written contracts. Some bring evidence of written contracts and hence it becomes easier to solve the disputes. However, we still have many disputes about multiple allocation of land and boundary disputes. This challenge is caused by weaknesses in land registration systems. Most land owners are not registered” (Interview with Members of Ward Tribunals at Kati Ward).

The findings of interviews complement findings of surveys by indicating reasons as to why ward tribunals have not been able to ensure reduction of some land disputes such as multiple allocation of land and boundary conflicts. Institutional weaknesses in land registration system of Tanzania which has not captured records of most land owners.

In the fourth statement, respondents were inquired to indicate if ward tribunals have helped to solve land disputes quickly. Findings in Table 4.9 indicate that 40 (35.7%) disagreed, 42 (37.5%) agreed, and 30 (26.8%) strongly agreed. These findings suggest that while most respondents agreed, a significance number of respondents were skeptical. The findings of interviews revealed the nature of skepticism:

“To a larger extent presence of ward tribunals have helped to ensure efficiency in addressing small land disputes that are below TZS 3 million. They have helped to reduce workloads of courts as well. Courts can focus on addressing the bigger land disputes, while the small land disputes are addressing at the ward level. However, sometimes disputes take time to resolve because of factors such as geographical distance between disputants, but also characteristics of disputants themselves. Some disputants are rigid, they do not want to give in easily, so it takes time to mediate disputes” (Interview with a member of Sakina Ward Tribunal).

Interview findings indicate factors that cause delays of resolving land disputes. Factors such as geographical distance, and behaviours of disputants may cause delays in setting disputes.

In the fifth statement, respondents were inquired to indicate if ward tribunals have helped to ensure land is returned to rightful owners. Findings in Table 4.9 reveal that 28 (25.0%) disagreed, 51 (45.5%) agreed, and 33 (29.5%) strongly agreed. The findings suggest that most respondents indicated that ward tribunals have helped to return land to the rightful owners. However, it is important to note the 25.0% of the respondents who have disagreed, suggesting that in some cases land tribunals have not helped to ensure land is returned to the rightful owners.

In the sixth statement, respondents were inquired to indicate if ward tribunals have helped to recover costs incurred by disputants in land disputes. Findings in Table 4.9 reveal that 37 (33.0%) disagreed, 43 (38.4%) agreed, and 32 (28.6%) strongly agreed. The findings suggest that most respondents indicated that ward tribunals have helped to facilitate disputants to recover costs incurred as a result of land disputes. However, it is important to note the 33.0% of the respondents who have disagreed, suggesting that in some cases land tribunals have not helped to ensure land is returned to the rightful owners. During interviews ward tribunals members stated that:

“We have helped land lords to recover rent. But also, we have helped disputants who have been affected by multiple allocation of land to recover money they paid to buy land. We have succeeded to convince land owners to give the money back. But in some cases, such as boundary disputes, we have hardly been able to succeed because these cases always end up in court”. (Interview with member of Muriet Ward Tribunal).

The interview findings suggest that ward tribunals have helped disputants to restore costs incurred as a result of land disputes.

Table 4. 10: The Differences in Perceptions between Members of Ward Tribunals and Disputants

Group Statistics								
		Positions	N	Mean	Std. Deviation	Std. Error Mean		
Effectiveness	Members of Ward Tribunals		64	3.3672	.51792	.06474		
	Land Disputants		48	2.7292	.30095	.04344		
Independent Sample Test								
		Levene's Test for Equality of Variance		t-test for Equality of Means				
		F	Sign.	t	df	Sign (2- tailed)	Mean Difference	Std. Error Difference
Effectiveness	Equal variance assumed	.34846	.000	7.619	110	.000	.63802	.08374
	Equal variance not assumed			8.184	104.189	.000	.63802	.07796

Source: Field Data (2023)

Table 4.10 indicates that the group statistics reveal differences in mean scores between members of ward tribunals and disputants regarding the six statements about effectiveness of ward tribunals in resolving land disputes. The results show that members of ward tribunals had

higher mean score of (M= 3.3672, S.D= 51792), as compared to land disputants who had a lower mean score of (M= 2.7292, S.D= .30095). While the mean score for members of ward tribunals is interpreted as strongly agreed, indicating that most members of ward tribunals strongly agreed that ward tribunals are effective in resolving land disputes. The mean score for land disputants is interpreted as agree, entailing that most of the land disputants agreed that ward tribunals are effective in resolving land disputes.

Table 4.10 further show that independent sample t-test results. The results of the t-test indicate that there is a statistically significant difference in the mean effectiveness scores between the two groups ("Members of Ward Tribunals" and "Land Disputants").The equal variance and unequal variance scenarios show p-values are $0.000 \leq 0.05$ indicating a strong statistical significance.The mean differences indicate that by average, "Members of Ward Tribunals" had higher effectiveness scores than "Land Disputants" by approximately 0.63802 points.

In summary, the statistical analysis of the independent t-test presented in Table 4.10 suggests a significant difference in the perceived effectiveness between members of ward tribunals and land disputants, with members of ward tribunals scoring higher on average.

To assess constraints that affect effectiveness of Ward Tribunals in settling land disputes in Arusha City.

4.3.4 Findings of Constraints Affecting Effectiveness of Ward Tribunals in Resolving Land Disputes

This sub-section presents findings for the fourth specific objective on assessing constraints affecting the effectiveness of Ward Tribunals in settling land disputes in Arusha City. The study assessed four constraints namely legal constraints, resource constraints, socio-cultural constraints and political constraints. Data were collected from 64 members of ward tribunals. The findings of surveys are presented using descriptive statistics comprising of frequencies and

percentage values. The survey findings are completed by key informant interviews with members of ward tribunals.

4.3.4.1 Legal Constraints

The study assessed legal constraints that affect effectiveness of ward tribunals in resolving land disputes. The legal constraints assessed included unclear laws, outdated laws, laws constraining the autonomy of ward tribunals and unclear regulations. The survey findings are presented in Table 4.11.

Table 4. 11: Legal Constraints Affecting the Effectiveness of Ward Tribunals in Resolving Land Disputes (N=64)

SN	Legal Constraints	Frequency	Percent (%)	Rank
1	Unclear laws	23	33.9	2
2	Outdated laws	9	14.1	3
3	Laws constraint autonomy of ward tribunals	4	6.3	4
4	Unclear regulations for dispute settlement	28	43.8	1
Total		64	100	

Source: Field Data (2023)

Table 4.11 reveal that respondents were asked to rank influence of four legal constraints in affecting effectiveness of ward tribunals in resolving land disputes. The most ranked legal constraint was unclear regulations for dispute settlement (43.8%). The second most ranked legal constraint was unclear laws (33.9%). The third most constraint was outdated laws (14.1%). The least ranked legal constraint was related to laws constraining autonomy of ward tribunals (6.3%).

During interviews members of ward tribunals mentioned about the issue of unclear regulations

“There are no clear regulations that govern how members of ward tribunals will be compensated in resolving land disputes. As a result, ward tribunals require disputants to fund dispute settlement proceedings. However, each tribunal sets its own amount, which may affect effectiveness in dispensing justice” (Interview with a member of Kati Ward Tribunal).

The interview findings support the survey findings by highlighting how the lack of clear guidelines for compensating tribunal members affect effectiveness of ward tribunals. Lack of clear regulations lead to inconsistent practices and potential obstacles in resolving disputes.

4.3.4.2 Resource Constraints

The study assessed resource constraints that affect effectiveness of ward tribunals in resolving land disputes. The study assessed five resource constraints namely shortage of finances, shortage of skilled personnel, insufficient training, shortage of offices to conduct settlement, and lack of transport. The survey findings are presented in Table 4.12.

Table 4. 12: Resource Constraints Affecting the Effectiveness of Ward Tribunals in Resolving Land Disputes (N=64)

SN	Resource Constraints	Frequency	Percent (%)	Rank
1	Shortage of finances	29	45.3	1
2	Shortage of skilled personnel	14	21.9	2
3	Insufficient training in land dispute settlement	7	10.9	4
4	Shortage of offices to conduct hearings	3	4.7	5
5	Lack of transport to investigate disputes	11	17.2	3
Total		64	100	

Source: Field Data (2023)

Table 4.12 reveal that respondents were asked to rank influence of five resource constraints in affecting effectiveness of ward tribunals in resolving land disputes. The most ranked resource constraint was shortage of finances (45.3%). The second most ranked resource constraint was shortage of skilled personnel (21.9%). The third most constraint lack of transport facilities (17.2%). The fourth most ranked constraint was insufficient training in dispute settlement (10.9%). The least ranked resource constraint was shortage of offices (4.7%).

With regards to financial constraints members of ward tribunals explained that they are not compensated with allowance. As explained by one of the members from Sekei Ward.

“We do not receive allowance for our work. As a result, some of members of ward tribunals tend solicit bribes from disputants to provide favors. That is why now they have made changes in the law. We are only supposed to mediate disputes. We do not have arbitration power anymore as it was before. However, the government should allocate allowance for members of ward tribunals to prevent problems such as bribes (Interview with a member of Sekei Ward Tribunal).”

Another member Sakina Ward Tribunal talked about the challenge of insufficient skills.

“Most members of ward tribunals have primary and secondary education levels. They are not professionally trained to resolve disputes. As a result, some members do not behave professionally in resolving disputes. Some members tend to favor their relatives who bring land dispute cases to the tribunal. They are easily influenced by political motives and bribes because they lack knowledge of principles of negotiations. (Interview with a member of Sakina Ward Tribunal).”

In summary, the findings highlight several resource constraints that impact the effectiveness of ward tribunals in resolving land disputes. Financial constraints, in particular, raise concerns about the potential for bribery and favoritism among tribunal members. Additionally, the shortage of skilled personnel and insufficient training contribute to challenges in providing professional and impartial dispute resolution services.

4.3.4.3 Socio-Cultural Constraints

The study assessed resource constraints that affect effectiveness of ward tribunals in resolving land disputes. The survey findings are presented in Table 4.12.

Table 4. 13: Socio-cultural Constraints Affecting the Effectiveness of Ward Tribunals in Resolving Land Disputes (N=64)

SN	Socio-cultural Constraints	Frequency	Percent (%)	Rank
1	Limited community awareness about roles of ward tribunals	38	59.4	1
2	Negative attitudes of community members towards ward tribunals	23	35.9	2
3	Ward tribunals do not engage with community members in resolving disputes	3	4.7	3
Total		64	100	

Source: Field Data (2023)

Table 4.13 reveal that respondents were asked to rank influence of three socio-cultural constraints in affecting effectiveness of ward tribunals in resolving land disputes. The most ranked socio-cultural constraint was limited community awareness about roles of ward tribunals in land dispute settlement (59.4%). The second most ranked socio-cultural constraint was negative attitude of community members towards ward tribunals (35.9%). The third most cited constraint was lack of engagement with community in resolving land disputes (4.7%).

The key informant interviews uncovered that most community members are not aware of the existence of ward tribunals. As a result, community members take land disputes directly to the court, ignoring the role of ward tribunals. Because of lack of awareness, the ward tribunals lack visibility to the community members (Interview with members of Olmoti Ward Tribunal).

With regards to negative attitude, members of ward tribunals stated that some community members have developed negative attitudes towards ward tribunals due to negative experiences such as bribes and delays in settling disputes. Some community members are aware of the ward tribunals but do not trust the ability of such tribunals in resolving land disputes(Interview with members of Ngarenaro Ward Tribunal).

4.3.4.4 Political Constraints

The study assessed resource constraints that affect effectiveness of ward tribunals in resolving land disputes. The survey findings are presented in Table 4.12.

Table 4. 14: Political Constraints Affecting the Effectiveness of Ward Tribunals in Resolving Land Disputes (N=64)

SN	Political Constraints	Frequency	Percent (%)	Rank
1	Political interference in land dispute settlement	34	53.1	1
2	Lack of political will to support ward tribunals	17	26.6	2
3	Influence of powerful groups in decisions of ward tribunals	13	20.3	3
Total		64	100	

Source: Field Data (2023)

Table 4.13 reveal that respondents were asked to rank influence of three political constraints in affecting effectiveness of ward tribunals in resolving land disputes. The most ranked socio-political constraint was political interference in dispute settlement (53.1%). The second most ranked political constraint was lack of political will to support ward tribunals (26.6%). The third most cited political constraint was the influence of powerful groups in decision making (20.3%).

4.4 Discussion of Findings

The study identified land use and land ownership disputes. The land disputes identified included disputes over payment of house land, disputes over land use between the City Council and micro entrepreneurs, land use disputes between pastoralists and farmers, land use disputes between pastoralists and other land owners, and land use disputes between family members. The findings are consistent with previous studies done by researchers such as Marwa (2015) who identified several types of land conflicts in Tanzania which included encroachment, family land ownership conflicts, boundary conflicts, trespassing and farmer-herder land use conflicts. The findings can further be discussed by using decentralization theory which emphasizes transfer of authority and decision making from central to local levels with the aim of empowering community members. Land tribunals have helped to decentralize land dispute settlement, enabling community members to take initiatives to address land disputes.

The study identified five mechanisms applied by ward tribunals in resolving land disputes. The most frequent applied mechanisms included consultation, mediation, conciliation. These findings are consistent with those by Kombo (2022) who revealed that ward tribunals in Karatu district in Tanzania apply negotiations, mediations and conciliations in addressing land disputes. The findings of the current study are also consistent with trends of settlement of land disputes in other African countries. Chigbu et al. (2019) has indicated that mediation is widely applied as a mechanism for land dispute settlement in various countries in Africa. For instance, in 2015 land conflicts broke out in Otuke District in Northern Uganda. Such disputes escalated into violence. Non-Governmental Organizations (NGOs) such as Safer World facilitated formulation of community-led mediation committee which was trained in dispute settlement procedures. The mediation committee has played an important role of settling land disputes in the area (Chigbu, et al., 2019).

The findings further revealed that ward tribunals never apply arbitration in resolving land disputes. This situation is attributed to the recent legal reforms in 2021 which have reduced the authority of ward tribunals. Since the reforms of Land Act of 1999, ward tribunals in Tanzania only perform negotiations, mediation and conciliation roles. They are not required to provide arbitration award.

The study identified four constraints affecting effectiveness of ward tribunals. They included resource constraints, legal constraints, socio-cultural and political constraints. These findings are consistent with previous researchers such as Mangure (2015) and Kombo (2022) who revealed that ward tribunals in Tanzania face several challenges comprising of insufficient of time in settling disputes (tribunals meet once per week), lack of sitting allowance for the members of the tribunals, high fees for settling land disputes, and corruption among some of the members of the tribunals.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.1 Summary

The study identified land use and land ownership disputes. The land disputes identified included disputes over payment of house land, disputes over land use between the City Council and micro entrepreneurs, land use disputes between pastoralists and farmers, land use disputes between pastoralists and other land owners, and land use disputes between family members.

The study identified three land ownership disputes that included multiple allocation of land, land inheritance disputes and boundary disputes.

The study identified five mechanisms applied by ward tribunals in resolving land disputes. The most frequent applied mechanisms included consultation, mediation, conciliation. The findings further revealed that adjudication is rarely applied when the alternative disputes settlement mechanisms have not yield successful results.

The study revealed that ward tribunals have generally been effective in addressing land disputes on timely manners, dispensing justice and reducing land conflicts at the community levels.

The study identified four constraints affecting effectiveness of ward tribunals. They included resource constraints, legal constraints, socio-cultural and political constraints.

5.2 Conclusions

The study identified land use and land ownership disputes. The land disputes identified included disputes over payment of house land, disputes over land use between the City Council and micro entrepreneurs, land use disputes between pastoralists and farmers, land use disputes between pastoralists and other land owners, and land use disputes between family members.

The study identified three land ownership disputes that included multiple allocation of land, land inheritance disputes and boundary disputes.

Based on the findings it is concluded that land disputes in addressed by ward tribunals in Arusha City Council stem from competing economic interests in land ownership and land utilization. Conflicts emerge from competing claims over control and use of land resources at family levels, and community levels. Moreover, the study concludes land disputes associated with boundary conflicts among community members essentially emerge from institutional weaknesses in land registration system of Arusha City Council. Most lands in periphery wards of Arusha City are not surveyed and registered by the City Council, leading to conflicts among community members.

The study revealed that ward tribunals in Arusha City council mostly apply consultations, mediation and conciliation mechanisms in resolving land disputes. Based on these findings the study concludes that ward tribunals mostly apply alternative dispute settlement mechanisms to address disputes. Such mechanisms help to facilitate dispute settlement while maintaining peace and harmony among community members.

The study revealed that ward tribunals have generally been effective in addressing land disputes on timely manners, dispensing justice and reducing land conflicts at the community levels. Based on these findings, it is concluded that decentralization process of decision making has enabled community members to gain ability to address land disputes, and hence maintaining peace and harmony.

5.3 Recommendation

5.3.1 Recommends to Address Challenges Related to Resolving Land Conflicts

(i) Simplify Land Registration Process

The study revealed that land ownership conflicts are caused by lack of land registration. Therefore, this study recommends the ministry of lands, housing and human settlements development to facilitate land registration. Land registration process should be simplified and made accessible to citizens especially low-income citizens who may lack sufficient knowledge.

The ministry should collaborate with local government authorities to facilitate identification of land owners. Public land register should be available for citizens to conducting due diligence prior purchasing land. Land registration will ensure identification of land owners and prevent multiple allocation of land, and hence preventing land ownership conflicts.

(ii) Strengthen the legal framework for Governing Land Transfer

The parliament should review and update land laws and regulations to address the issue of multiple land allocations and fraudulent land sales. Moreover, land legislations should provide for stricter penalties for those engaged in dishonest land transactions. The responsible ministry should also establish clear regulations for verifying land ownership during property transactions.

(iii) Provision of Financial Support to Ward Tribunals

The study found that ward tribunals in Arusha City Council face challenges of financial resources to support administration tasks such as records keeping and purchasing stationery. The study recommends Arusha City Council to allocate allowance for ward tribunals to facilitate administrative tasks. The allowance should be channeled through the ward executive offices.

(i) Provision of Regular Training

The study revealed that members of ward tribunals lack sufficient skills in settlement of land disputes, and hence affecting integrity and neutrality in settlement of disputes. The study recommends that the Ministry of Constitution and Legal Affairs to collaborate with the Arusha City Council to ensure provision of training on disputes settlement to members of ward tribunals. Training should be provided once per year to ensure that members of ward tribunals acquire sufficient knowledge and skills of solving land disputes.

5.3.2 Policy Implications

The study findings revealed that ward tribunals lack clear regulation to govern logistical arrangements such as compensation for members of ward tribunals. These findings highlight

the need for the ministry of land to formulate regulations that guide activities of ward tribunals. Regulations will help to ensure consistency of practices of land dispute settlements.

The study revealed that ward tribunals surveyed are mostly composed of men. There is limited participation of women in ward tribunals. This attributed by the law which requires ward tribunals to have at most eight members out of which three should be women. Further legal reforms to ensure that increase in women participation in ward tribunals.

5.3.3 Recommendations for Further Studies

The current study only covered effectiveness of ward tribunals in resolving land conflicts. Further studies should be done to assess effectiveness of the District Land and House Tribunals in addressing land conflicts in Tanzania.

Further studies should be conducted to determine citizens' perceptions and awareness of the roles of ward tribunals in resolving land conflicts.

Further studies should be done to determine factors influencing performance of ward tribunals in Tanzania.

5.4 Critical Evaluation of the Study

This study has strengths and limitations. The strengths of the studies are found in methodology and presentation of findings. The study applied a mixed method research approach in data collection and analysis. Collection of both quantitative and qualitative data helped to strengthen presentation of findings. Findings were presented in a complimentary manner such that interviews completed surveys.

In terms of limitations, the study only covered 8 out 25 administrative wards in Arusha City. Therefore, the study findings are not sufficient to provide clear knowledge of all ward tribunals in Arusha City.

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APPENDICES

APPENDIX I: QUESTIONNAIRE FOR DATA COLLECTION

SECTION A: Socio-economic characteristics of Respondents.

For each of the following questions, choose responses that reflect your characteristics and fill your answers by putting a tick (✓) in the responses boxes provided

	Socio-economic characteristics	Questions	Choices	Responses
1	Gender	What is your gender?	Male	
			Female	
2	Age	How old are you?	18 to 24 years	
			25 to 35 years	
			36 to 50 years	
			51 to 60 years	
			Above 60 years	
3	Education	What is your education level?	No formal education	
			Primary Education	
			Secondary Education	
			Technical Certificate	
			Diploma	
			Bachelor Degree	
4	Designation	What is your position?	Disputant	
			Ward Tribunal Member	
			Ward Executive Officer	
5	Marital Status	What is your marital status?	Single	
			Married	
			Divorced	
			Separated	
			Widowed	
6	Land Ownership	Do you own land	Yes	
			Not	

SECTION B

For each item in the following research questions, choose responses that reflect your opinion and fill your answers by putting a tick (√) in the responses boxes provided

Research Question 1: What types of land conflicts are solved by land tribunals in Arusha City?

	TYPES OF LAND CONFLICTS	Never	Rarely	Sometimes	Often	Always
	LAND USE CONFLICTS					
1	Land use conflicts between family members					
2	Land use conflicts between farmers and pastoralists					
3	Land use conflicts between land owners and pastoralists					
4	Land use conflicts between community members and organizations					
5	Disputes over payment of use of land					
6	Use of private land without permission					
	LAND OWNERSHIP CONFLICTS					
1	Allocation of single piece of land to multiple owners					
2	Boundary ownership conflicts among land owners					
4	Forceful acquisition of land by powerful individuals					
5	Land ownership conflicts between family members					
6	Land Inheritance conflicts between family members					

Research Question 2: To what mechanisms are used by Ward Tribunals in Settlement of Land Disputes in Arusha City?

	Land Dispute Settlement Mechanisms	Never	Rarely	Sometimes	Often	Always
1	Ward tribunals meet with parties together to assist in settling disputes					
	Ward Tribunal act as a third-party mediator that facilitate discussion to help parties to reach mutual agreements					
2	Ward Tribunal act as a conciliator by advising parties with solutions that can help to solve disputes					

Research Question 3: To what extent are Ward Tribunals Effective in Settlement of Land Disputes in Arusha City?

	FAIRNESS IN DISPUTE SETTLEMENT	Strongly Disagree	Disagree	Agree	Strongly Agree
1	Ward tribunals have helped to ensure justice in land disputes				
2	Ward tribunals solve land disputes fairly				
3	Decisions of ward tribunals are not interfered by politicians				
4	Complaints of land disputes are put in writing				
5	Complainant receive copy of written complaints after the complaint has been recorded in writing				
6	Ward Tribunals respect the principle of right to be heard				
	TIMELINESS				
1	It takes less than 7 days to solve a dispute				
2	It takes 7 days to solve dispute				
3	It takes two 14 days to 28 days to solve disputes				

4	It takes 45 to 60 days to solve disputes				
5	It takes at least 90 days to solve disputes				
1	COMPLIANCE WITH DECISIONS				
2	Helped to Return land to the legally eligible owner				
3	Helped to Recover costs incurred by the winner				
4	Imposed fine for damages incurred in the land				
5	Restored dignity of complainant				
6	File case in the land court for further proceedings				

Research Question 4: What factors constrain effectiveness of land tribunals in settling land disputes in Arusha City?

	CONSTRAINS	Never	Rarely	Sometimes	Often	Always
	LEGAL CONSTRAINTS					
1	Unclear laws					
2	Outdated laws					
3	Laws constraint autonomy of ward tribunals					
4	Unclear regulations for dispute settlement					
	RESOURCE CONSTRAINTS					
1	Shortage of finances					
2	Shortage of skilled personnel					

3	Insufficient training in land dispute settlements					
4	Shortage of offices to conduct hearings					
5	Lack of transport to investigate disputes					
	SOCIO-CULTURAL CONSTRAINTS					
1	Limited community awareness about roles of ward tribunals					
2	Negative attitudes of community members towards ward tribunals					
3	Ward tribunals do not engage with community members in resolving disputes					
	POLITICAL CONSTRAINTS					
1	Political Interference in dispute settlement					
2	Lack of political will to support ward tribunals					
3	Influence of powerful groups in land disputes					
4	Conflicting mandate among government agencies for land dispute settlement					

APPENDIX II: Data Collection Letter



Institute of Accountancy Arusha

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Ref. No.: MA-PSS-01-0087-2022

27 July 2023

.....
.....
P.O.BOX.....
.....

Dear Sir/Madam,

RE : REQUEST FOR DATA COLLECTION

The purpose of this letter is to introduce to you **Mr. Stanislaus venust ismail** who is our student pursuing Masters of Peace and Security with registration (MA-PSS-01-0087-2022). Currently, the aforementioned student is conducting a study on **"EFFECTIVENESS OF DECENTRALIZED SETTLEMENTS GOVERNANCE IN LAND DISPUTE SETTLEMENTS IN TANZANIA: THE CASE OF WARD TRIBUNALS IN ARUSHA CITY"**. 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 to his study. The period for this request is granted from July to the end of September 2023.

Thank you for your continuing support.

Yours Sincerely,
INSTITUTE OF ACCOUNTANCY ARUSHA


Mishael Abduel
FOR: RECTOR

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**EFFICTIVENESS OF DECENTRALIZED
GOVERNANCE IN LAND DISPUTE
SETTLEMENTS IN TANZANIA: THE CASE
OF WARD TRIBUNALS IN ARUSHA CITY**
by Daniel Moshi

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**EFFICTIVENESS OF DECENTRALIZED GOVERNANCE IN
LAND DISPUTE SETTLEMENTS IN TANZANIA: THE CASE
OF WARD TRIBUNALS IN ARUSHA CITY**

AUTHOR(S)

Stanislaus Venust Ismail

&

Mr. Elias Mbuti

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