



LAND RIGHTS RESEARCH & RESOURCES INSTITUTE

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## **COMPILATION OF BEST PRACTICES**

ON MITIGATION AND ADAPTATION OF EFFECTS OF CLIMATE CHANGE THROUGH  
LAND RIGHTS GOVERNANCE, SUSTAINABLE LAND USE AND ENVIRONMENTAL  
MANAGEMENT IN MUFINDI AND KILOLO DISTRICTS

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## LIST OF ABBREVIATIONS

<b>LARRRI</b>	Land Rights Research and Resources Institute
<b>MEMART</b>	Memorandum and Articles of Association
<b>AGM</b>	Annual General Meeting
<b>CBOs</b>	Community Based Organizations
<b>DFID</b>	Department for International Development
<b>KGD</b>	Knowledge Generation and Dissemination
<b>PE</b>	Public Engagement
<b>IMPS</b>	Institutional Management and Programme Support
<b>TALA</b>	Tanzania Land Alliance
<b>CCROs</b>	Certificates of Customary Rights of Occupancy
<b>GRL</b>	Green Resources Limited

# CHAPTER

# 1





# CHAPTER 1

## 1.1 BACKGROUND

The Land Rights Research & Resources Institute (LARRRI/ HAKIARDHI) was founded in 1994 as a Civil Society Organization and registered as a Non-Governmental Organization under the Companies Act, Chapter 212 of the laws of Tanzania. The Institute was established in recognition of the need to generate and sustain public debates and participation on issues of land tenure and other important resources particularly where it matters to small producers in villages, peri-urban areas and coastal areas.

## 1.2 VISION AND MISSION

HAKIARDHI envisages a society in which the land tenure system guarantees a secure access to, ownership, control over land and other natural resources in a socially just and equitable manner to facilitate small producers' own development and the development of the nation at large.

## 1.3 MAIN OBJECTIVE

HAKIARDHI's main objective is to enhance knowledge of the public on land matters, to strengthen capacity of decision-making organs on land and to facilitate public participation, particularly for rural small-scale producers who make up 80% of the population, to realize their rights to land and associated benefits.

### 1.3.1 Specific Objectives

To advocate promote and research into land rights issues of small scale producers with a view to provide information and knowledge so as to facilitate an equitable and socially just tenure system over land for production of food and other basic needs,

To offer advice, counseling and related assistance on land tenure issues to land users in rural and peri-urban areas in this relation to undertake (or assist in undertaking) occasional test cases on pro-bono basis before relevant judicial quasi-judicial and administrative bodies,

- To make available on request, arbitration services for resolving land disputes consistent with the institute's objectives,
- To research into construct and suggest amicable means of resolving land disputes among small land users and villages,
- To provide and organize on request short courses on land tenure and land rights,
- To provide on request, consultancy services to government and non-governmental organizations provided it is within the spirit of social and educational objects of Institute,
- To raise funds for the purpose of the Institute on such terms as compatible with the autonomy of the Institute and within the spirit of the social and educational objects.

## **1.4 INSTITUTIONAL MANAGEMENT**

The institutional management of HAKIARDHI is spread into four levels namely; the Annual General Meeting; the Board of Directors; the Advisory Council and the Management or Secretariat. All these organs are constitutionally provided for in the Memorandum and Articles of Association (MEMART) of HAKIARDHI.

### **1.4.1 The Annual General Meeting**

The Annual General Meeting (AGM) is the supreme organ of the Institute. Key functions and powers of the AGM are to determine the mission of HAKIARDHI; endorse amendment of the MEMARTs; deliberate on decisions and reports of the Board of Directors; and to generally decide on general lines of the policy and all matters of HAKIARDHI including finance and administration.

### **1.4.2 Board of Directors**

The functions of the Board of Directors are to provide strategic leadership and guidance to the organization, to receive and approve reports, annual plans and budgets from the Secretariat. The Board of Directors is thus the custodian of policies, physical, human and financial resources as well as institutional governance in general.



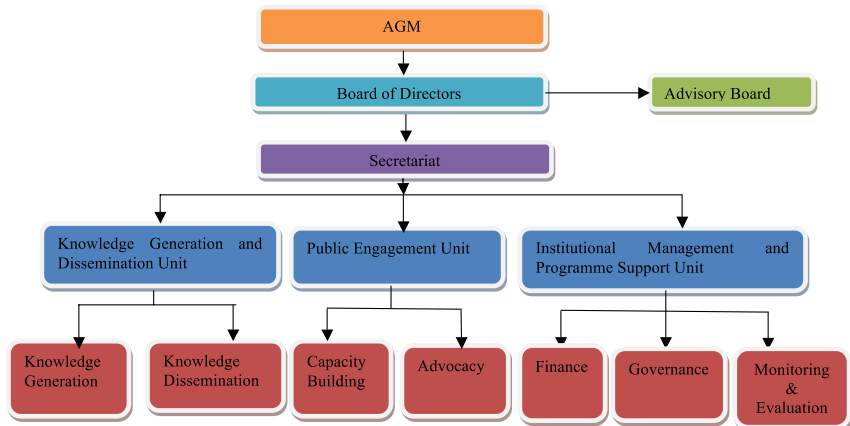
### 1.4.3 The Advisory Council

The Advisory Council operates on a non-executive basis. Its main duty is to advise a non-binding opinion to the Board of Directors.

### 1.4.4 Secretariat

The Secretariat is responsible for programme planning, coordination and implementation. It is headed by the Executive Director who is supported by Finance and Administrative Officer, Senior Programme Officers, Programme Officers and other staff engaged on full time or part time basis (volunteers and interns) depending on the need and resources to retain them.

### HAKIARDHI ORGANOGRAM



## 1.5 INTRODUCTION TO THE PROGRAMME

Different programmes are implemented depending on the Institutions' resources. Since 1994 – 2001 HAKIARDHI focused on advocating and lobbying for the Land Policy (1995) and Land Laws (1999). From 2002 – 2006 programmes had focused on land rights of small producers which include focusing on the land conflicts management, implementation of land laws and providing education on land rights in different areas of Tanzania. Since 2007 to date programmes have focused on ensuring land rights education is accessible and known to community's, advocacy and lobbying in decision making bodies and conflict resolution bodies from national level to village to ensure that people are fully participating in decision making processes. The programmes are implemented under three (3) portfolios as explained below:-

### 1.5.1 Knowledge Generation and Dissemination Unit (KGD)

The unit provides ingredients for advocacy and awareness interventions, whereby concrete and reliable information on land issues will be used to validate policies, laws and practice changes of land tenure system in favor of small producers in Tanzania. This programme unit focuses on two main components **knowledge generation** and **knowledge dissemination**. This entails; conducting researches, fact finding missions, rapid responses, publications production, policy analysis and dissemination of information through the Institute's website, library and a wide range of special media programs.

### 1.5.2 Public Engagement Unit (PE)

The unit is made up of two major components; **capacity building** and **advocacy**. The focus on capacity building is to enhance public knowledge on various land matters in order for them to protect and advocate for their rights. The activities include the land rights and governance training, national land forums, public debates, legal aid, monthly seminars, networking at the local and international levels and capacity building to Community Based Organizations and Non-Governmental Organizations. Advocacy focuses on improving legal land regime (policies, laws and practices) through critical engagement in the decisions making processes at different levels.

### 1.5.3 Institutional Management and Programme Support Unit (IMPS)

The purpose of the unit is to ensure a sustainable governance system to facilitate financial management and realization of organizational objectives. The unit addresses matters relating to organizational management, performance and sustainability while at the same time ensure quality control of the Institute's programmes. The unit achieved the underlined objectives through merit recruitment; retention of skilled human resources; adequate facilities and other non human resources.

## 1.6 ACHIEVEMENTS

- Enhanced public awareness on land matters from the grassroots to the national level to more than 15 million Tanzanian citizens in more than 1,000 villages,
- The Institute has succeeded to introduce multiple debates on land matters at different levels to sensitize citizens' participation in decision making bodies,
- Involved in initiating and reviewing various land and other resource policies (such as National Land Policy, land laws, wildlife laws) with the view to represent smallholders' needs,
- Formation of alliances (such as TALA) with likeminded organizations to ensure that land rights of smallholders are protected,
- Increased public demand for land related information through mobile phones, e-mails, online public dialogues and physical correspondences.

## 1.7 CHALLENGES

- Financial instability, this encompasses inadequate funding for planned activities, outdated funding terms and conditions that cause delays in transfer of funds after approval,
- Uncontrolled influx of investors in the village land whereby about 80% of the country population sustain their livelihood it complicates advocacy work,
- Political interference and corruption incidents into professional practices in land dealings undermine the power of smallholders to engage in decision making processes,
- Change of mindset especially with regards to women and other marginalized groups rights to land ownership takes time due to deep rooted traditional practices and outlook,

- Climate change and its consequences are threatening the livelihoods of local communities who are most vulnerable and directly dependent on land for survival.

## Executive Summary

This paper establishes the best practices collected from different interventions on land rights, governance and preparation of land use plans carried out by HAKIARDHI in Mufindi and Kilolo Districts in Iringa Region. HAKIARDHI entered into agreement with KPMG Advisory Limited (the managers of the funds for climate change interventions in Tanzania) in November 2012 to implement activities under the climate change facility under the ‘Accountability in Tanzania program’. The programme is funded by the Department for International Development (DFID). Through this funding, the Institute has implemented a programme on *mitigation and adaptation of effects of climate change through land rights governance, sustainable land use and environmental management* in Mufindi and Kilolo Districts both in Iringa Region; however some activities cut-across the whole country. The programme includes land rights governance and climate change through sensitization of communities (citizens), local government appointed and elected representatives, central government appointed and elected representatives on land and natural resources management issues.

The land rights governance and climate change programme aims at enhancing the knowledge base of the citizens on land use management, sustainable environment use as well as land rights and governance matters. The programme is premised on the belief that when citizens become aware of their rights they will take part in decision making processes to claim their land rights, they will make informed choices about natural resources use and management and will hold accountable their leaders to be more responsive to the citizen’s needs. This is partly achieved through conducting land rights and resource based studies (such as research, baseline, fact findings, policy analysis), training on policy and legal framework governing the two aspects and enhancing citizens’ active engagement in policy processes through public debates, public seminars, joint advocacy interventions with policy and decision makers.

In the period between 2012/15 programme execution covered 60 villages in 30 wards in both Districts. 16 villages were facilitated with preparation of land use plans and allocation of Village Land Certificates and Certificates of Customary Rights of Occupancy (CCROs). However, it is expected that as the programme floats through the consolidation phase in four years, there will be some tangible best practices to overflow to other villages within the two districts and beyond, especially through a series of tailor made media programmes aired in community radio channels.

This paper therefore shows how small-scale producers in Mufindi and Kilolo Districts have benefited from the programme activities implemented in their localities. The paper indicates that land rights and governance trainings have strengthened the capacity of both villagers and village leaders in decision making on issues related to land and other resources.

Further, the preparations of land use plans have enhanced the security of land tenure among rural community members through the identification and demarcation of boundaries. The allocations of Certificates of Customary Rights of Occupancy have also increased confidence among the villagers in using and controlling their farms.

The security of land rights to women is another landmark achievement documented from the programme villagers. The land rights training and preparation of land use plans have achieved to burying the traditions and customs which alienated women from the access to, use of, control and ownership of land resource. Married, divorced and widowed women are now confidently asking for their rights not only at the family level but also at the village level.

The change of behaviour among community members towards environment is another major success of interventions in Mufindi and Kilolo Districts. It has been documented that villagers themselves are on the frontlines in conserving water sources, natural forests and avoiding destructive farming practices. Further, the village' governments have established by laws which are used to protect the environment as a way to refrain people from environmental malpractices in a bid to reduce the effects of climate change.

Legal aid advice has also left a legacy in communities due to the fact that a number of peoples have solved their land conflicts through this intervention. Women have benefited a lot with legal advice because prior they were afraid of taking their land cases to the land tribunals because they were neither listened nor given attention.

The publication ends with challenges encountered during the implementation of programme activities. Such challenges include poor cooperation offered by the Government officials at the village level and district level during the execution of activities. Change of weather condition especially during rainy season hindered the execution of activities on time. Above all, budget constraints limit the Institute to cover more villages that are outside the programme areas which could be advantageous in cascading the impacts of the programme.



## Introduction

Land is a single resource which defines the identity of the majority rural African population in terms of socio-economic activities. Land for Africans is not only for food and cash crops production instead it also defines their social relation from one generation to another. However, since the reign of colonialism Africans have been detached from the resource by colonialists whose main purpose has always been economic. The alienation of African societies from accessing, using and owning land and related resources such as minerals has passed different phases, each phase having its unique consequences to rural African communities.

For the case of Tanzania, the country has witnessed the establishment of different laws which explicitly and implicitly seemed to be unfair for small-scale producers. For instance, the Land Ordinance of 1923 which put all the powers of land administration to the British colonial government. The post independence land policy and legislation retained key provisions which give the Government huge power in administering land. The current policies and legislation give more opportunities to large-scale investors to easily access land and granted title deeds for rights of occupancy whether local or foreign. Citizen's particularly rural populations who largely depend on farming and livestock primarily land requiring activities are left without a say on land as a resource.

There has been a struggle to emancipate small-scale producers from policies, legislation and practices which do not provide room for them to benefit from land as a resource. Such struggles have been conducted from the individual to organizational level in terms of lobbying and advocacy, legal assistance and broad-based public awareness.

Despite the achievements made through those interventions, the pace at which changes are taking place at grassroots levels with regard to land and related resources accumulation, management and use is overwhelming. Land is shifting hands fast from local communities to well connected elites in cities and foreign investors through dubious ways<sup>1</sup>. Furthermore, there is the increase in incidents of evicting farmers and pastoralists from land they use for farming and pastoral activities, to pave way for large-scale investments (Kironde & Tenga, 2013).

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<sup>1</sup> Parliamentary Committee of Inquiry report on land conflicts between farmers, pastoralists, investors and other land users of 6<sup>th</sup> February 2015: 16.

In recent years climate change has also become a serious obstacle in the struggles for majority small-scale producers to improve their socio-economic livelihood. Climate change has resulted into food insecurity due to unpredictable rainfall patterns. There are cases of diminishing fertile land which supports agriculture and livestock keeping. The scrambles for land by local and multi-national investment companies have intensified land conflicts among users particularly farmers and pastoralists.

The prevalent challenges mentioned above over land as a resource have demanded that different stakeholders take action to deal with their consequences which largely affect rural communities, who are not in a position to do so. HAKIARDHI has keenly engaged in protecting land rights of rural communities through different interventions. This publication contains in details the best practices accrued in Mufindi and Kilolo Districts in the areas of land rights and climate change mitigation and adaptation.

## Approach and methodology

The compilation of data for this publication employed the collection of primary and secondary information. Primary data was collected in the field from programme villages in Mufindi and Kilolo Districts. The findings from the field were complimented with the information collected through secondary sources. The methods used for data collection include Focus Group Discussion (FGD), interviews with key informants who were district officials, village leaders, farmers, pastoralists and local organizations leaders. Other methods were intensive desk review of various publications such as activity reports, monitoring reports, policies and legislation.

CHAPTER

2



## CHAPTER 2

### 2.0 THE FINDINGS: COMPILED BEST PRACTICES

#### 2.1 Strengthening village land administration

Village land is defined as all land declared to be village land under the Village Land Act including any land transferred to the village”.<sup>2</sup> It also comprises of land within the village boundary, land selected as village land under the Land Tenure Act commonly known as Village Settlement Act of 1965, any land declared so and its boundaries demarcated under any law or administrative procedure in force before the Village Land Act came into force.

The administration of the village land falls under multiple authorities each of them having different roles in ensuring that the land is properly managed. These authorities include the District Council, Village Assembly and Village Council. The land rights and governance programme addressed the challenges exposed during the baseline survey through different ways such as conducting training and public debates on land rights, governance and climate change aimed at strengthening the capacity of villagers, village leaders and local government officials in two ways.

The programme on *mitigation and adaptation of effects of climate change through land rights governance, sustainable land use and environmental management* in Mufindi and Kilolo Districts has strengthened management of village land in the subject villages in many ways. The major activity which achieved this was capacity building (training) to villagers and their leaders in turn bettering village governance organs. The assumption is building their capacity on land policies, laws and regulations improves their decision making ability by enabling them to make informed decisions on land management, administration and dispute settlements.

Training’s on land rights in Mufindi and Kilolo Districts were executed at six levels which were; councilors training, district stakeholders training, ward leaders training, ordinary villagers training, public debates and CBOs training. Under the DFID fund HAKIARDHI had managed to train 60 villages.

<sup>2</sup> See section 2 of the Village Land Act number 5 of 1999

NO	VILLAGE	NO	VILLAGE	NO	VILLAGE	NO	VILLAGE	NO	VILLAGE
	MUFINDI				KILOLO				
1	Magunguli	16	Uyela	1	Kimala	16	Itonya		
2	Lugolofu	17	Ikwaha	2	Ndengesivili	17	Mhanga		
3	Chogo	18	Nzivi	3	Magome	18	Makungu		
4	Ukami	19	Nyololo Shuleni	4	Kidabaga	19	Mkaranga		
5	Mapanda	20	Ihegela	5	Kiwalamo	20	Lukani		
6	Wamimbalwe	21	Ukemere	6	Idete	21	Isuka		
7	Kisasa	22	Kitiru	7	Ipalamwa	22	Ng'ang'ange		
8	Mbalamaziwa	23	Itulituli	8	Kising'a	23	Lyamko		
9	Ihowanza	24	Mninga	9	Kihesamagao	24	Wangama		
10	Iramba	25	Kihanga	10	Mwatasi	25	Idegenda		
11	Lugodalutali	26	Vikula	11	Ukumbi	26	Lusinga		
12	Igombavanu	27	Igeleke	12	Isele	27	Iramba		
13	Bumilayinga	28	Itengule	13	Lundamatwe	28	Mdeke		
14	Maduma	29	Mwilavila	14	Kitelewasi	29	Isanga		
15	Igomaa	30	Ikimilinzowo	15	Kipaduka	30	Ibofwe		

**Table 1:** List of villages benefited with the programme **Source:** Baseline studies 2012 & 2015



The trainings on land rights had not only helped in strengthening the administration of village land but also natural resources administration and environmental management. The assessment of the whole programme in the districts have documented enormous best practices in relation to strengthening the capacity of village governance organs, land conflicts resolution organs and in combating the effects of climate change. The following are some of the documented best practices;

*Prioritization of land as a leading agenda* in the Village Council and Village Assembly meetings is one of the major successes of the programme. The 2012 baseline study report revealed that despite the fact that villagers were facing many challenges in relation to access, use and ownership of land as well as land conflicts but these issues were rarely discussed in decision making meetings unless the situation was intense. In the completion of the programme 80 percent of the villages had indicated in their annual plan, each quarterly Village Assembly meeting the VEO will present land related issues that have emerged at that period.

*The participation of community members in land allocation processes* through Village Assembly meetings. Prior to the programme the village leaders were deciding land allocation to local and foreign investors without the participation of the majority adult villagers as required by the Village Land Act number 5 of 1999. Public debates conducted in open areas played a great role in informing villagers on the matter. Some villagers said that they were not aware that the land laws required them to participate in land allocation processes.

*Establishment of the Village Adjudication Committee*<sup>3</sup> which is a very helpful committee in determining the villages' boundaries, demarcate rights of way and other easements which are considered necessary for beneficial occupation of land, safeguards the interests of women, absent persons, minors and persons with disability. The baseline study report in 2012 established that only 20 percent of the villages had this committee in both districts but after completion of the programme 85 percent had this committee established and functioning properly.

Furthermore, *knowledge on land laws* imparted to Village Council members had instilled confidence in them, in various sessions of decision making in regards to village land. Previously in 2012 the capacity of the village council members to negotiate with investors on issues related to village land allocation was poor because they had

<sup>3</sup> See VLA section 53

limited knowledge on land laws. They rarely had questions or queries in negotiating with investors; they would accept everything without determining the consequences of their decisions. Currently, no land is allocated to investors without having a wider discussion with the village leaders on the benefits and effects of the intended investment.

## 2.2 Adaptation and mitigation to climate change

According to UNFCC (1992) climate change means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods. Climate change has resulted into sharp fall in crop production due to rain shortage or change in rainfall patterns, high temperatures in areas that previously experienced cold conditions (HAKIARDHI, 2013).

Research conducted by HAKIARDHI in 2013 in Kilolo and Mufindi Districts revealed that 85 percent of the local communities had little knowledge on climate change issues in general despite the fact that some were practicing local knowledge which equips villagers to cope with climate change effects. The execution of the programme had to deal with this knowledge gap through capacity building and preparation of the village land use plan. Up to the end of the programme in 2015, there were great changes in terms of behaviour and practices of the community members and village leaders towards land use and environment management. The following are the documented best practices;

It was established that 90 percent of the villagers are now *knowledgeable on climate change issues* particularly the causes, effects, adaptation and mitigation practices. The knowledge was passed to the villagers through public debates conducted in each selected villages and via community radio stations in Iringa like Ebony FM, Country FM and Furaha FM. The villagers are now capable of identifying their own and other people's practices which damage the environment. They are now capable of taking deliberate measures to protect the environment on their own without external assistance.

It was documented in Igomaa Village (Mufindi District), villagers have agreed through Village Assembly meetings to plant traditional trees to protect water sources. Such a decision was the result of the land rights, climate change and governance training conducted on 2013. The resolution was passed in a series of Village Assembly meetings which were seated between June and November 2014. The execution

of the decision began in January 2015 whereby 300 trees called *mivengi* were planted in 4 different sources namely; Makomele, Kwamayamba, Muvanga and Kwamendele.



**Picture 1:** Mivengi trees which are good for water source conservation as seen in Mufindi District

It was also documented that in Kihesamgagao Village the villagers are in a project to plant 200 trees of *mivengi* in each source of water about 42 sources throughout the village. The project to plant trees began since November 2014, to date about 3,000 trees were planted in all the water sources, however villagers were faced with a shortage of these *mivengi* tree seeds.

Kidabaga Village, had initiated a special campaign to discourage deforestation and encourage villagers to plant trees (*mivengi*) species around water sources. The campaign began in November 2014 and up to April 2015 about 300 trees were already planted around two water sources namely; *Kwamyinga* and *Hasi*. This campaign also went hand in hand with efforts to discourage planting of *milingoti* trees which consume lots of water from soil.

Preparation of village land use plan has enabled the conservation and protection of environment in villages such as Kihesamgagao, Uhambingeto, Kipaduka, Kiwalamo, Kidabaga and Lugalo. For instance, the villagers in Lugalo have managed to demarcate livestock routes which have solved two major problems; land conflicts between farmers and pastoralists as well as restoring 4 water sources which had diminished in volume. The second was achieved because livestock keepers adhere to the routes when hording cattle from one location to the other reducing a trampling effect on vegetation and sedimentation of water sources.

In addition to that, preparation of village land use plan a participatory process came out with by-laws which were approved by majority villagers through the village assembly meeting. These by-laws are mandatory and regulate village land use management and dictate punitive measures against an individual that breaches their provisions. The level of adherence to the land use plan and by-laws is very high in program villages with land use plans in place. For instance in Igomaa and Kihesamgago Villages, the by-laws state that the punishment for a person who will cultivate close to water sources and in reserved forest is a fine between 50,000/= to 300,000/=. For example between the months of June – December 2014, 10 individuals were punished for breaching these bylaws in Kihesamgagao Village.







**Picture 2:** Mivengi and pines trees planted to protect water sources (*first, second pictures above and bottom right picture*). Milingoti trees which consume a lot of water from the soil (*first picture bottom left*).  
**Source:** Baseline Study, 2015



As said earlier Village Councils have become more committed to protecting the environment compared before programme interventions. The Village Council at Igombavanu Village in Mufindi District resolved to establish a special task force purposely to protect water sources alias known as “*Kikosi kazi cha ulinzi na utunzaji wa vyanzo vya maji*”. The task force is composed of 7 (2 women) members who are ordinary villagers committed to environmental conservation. The task force duties include but not limited to the following; train fellow villagers on the importance of water sources for current and future generations, train fellow villagers on the easiest and possible ways of protecting water sources. The task force planned from time to time to visit to the water sources as part of monitoring. For instance on the 13<sup>th</sup> April 2015 the task force visited four sources namely: *Mgago, Weleka, Kiata and Kinyamono*.

Another example showing commitment and seriousness of the village government in adhering to legal procedures in management of the village land and environment is in Mapanda Village in Mufindi District where the Village Council has succeeded to protect 7 sources of water which form a large river *Kimbiwi*. The protection mechanisms employed by the government include instructing each Hamlet chairpersons to use their monthly hamlet meetings to update the villagers on the regulations stipulated within the Village Land Act and Environmental Conservation Act as per the manuals offered by HAKIARDHI during the capacity building trainings.

Another village government which has shown high commitment is that of Uhambingeto, Kilolo District. The village council through the village assembly has formed a special committee with a single duty of protecting the village forest which was identified and demarcated during the preparation of the village land use plan. Among the duties assigned to this committee was to undertake comprehensive security of the forest on a daily basis particularly to look out for individuals practicing illegal charcoal making. The committee was mandated to fine the illegal charcoal makers. For instance it was documented that on 3<sup>rd</sup> May 2015 the committee was on a patrol and captured two illegal charcoal makers and fined them Tsh. 300,000/=

One of the major achievements of this programme intervention is the change in villagers’ mindset with regard to land use and environment conservation. Prior to the programme villagers were already convinced by the Investment Companies such as Green Resources Limited in Mufindi and New Forest Company in Kilolo that they will only realize profits when they choose to plant eucalyptus trees in their farms. A

number of villagers accepted this advice without having a long-term cost-benefit analysis on turning their traditional farms into tree farms. Awareness rising on the effects of climate change in their livelihoods showed them how eucalyptus trees increased vulnerability to climate extremes. For instance in Ukami and Chogo Villages in Mufindi District, villagers have abandoned bunches of eucalyptus tree seeds provided to them by Green Resources Limited.



**Picture 3:** Eucalyptus trees abandoned by the villagers at Ukami village  
**Source:** Baseline Study 2015

### **2.3 Strengthening decision-making processes at village level**

Governance refers to group decision-making that addresses shared problems (Carrington et al, 2008). Governance is an essential ingredient to the success of any organization whether local, national or international. The 2012 baseline survey findings established poor participation and involvement of villagers in decision making process at the village level. The findings showed that average attendance rate of villagers in village assembly meetings was between 50 – 100 participants out of the 800 – 2,500 eligible participants.

The execution of the programme had quickly changed negative perceptions in the minds of villagers towards the village assembly meetings. Previously, the villagers had left the entire decision making in the hands of the Village Council members. Basically they were doing this out of ignorance of the Local Government (District Authorities) Act number 7 of 1982. Some concrete examples were documented in Lugalo Village whereby the number of participants has increased from 70 in 2012 to 300 by 2015; Uhambingeto Village the number has increased from 100 in 2012 to 400 by 2015; Mapanda Village from 80 in 2012 to 200 by 2015; and Kisasa Village from 100 to 350 by 2015. A woman (Yuditha Luwago) in Lugalo Village said that since she attended the public debates on land rights and governance convened in the village in 2014, her mind and that of fellow women towards the attendance and participation of women in village assembly meetings has changed for the better.

### **2.4 Land and environment as key agenda's in decision-making processes**

In 2012 baseline study findings indicated that despite the fact that land is a vital resource for villagers to earn their livelihoods but it was not a priority agenda in Village Councils and Village Assembly meetings. It was further established that none of the 15 villages within the study discussed land matters in every meeting. The discussion on village land emerged only when there were critical land conflicts or allocating land to investors.

The programme intervention among other things informed villagers on the vitality of prioritizing land and environment agenda in decision making meetings. So far up to December 2015 all 15

villages selected in 2012 had endorsed this form in all decision making meetings particularly the Village Council and Village Assembly. For instance in Mapanda Village in Mufindi District the Village Council had managed to put land and environment as a permanent agenda in all decision making meetings since July 2014.

The prioritization of land agenda in decision making bodies has helped the village council in Igoma Village in Mufindi District to convince the village assembly to build the village land registry. According to village chairman Mr. Obedi Mandele the village had no idea of building the registry but capacity building training conducted by HAKIARDHI in 2013 changed their minds and they planned to build the registry as of September 2014 where by December 2015 construction was in the final stages.

## **2.5 Women land rights are protected**

Land is considered the most fundamental resource to women's economic empowerment. More than 60 percent of women in Southern Africa are dependent on land for their livelihoods. Despite their central role in agricultural production, women in Southern Africa continue to face discrimination in accessing and owning land. Most of them have access to farmland only through their husbands or fathers as they are only granted usufructuary rights as land title pass through the male line (Mutangadura, 2004).

HAKIARDHI's baseline study in 2012 reiterated Mutangadura, it established a similar setting where women in Kilolo and Mufindi districts were alienated from accessing and owning land. Women had no access to land, women had no right to use land as they wished, women had no rights to buy and sale land as men, women had no right to inherit land from their parents and husbands.

The programme interventions concentrated on emancipating women from these biased traditions and customs which disregard women as human beings. The programme structured in gender sensitivity principles which require the participation of women in each stage of implementation. For instance in each level of training all the women who were leaders had to attend the sessions. Even during the preparation of village land use plan women were given priority in allocation of CCROs in every village.

NO	VILLAGES	CCROs	NO	VILLAGES	CCROs
	KILOLO DISTRICT			MUFINDI DISTRICT	
1	Kihesamgagao	45	1	Kisasa	30
2	Kiwalamo	60	2	Magunguli	25
3	Kidabaga	40	3	Wamimbalwe	30
4	Kipaduka	38	4	Itengule	120
5	Ilamba	120	5	Itulituli	115
6	Itonya	140	6	Igomaa	100
7	Lyamko	110	7	Tambalang'ombe	120
8	Ibofwe	105			
9	Uhambingeto	98			
10	Lugalo	85			
11	Kitelewasi	38			
	<b>TOTAL</b>	<b>879</b>		<b>TOTAL</b>	<b>540</b>

**Table 3: Number of women allocated with CCROs in Kilolo and Mufindi Districts**

In addition to that the programme managed to convince women to per take actively in decision making processes. Prior to the programme in 2012 women members of the Village Council, Village Land Councils and other organs were taking passive positions in decision making. This enabled men to decide even on issues which required women participation. The 2015 baseline study showed that women are now active during decision making meetings not only on land rights issues but also on environment and other socio-economic issues.

For instance, at Igombavanu Village in Mufindi District women have decided to support each other in case of any discrimination against women particularly on land rights because they believed that the Land Laws support their rights. A woman named as Talikisa Nyenza commented that;

“HAKIARDHI has opened our eyes; we are no longer living under men’s discriminative actions. We can now stand and defend our rights and for our children”.

However there should be more efforts to set women free from the biased traditional norms and practice which still undermine the rights and capacity of women to access land related resources. The situation is rather worse in other villages which were not part and parcel of these programme interventions.

## **2.6 Strengthening land conflict resolution mechanisms**

Land conflicts occur when people or groups of people in the community compete for various interests over land. There are several types of land conflicts, which have been observed before programme interventions began in 2012. Such conflicts include boundary conflicts between one person to another, boundary conflicts between one village to another, land conflicts between farmers and pastoralists and land conflicts between community members and investors.

Since implementation of the programme began in 2013, the mentioned land conflicts above have decreased in all the selected villages. A documentation study conducted in December

2015 revealed that after the capacity building training and the preparation of village land use plans rate of land conflicts per month have reduced from 5 cases to 2 cases which were reported to either Village Land Councils or Ward Tribunals.

Also it was documented that the land conflicts resolution tribunals, the Village Land Councils and Ward Tribunals, have become active and more confident in resolving the cases reported to the organs. Further to that, villagers have now resumed the lost trust to these organs. These organs were previously labeled as corrupt and unreliable in giving fair judgment. The programme interventions have also enabled these organs to enjoy the freedom stipulated in the Land Laws that they should not be interfered with by other organs while assuming their powers.

In addition to that trust to the Village Land Council has resumed amongst villagers. It was established by the baseline study that villagers had abandoned the organ because it was underperforming. However soon after the training the members of the organ became aware of their duties which include resolving cases within a given time. The study conducted in December 2015 exposed that this organ in Kitelewasi Village in Kilolo District managed to solve 28 out of 34 cases in the year 2013/14.

One of the major lessons which can be taken as a great achievement of the programme in land conflict resolution is the resolution of the boundary conflict between Mapanda Village and Ukami Village in December 2013. The two villages were in conflict for many years before the programme interventions. After training the Village Councils of the two villages agreed to meet and discuss the matter and decided to solve the conflict by convening a Village Assembly meeting which brought together the villagers of both villages.

Also individual's land conflicts particularly between the farmers have largely reduced after capacity building training. For instance, in Igombavanu Village some villagers interviewed praised the work of HAKIARDHI as they said that it has helped in solve the existing land conflicts and prevent others from happening. Mr. Kamilius Msiu commented that he had a land conflict with his fellow villager since 2013 but it was resolved soon after land rights training in July 2014.



## 2.7 Legal aid advice

Legal aid advice played a vital role in this programme, it aimed at enabling individual community members to understand how to handle their land rights and human rights problems, this legal aid advice was offered by the qualified Advocates and Lawyers.

Back in 2012 community members had no knowledge on how to handle their matters in the courts and tribunals however after the completion of the programme in 2015 it was proved beyond a reasonable doubt that part of the community members were confident in handling their issues in the judiciary organs.

The programme documented some key examples which show the success of legal aid advice in defending land and human rights issues. For instance, women were the largest segment of the village community which have benefited from legal aid. Women were mostly seeking legal aid for clarification on land issues within their families. The findings show that despite the fact that land problems face everyone in a community but women were mostly affected in the program districts.

Isidory Mmewa and Lustica Msilu of Igombavanu village were in conflict over a 2 acre piece of land for four years, until they received legal aid in 2014 that suggested they follow procedure as provided for by the Village land Act. Previously they had opted for the district court which was a higher jurisdiction and had greater cost implications but they were advised to use the village land council which eventually managed to solve their case at no costs.

## 2.8 Strengthening village governance

Governance refers to group decision making that addresses shared problems. Governance is more about the process through which a decision is made, rather than the substance of the decision itself (Carrington et al, 2008).

Land governance is a process by which decisions are made regarding the access to, and use of land, the manner in which those decisions are implemented and the way that conflicting interests in land are reconciled. Good governance in land matters is of a technical, procedural and political nature because rights



over land cannot be separated from civil, political and human rights and are dependent on political, administrative and professional readiness to ensure fair treatment and equal opportunities for all (Kironde, 2009).

The 2012 baseline study findings conducted in Mufindi and Kilolo Districts disclosed that among the major challenge facing land administration in local government is lack of good governance. The study revealed that there was no transparency in decision making, there was no involvement of the majority villagers in decision making and the decision on land allocation was on the basis of leaders' interests instead of communities' interests.

Training on land rights and governance enabled the villagers to understand that the destiny of the village land administration was on the type of the leaders they elect during the election. This implies that they should elect leaders with the political will in protecting village land instead of being too much obsessed with partisan politics and forego other key issues which include resources administration.

The December 2014 Local Government election analysis was clear that the villagers decided to elect leaders who will strongly protect the village resources land inclusive. Further, the analysis shows that electing leaders from different political parties proves that villagers are keen in seeing their land protected. In some of the villages, the villagers decided to drop the leaders who have overstayed in power without tangible results.

The table below shows the result of local government election.

NO	VILLAGE	VILLAGE COUNCIL MEMBERS	FORMER MEMBERS	NEW MEMBERS	POLITICAL PARTIES
1	Igomaa	25 (9 women)	11	14	Both CCM
2	Igombavanu	25 (9 women)	6	19	Both CCM
3	Ukami	25 (7 women)	5	20	Both CCM
4	Mapanda	25 (8 women)	12	13	Both CCM
5	Chogo	25 (7 women)	8	17	Both CCM
6	Kisasa	25 (10 women)	12	13	Both CCM
7	Kihesamgagao	25 (7 women)	10	15	Both CCM
8	Kidabaga	25 (8 women)	16	9	Both CCM
9	Lugalo	25 (9 women)	15	10	21 CCM, 4 CHADEMA
10	Kitlewasi	25 (8 women)	12	13	21 CCM, 4 CHADEMA
11	Kipaduka	25 (7 women)	4	21	24 CCM
12	Uhambingeto	25 (10 women)	4	21	24 CCM, 1 CHADEMA

**Table 4:** Analysis of the 2014 local government election

The respondents during the documentation study argued that the poor performance of their leaders forced them to make changes. Through the new government villagers have become aware with the role of holding their leaders accountable particularly through the village assembly meetings and other official meetings. To add on this Mr. Gerald Malekela, Lugalo Village Executive Officer confirmed that since mid 2014 none of the agenda in the Village Council and Village Assembly meetings have passed without a strong discussion from the members of the meetings.

Other changes which were witnessed in the 2015 documentation study; supporting transparency in decision making is the preparation of the rosters of all the meetings in a village. The rosters are categorized in terms of quarter, bi-annual and annual. These rosters are placed in public areas where villagers can easily access them.

**HALMASHAURI YA WILAYA YA KILOLO  
RATIBA YA MIKUTANO NA VIKAO VYA HALMASHAURI YA  
KIJiji CHA KIPADUKA  
KATA YA UHAMBINETO MWAKA 2015 – 2016**

NA.	MIKUTANO/VIKAO	JULAY	AUGUST	SEPT	OCTB	NOV	DEC	JAN	FEBR	MARCH	APRIL	MAY	JUNE
1.	MIKUTANO WA KITONGOGU MOTO	5/5/2015	10/8/2015	06/9/2015	4/6/2015	8/1/2015	04/2/2015	04/1/2015	10/3/2015	15/5/2015	13/6/2015	24/8/2015	27/8/2015
	KHESA	12/7/2015	09/8/2015	13/9/2015	11/6/2015	08/1/2015	13/2/2015	11/1/2015	08/2/2015	08/3/2015	05/4/2015	10/5/2015	04/6/2015
	KIKODUKA YA	5/7/2015	06/9/2015	20/9/2015	18/10/2015	15/1/2015	20/2/2015	14/3/2015	04/4/2015	13/5/2015	12/6/2015	21/8/2015	27/8/2015
2.	Kataifi ya Mipanga, Ushauri na Tathia	07/2/2015	14/9/2015	01/8/2015	09/10/2015	23/1/2015	03/3/2015	08/5/2015	17/3/2015	16/2/2015	08/4/2015	20/5/2015	22/6/2015
3.	Kataifi ya Ushauri na Ushauri	15/3/2015	12/8/2015	06/8/2015	12/10/2015	16/1/2015	01/2/2015	14/5/2015	20/2/2015	06/9/2015	18/4/2015	19/5/2015	15/6/2015
4.	Kataifi ya Ushauri na Ushauri na Ushauri na Ushauri	23/7/2015	24/8/2015	21/9/2015	18/10/2015	16/1/2015	19/2/2015	21/3/2015	26/4/2015	26/5/2015	22/6/2015	20/9/2015	22/6/2015
5.	Mwakazi Mwanaka wa Kiji	30/9/2015			30/12/2015			30/3/2015			30/6/2015		

**Picture 4:** Roster of village council meetings in Kipaduka Village, Kilolo District

**Source:** Baseline Study 2015

## 2.9 Preparation of village land use plan

According to the Land Use Planning Act of 2007, land use means the purpose for which any parcel of or structure erected on land or part of it is or is intended to be used or occupied. The Act also defined land use plan as any plan prepared or adopted by a planning authority.

Among the major objectives of the land use planning as stipulated in this Act are promoting efficient and orderly management of land use; empowering landholders and users to make better and more productive use of their land; promoting sustainable land use practices; to ensure security and equity in access to land resources; and prevention of land use conflicts.

The programme execution in Mufindi and Kilolo Districts involved the preparation of village land use plan in some of the villages. The rationale to prepare land use plan was based on the fact that sustainable land use supports environmental conservation and protection of communities' land rights. The baseline study findings in 2012 established that climate change in the Districts was mostly facilitated by human practices. Villagers were cultivating in water sources, they were also clearing the forests to start new farms.

HAKIARDHI managed to support the preparation of land use plans in 18 villages in both districts that is 11 villages in Kilolo District and 7 villages in Mufindi District. The preparation of land use plan did not end in identifying land for agriculture, livestock keeping, forest land, land for social services instead the land use plan went beyond by allocating Certificates of Customary Rights of Occupancy [CCROs] to 3,136 villagers.

The table below indicates the villages and number of title deeds allocated to villagers.

NO	VILLAGES	NO. CCROS	NO	VILLAGES	NO. CCROS
	KILOLO DISTRICT			MUFINDI DISTRICT	
1	Kihesamgagao	72	1	Kisasa	50
2	Kiwalamo	105	2	Magunguli	50
3	Kidabaga	80	3	Warmimbalwe	50
4	Kipaduka	74	4	Itengule	280
5	Ilamba	280	5	Itulituli	280
6	Itonya	280	6	Igomaa	280
7	Lyamko	280	7	Tambalang'ombe	280
8	Ibofwe	280			
9	Uhamingeto	159			
10	Lugalo	191			
11	K'itelewasi	65			
	<b>TOTAL</b>	<b>1,866</b>			<b>1,270</b>
	<b>GRAND TOTAL IN BOTH DISTRICTS</b>				<b>3,136</b>

**Table 5:** Number of customary title deeds per village in Mufindi and Kilolo Districts

Among other things the preparation of village land use plan has contributed to the improvement of sustainable livelihoods among rural community members in the following areas;

Land is equally accessed by men and women without any discrimination of either party. Ensuring equal access to land in the community implies strengthening the production of food crops and protection of land for future use. Equal access to land has further transpired to equal sharing of duties and responsibilities among men and women.

Preparation of land use plan has managed to limit land transaction in villages. Prior to the preparation of land use plan villagers land sale was high without the consideration of future use. The land use plans have disproved the long existing assumption that land was plenty in villages which concealed the villagers and their leaders.

Access to credit is something guaranteed to villagers with customary title deeds so as to improve their livelihood through agriculture and livestock keeping. Some of the villagers have tried to approach financial institutions but there are still some challenges associated with the acceptability of the customary title deeds in commercial banks. For instance Mr. Augustino Sanga from Kitelewasi village submitted his title deed to National Microfinance Bank [NMB] at Mkwawa branch in Iringa town with the intention to get loan but the Bank officials declined the title deed.

The land use plan has also discouraged environmental destruction in a number of ways. Firstly, land use plan has legally restricted farming in water sources; secondly the by-laws established as a result of land use plan has been used in punishing any individual who farms in forest, water sources and other special conserved areas. The land use plan has also enabled the village council to properly manage the village land and other resources which was not possible before the plan.







**Picture 5:** Some of the publications produced and disseminated in rural areas; these pictures in Kipaduka village [Kilolo District] and Ukami village [Mufindi District]

**Source:** Baseline Study 2015

## 2.11 Recommendations

Based on the above findings the following are recommendations which will be helpful for programme sustainability;

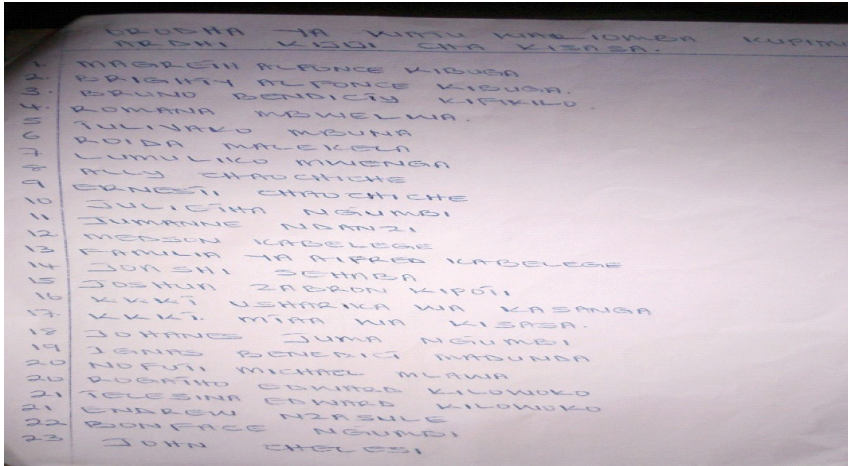
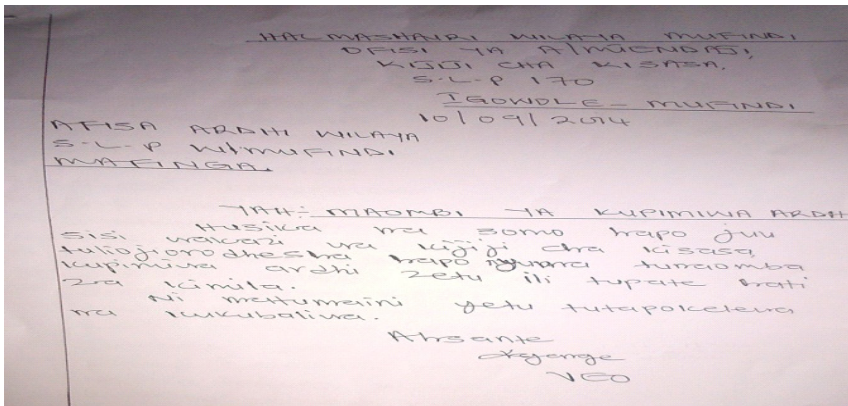
Village leaders should be trained more on land rights and climate change issues simply because majority of Village Council members elected in 2014 local government election were new with little knowledge on the programme particularly the administration of land use plan.

Another round of public debates is also important because the public debates which were implemented before were not enough to be heard by at least 60 per cent of all the villagers.

Legal aid advice should be implemented again in other villages in the Districts. Women had benefited from legal aid as they are at liberty to express their issues in this scenario.

More customary title deeds should be allocated to more villagers; the priority should be given to women and other minority groups.

Knowledge is key in addressing land rights and climate change issues so more publications should be disseminated in rural areas where there is a knowledge gap on these issues. In addition to that, radio programs are very important particularly those conducted in community stations. Community radios have wide coverage in rural areas and are mostly preferred by community members.



**Picture 6:** List of villagers at Kisasa Village, Mufindi District requesting for customary title deeds

**Source:** Baseline Study 2015

## 2.12 Conclusion

The best practices documented in Mufindi and Kilolo Districts prove that the programme on land rights, governance, climate change effects mitigation and adaptation through preparation of land use plan was useful and relevant.







