

**Urban Expansion and Compulsory Land Acquisition in Dodoma National Capital, Tanzania**  
**John Lupala<sup>1</sup> and Phillip Chiwanga<sup>2</sup>**

<sup>1</sup>Ardhi University, Dar es Salaam, Tanzania.

<sup>2</sup>Institute of Rural Development Planning, Dodoma, Tanzania.

Email: [lupalaj@yahoo.com](mailto:lupalaj@yahoo.com) [lupalaj@aru.ac.tz](mailto:lupalaj@aru.ac.tz)

**Abstract**

The shifting of national capitals from old cities to new sites was fashionable from the 1956 to 1990s. While in the past this move was politically motivated, in the later decades this shift has been motivated by economic and innovation attributes to establish centres for building states and national identity. Tanzania declared its intention of shifting the national capital from Dar es Salaam to Dodoma in 1973. This declaration and the recent establishment of large institutions in Dodoma fuelled its expansion from a small town of about 45,000 people in 1973 to 410,956 people in 2012. This expansion culminated into increased demand for land for various urban functions. The Capital Development Authority has been deploying compulsory land acquisition as guided by the Land Acquisition Laws. However, the land acquisition processes have been marred by resistance from local communities on account of not being fair, prompt, participatory and at times, not following the land acquisition laws. This paper examines the land acquisition and emerging issues from the processes. Two areas of Nzuguni and Machimbo were selected and a sample size of 85 respondents was drawn. The methods used in gathering data included; interviews and observations complemented with mapping where spatial data was sought. Results indicate that community members did not participate effectively in the land acquisition process and their opinions were not adequately taken into account. Compensation rates given to the dispossessed individuals were lower compared to those prevailing in market. There were procedural flaws and at times, non-adherence to the laws. As a way forward, it has been recommended that adequate community participation should be part of the land acquisition and stakeholders' opinions must be integrated in decisions making processes.

**Key words:** *Urban expansion, Compulsory land acquisition, New National Capital, Dodoma.*

**1. Introduction**

The wave of shifting national capitals from old established cities to new locations swept many countries in Africa, Asia, South America, Europe and Australia. These include for example Brazil that shifted its capital from Rio De Janeiro to Brasilia in 1956, Mauritania from Saint Louis to Nouakchott in 1957; Pakistan from Karachi to Islamabad in 1959; Germany from Bonn to Berlin in 1990 and Malawi from Zomba to Lilongwe in 1965. Tanzania shifted its National Capital from Dar es Salaam to Dodoma in 1973 (Table 1). Although there have been several reasons attributed to shifting national capitals, during the colonial period, the shift was largely motivated by locating capitals as strategic points for natural resource exploitation. In the post colonial era, the

motivation was related to deployment of new capitals as innovative centres for building states and national identity. While authoritarianism by the ruling powers played a key role in some countries, some new capitals were designed and developed to function as hubs of economic exchange and as comparable models of effective political administration and modernization. Such capitals include Brasilia that was designed to symbolically pare with other modern states. Controlling cultural diversity was also attributed to this move especially in countries with ethnic and religious diversity (for example Gaborone and Lagos).

The declaration and subsequent shift of national capitals created new demands for the newly

designated capital functions. Urban expansion has been rapid in most of these cities creating challenges on how land can be acquired, planned and availed for the development of capital functions.

**Table 1: Capital relocations in the 21<sup>st</sup> century**

Country	Former capital	New capital	Year of Declaration
Brazil	Rio De Janeiro	Brasilia	1956
Mauritania	Saint Louis (Senegal)	Nouakchott	1957
Pakistan	Karachi	Islamabad	1959
Botswana	Mafeking	Gaborone	1961
Libya	Benghazi	Tripoli	1963
Malawi	Zomba	Lilongwe	1965
Belize	Belize City	Belmopan	1970
Tanzania	Dar es Salaam	Dodoma	1973
Nigeria	Lagos	Abuja	1975
Ivory Coast	Abidjan	Yamoussoukro	1983
Germany	Bonn	Berlin	1990
Kazakhstan	Almaty	Astana	1997
Malaysia	Kuala Lumpur	Putrajaya	2000

Source: (Schatz, 2003)

In the Tanzanian context, compulsory land acquisition has been applied as a tool for land acquisition. Compulsory land acquisition is a prerogative of the state when land is sought for public interests (Larbi, 2008). The acquisition process is largely guided by the Land Act Number 4 and 5 of 1999, the Physical Planning Act Number 8 of 2007, the Land Acquisition Act Number 47 of 1967, the Constitution of the United Republic of Tanzania (1977) and other national and international declarations. While the Land Acquisition Act Number 47 of 1967 gives the President powers to acquire land for public use, Section 179 of the Land Act (1999) and section 11(1 and 2) of the Land Acquisition Act (1967) provide for the protection of the rights of land

holders. Section 24 (1 and 2), of the Constitution gives protection of the land occupiers when compulsory land acquisition is exercised. It states that;

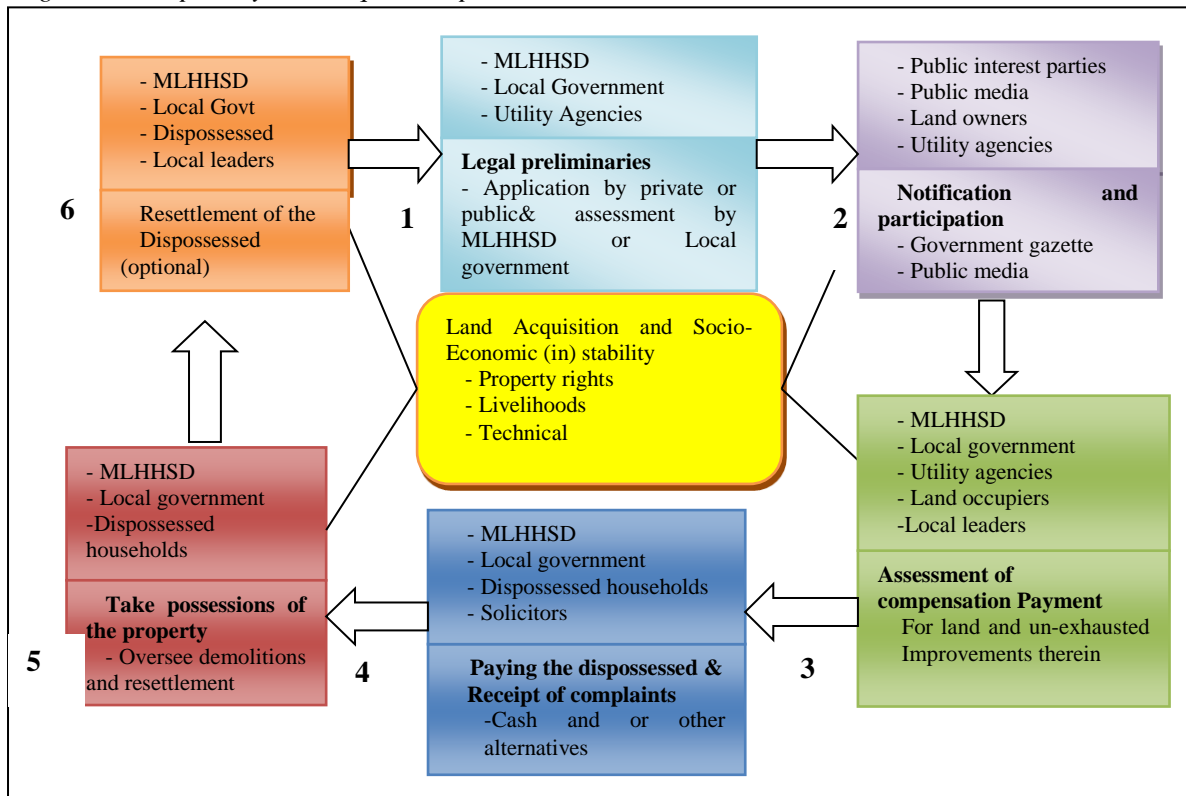
*“...every person is entitled to own property, and has a right to the protection of his property held in accordance with the law. It should be unlawful for any person to be deprived of property for the purpose of nationalisation or any other purposes without the authority of the law which makes provision for fair and adequate compensation...”*, (URT, 1977).

In the same vein, the Universal Declaration of Human Rights (Article 17) provides that “everyone has the right to own a property in association with others” and that “no one shall be arbitrarily deprived of his/her property” (FAO, 2009). Although these legal instruments give overwhelming rights to land and property owners whose properties are expropriated, there has been an increase in incidences where land rights for the poor are compulsorily acquired without fair and prompt compensation. Most worrying has been the acquisition of land in the context of the national capital where matters of fairness were supposed to be observed.

## 2. Compulsory Land Acquisition in Tanzania

The Constitution of the United Republic of Tanzania of 1977 provides that, land in Tanzania is a public asset and vested to the President. Sections 19-23 of the Land Act (1999) recognizes three land tenure regimes existing in Tanzania which are; statutory or granted rights of occupancy, customary and informal regimes which; at times, in the transformation process are commonly known as ‘neo-customary’ or ‘quasi-customary’ regime (URT, 1999); (Kombe, 2010). Compulsory land acquisition in Tanzania is mandated by section 3 of the Land Acquisition Act No.47 of 1967, which provides powers to the President to acquire any land for public purposes. The Act provides that this process should be preceded by prompt, fair and adequate compensation, and that; such a decision by the President must be gazetted.

Figure 1: Compulsory land acquisition procedures in Tanzania



Source: Kombe, (2010)

Experience shows that, the practice in application of compulsory land acquisition instrument has often resulted into grievances, resistance, riots and sometimes physical confrontation between state’s compulsory land acquisition implementing agencies and the community members from which properties are expropriated. Some examples include; the Kigamboni modern city project, the 20,000 plots project, the Chasimba and Kwembe areas in Dar es Salaam. Lots of social unrest and economic instability for many people whose land was compulsorily acquired was noted (Kombe, 2010 and (Msangi, 2011). For the case of Dodoma, compulsory land acquisition in Chidachi for urban expansion, acquisition of land at Msalato for Airport construction, establishment of investment centre at Njedengwa, Development of Nane-Nane Exhibition grounds and institutional and residential plots at Nzuguni and Machimbo have equally raised many complaints. The centre of the complaints has focused on limited involvement of local communities in the processes and unfair compensation (Chiwanga, 2014).

Compulsory land acquisition is socially a justifiable process where the state needs to acquire land to support social projects. It is partly a wealth redistribution process necessary to benefit the wider community to which the individual is part of (Ndjovu, 2003). Since it is very difficult for individuals to voluntarily offer their land for these purposes, the state has institutionalized the compulsory land acquisition as an instrument to help in achieving this objective in the name of “public interest”. Compulsory land acquisition helps the state to compulsorily acquire land from private entities in order to serve the public as follows:

*“The most important justification for the acquisition of land for public use is for protection and enhancement of benefits to the wider community or society. It is therefore argued that the state, using the powers of eminent domain can - and should - have the authority to acquire or purchase privately held land or property for the utility of the general public. The economic justification for the deployment of compulsory*

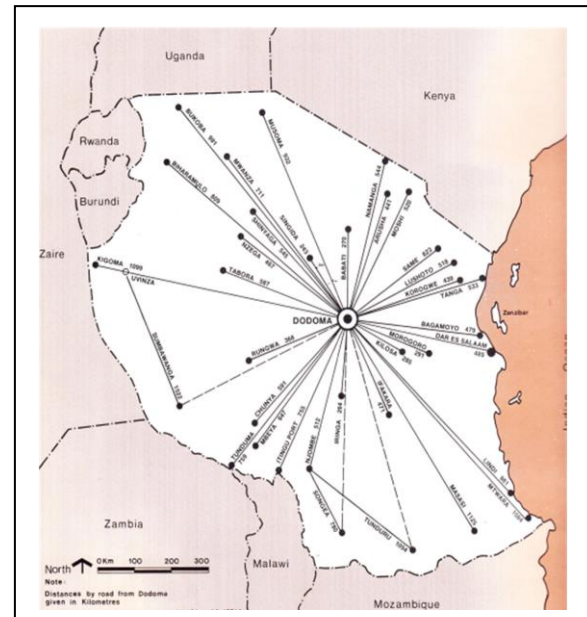
acquisition is to ensure that public interests or projects such as economic ventures, public infrastructure development (e.g. highways, water pipelines, electricity), or the provision of social services such as the construction of schools and hospitals which cater for the wider public interest are not frustrated by an individual refusal to sell land to the government” (Kombe, 2010).

The same position has also been observed by other scholars like Larbi (2008) and Anim-Odame, (2011) who made arguments on the fidelity of the states in adhering to compulsory land acquisition for what is claimed to be for “public interests”. Larbi reports that the Ghanaian Government messed up with compulsory land acquisition whereby the use of the acquired land was quite different from the purposes for which the land was sought (Larbi, 2008). The central questions worth raising are: what have been the key challenges in acquiring land for urban expansion? To what extent fairness and promptness have been exercised in the acquisition process?

**Dodoma: The New National Capital of Tanzania**

Dodoma was declared new national capital of Tanzania in 1973. This followed a national referendum (ruling Party Branches) that was run across the country. The selection of Dodoma sought people to vote for or against the suggestion. Out of the total 2701 branches that were involved in voting, 1859 representing 69 percent voted in favour while 842 representing 31 percent voted against the move of shifting the capital (URT, 1976). Centrality and security were considered as a crucial element in proposing Dodoma as the new national capital (Figure 2).

Figure 2: The central location of Dodoma in the context of Tanzania

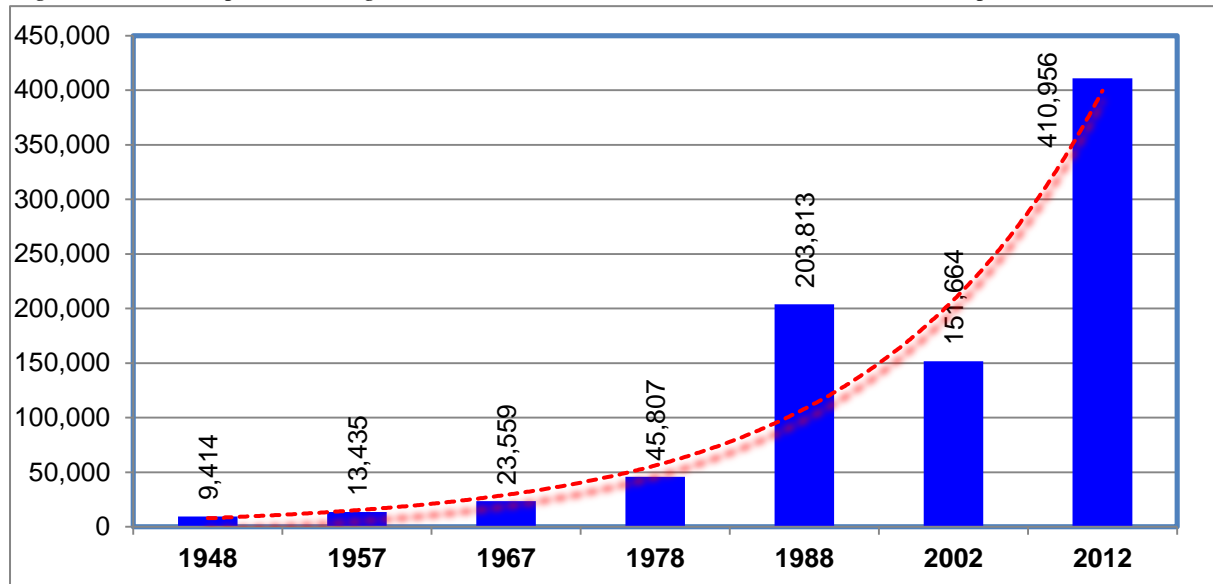


Source: Author’s Construction

Following this decision, a master plan for the city was prepared in 1974 and was approved in 1976. This master plan was reviewed in 1988 and another revision is in progress for 2015.

After the declaration of the capital, the population of Dodoma started to grow rapidly. While Dodoma’s population was as small as 9,414 people in 1948, this population increased to 203,183 people in 1988 and further to 410,956 people in 2012 (URT, 2012) (Figure 3). The population increase has been accompanied with increased demand for land for various urban functions. This has compelled the Capital Development Authority (CDA) to acquire land as an attempt to close the gap between demand and supply of land for urban expansion.

Figure 3: Population growth trends in Dodoma National Capital (1948-2012)



### Theoretical Framework

The land delivery theory that was developed by the International Federation of Surveyors identifies demand for land to have been primarily created by two aspects namely; social and economic forces (FIG, 2010). The major prepositions of land delivery theory are based on the two models (market-based and human-based models) explaining how land is delivered from sitting land occupiers and for other uses. While the market-based model assumes that the operations of the forces of supply and demand would best determine the amount of compensation for one to deliver his/her property; the human-based model on the other hand seeks to protect the owners and occupiers of land from adverse impacts of acquisition by recognising entitlements of all displaced landholders with or without legal rights i.e. including squatters and encroachers. The market model asserts that; unless compensation rates tally with the market prices of the properties deemed for expropriation and paid in the right time, landholders will hardly deliver their land and if the government deploys compulsory land acquisition instrument in this situation, violence is inevitable. Human-based model requires that resettlement assistance should be given to all displaced landholders and compensation for loss

of both non-land and land-assets and rights considering compensation at full replacement cost, giving relocation and livelihood assistance to physically displaced people and enhancing effective communication, consultation and enforcement to the affected community on the impact of the project before implementation. Drawing from these prepositions and fitting them in the context, the following questions may be raised; when compulsory land acquisition was being sought in Dodoma, what was the basis of compensation rates? When and how such compensation was paid? To what extent was the process prompt and fair?

Conceptually, the challenges arising from implementation of compulsory land acquisition processes in Tanzania have been linked to the core problem of disputes and conflicts related to it. The causes have been categorized into two groups namely; primary and secondary causes. While primary causes draw their link to factors including professional chauvinism, perceived supremacy of the state, non-adherence to laws governing compulsory land acquisition and flawed valuation process; secondary causes have been fuelled by; inadequate community participation and unfair compensation (Mudenda, 2006; Kombe, 2010; Kombe and Kreibich, 2001; Kombe and Kreibich, 2006 and Larbi, 2008). The effects emanating

from these challenges include; interrupted livelihoods and delayed compulsory land acquisition processes. The conceptual linkages between these variables representing causes and effects of the disputes associated with compulsory land acquisition process are shown in Figure 4.

Inadequate community participation is viewed as a secondary cause whose root causes include professional chauvinism and perceived supremacy of the state. Often, sitting land occupiers are not directly represented in key decision-making especially at a stage where expropriation of their land is needed. Similarly, unfair compensation in this context has been regarded as the secondary cause as a result of non-adherence to the laws governing compulsory land acquisition and little understanding about compensation procedures among community members. Professional chauvinism refers to the negligence by professionals on the contribution of laypeople in professional undertakings (Mudenda, 2006). In the context of compulsory land acquisition process, professional chauvinism implies neglect of the community in compulsory land acquisition process on pretext that they have no significant contribution (Anim-Odame, 2011). Disregard of community participation in the compulsory land acquisition has been reported to cause friction and violence in many areas such as Dar es Salaam (Kombe and Kreibich, 2006), Accra (Larbi, 2008) and in Abuja (UN-Habitat, 2010).

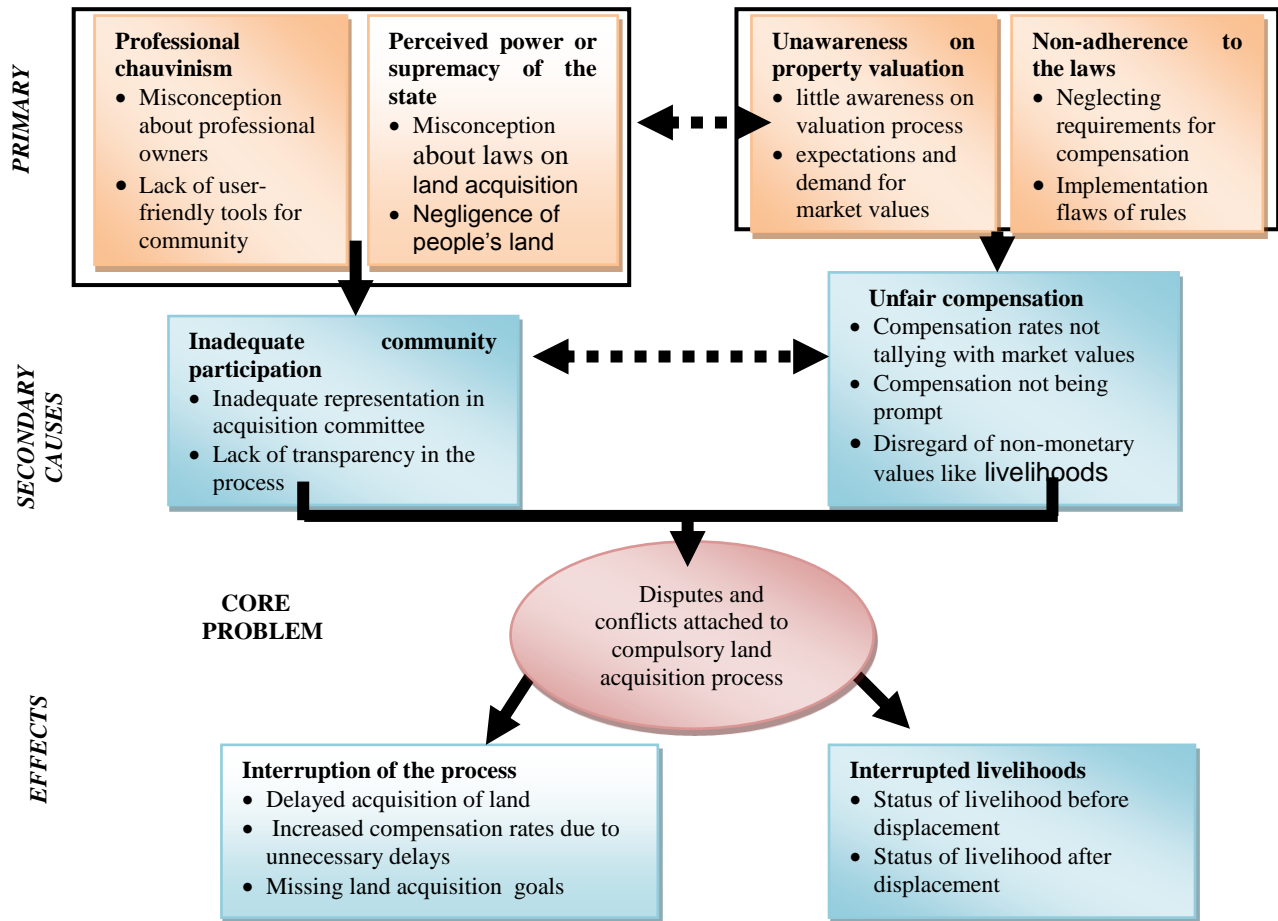
Perceived supremacy of the state has been reported to have influenced professionals to subdue people's rights over their properties (Kombe, 2010). Arguably, Land Managers think that the fact that land is a public property subjugates people's rights over the land they are occupying. The perceptions of land development managers that they may use state's power to override people's rights have been proved wrong in many cases and have caused more harm than expected. Unfair compensation has been often reported to cause social unrest and conflicts in many places where compulsory land acquisition has been implemented (FAO, 2009; Anim-Odame, 2011; Kombe, 2010 and Msangi, 2011).

## Methodology

This paper is a product of a research project that was conducted in Dodoma National Capital on compulsory land acquisition. It deployed observation and interview methods to collect data. Purposive and proportional sampling techniques in selecting sample were deployed based on richness of the case study settlements that were visited prior to carrying out interviews. The two sub-wards of Nzuguni and Machimbo within Nzuguni Ward were selected and proportional sampling was used to draw proportional samples from each of the two selected sub-wards. A mathematical model developed by Yamane (1967) was used to establish the sample size after getting the total population from both sub-wards. A total sample size of 85 respondents was finally established. While Nzuguni had a total of 516 households, there were 52 households in Machimbo. Adopting a proportional sampling from these two areas, Nzuguni had  $516/568 * 85 = 77$  households while Machimbo had  $52/568 * 85 = 8$  households. This made a total sample size of 85 households. Household interviews were complemented with observation studies for spatial data. Key informant interviews were also administered that targeted Land Brokers, Ward Executive Officers, Sub-ward Officials and Officials from CDA. Data analysis was done using computer software such as the Statistical Package for Social Sciences (SPSS) Version 16, and Arc GIS version 10. SPSS was applied in analysing statistical data from primary respondents especially tabulating responses on people's livelihood patterns before and after land acquisition.



Figure 4: Compulsory land acquisition process



**Results**

**Land development dynamics in Dodoma National Capital**

The establishment of large institutions such as the University of Dodoma in 2006, the Saint John’s University in 2007, the Institute of Rural Development Planning and other functions of national characters have contributed to rapid population increase in Dodoma and increased demand for land in many parts of Dodoma. In an attempt to cope with this demand, the Capital Development Authority (CDA) started to acquire land in areas potential for urban expansion. This has been followed by preparation of planning schemes and in some instances providing serviced land. To date, the Capital Development Authority has already acquired planned and allocated land in areas of Kisasa, Ilazo, Nkuhungu, Chidachi, Kikuyu and Mwangaza (Figure 6). Currently, the spatial extent of the built up area has stretched to 18 kilometres along Morogoro Road, 32 Kilometres along Arusha trunk Road, 22

kilometres along Singida Road and 15 kilometres along Iringa Road (Figure 6). Nzuguni and Machimbo are located to the eastern side of Ilazo community along the major Road to Dar es Salaam have been the central focal areas for new development in Dodoma.

Figure 5: Location of Nzuguni ward within Dodoma Capital City District

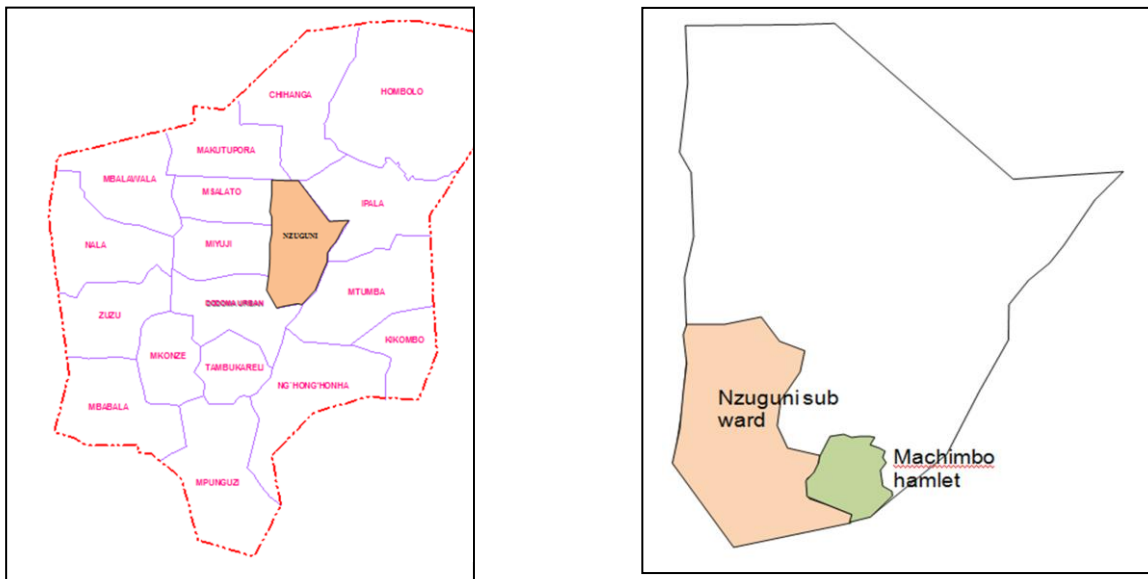
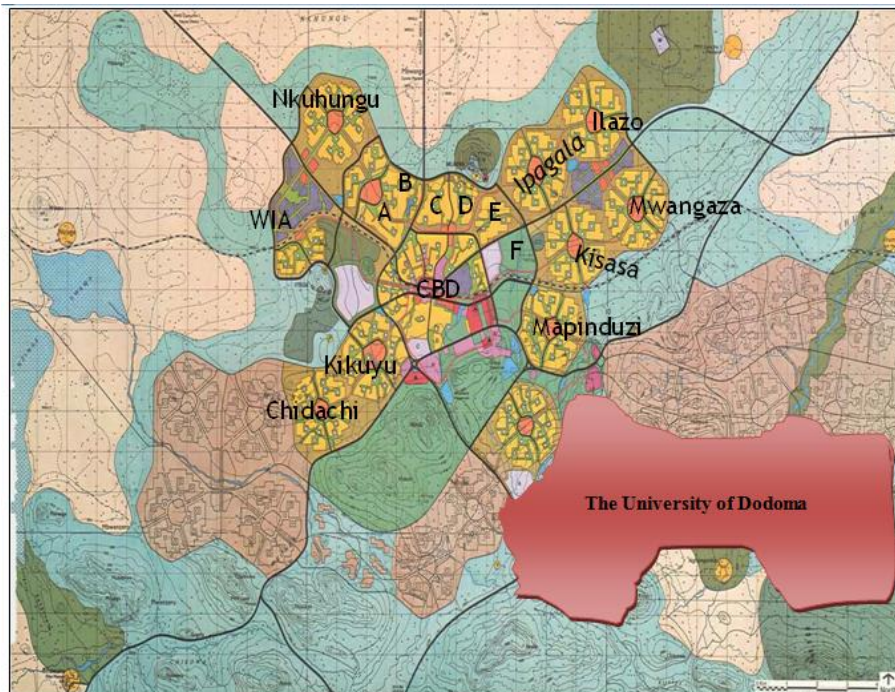


Figure 6: Planned and developed areas in Dodoma



**Respondents' characteristics**

The respondents who were consulted had a mixture of various demographic characteristics. Respondents were both males and females with a slight higher proportion of males. In terms of

education, about 70 per cent of the respondents had only primary education and the rest had education above that was above primary level. This implies that most of the respondents had limited capacity of comprehending technical



processes especially the laws and regulations governing land acquisition. With regard to property ownership, about 82 per cent of respondents were property owners and the remaining 18 per cent tenants. This implied that in case of land expropriation, most of the land and property owners would require compensation. In terms of employment, the majority of the

respondents were farmers comprising of 85 per cent, 13 per cent engaged in business and petty trading and the remaining 2 were employees (Table 2). The fact that the majority of the respondents were farmers, land ownership was a crucial asset for their livelihood activities and survival.

**Table 2: Characteristics of respondents**

variable	Number and percentage of respondents					
	Nzuguni		Machimbo		Total	
	Number	%	Number	%	Number	%
Respondents' education levels						
Informal Education	17	22	0	0	17	20
Primary Education	55	71	8	100	63	74
Secondary Education	3	4	0	0	3	4
College/University	2	3	0	0	2	2
<b>Total</b>	<b>77</b>	<b>100</b>	<b>8</b>	<b>100</b>	<b>85</b>	<b>100</b>
Respondents' occupation						
Farmer	64	83	8		72	84
Business/petty business	11	14	0		11	13
Employment	2	3	0		2	3
<b>Total</b>	<b>77</b>	<b>100</b>	<b>8</b>		<b>85</b>	<b>100</b>
Respondents' sex						
Female	27	35	8	100	35	41
Male	50	65	0	0	50	59
<b>Total</b>	<b>77</b>	<b>100</b>	<b>8</b>	<b>100</b>	<b>85</b>	<b>100</b>
Ownership of property						
Property Owner	62	81	8	100	70	82
Tenant	15	19	0	0	15	18
<b>Total</b>	<b>77</b>	<b>100</b>	<b>8</b>	<b>100</b>	<b>85</b>	<b>100</b>

*Source: Household interviews, (April, 2014)*

### Compulsory land acquisition in Nzuguni and Machimbo areas

The compulsory land acquisition process in Nzuguni started way back in 2005 primarily to acquire an area for the Nane-Nane Exhibition Ground. Negotiations meetings and compensation were planned to be completed by 2007. Further meetings that were planned later could not culminate into agreement because of resistance from community members. In the year 2009, CDA acquired land by force which exacerbated the conflict that has remained unresolved until 2014.

The Capital Development Authority (CDA) designated plots for the Nane-Nane Exhibition Grounds, the Police College and residential plots in Nzuguni and Machimbo. However, the process could not be fully implemented because of the conflict that ensued thereafter.

Empirical evidence emerging from responses from people in Nzuguni revealed that the major reason for the delayed completion of the compulsory land acquisition process was the unresolved conflicts between the acquiring authority (CDA) and the community members at Nzuguni. Among the 5 surveyed plots expected

from one acre, CDA proposed to acquire 4 plots and give only one plot to the land occupiers; an idea which was not accepted by Nzuguni landholders. When CDA officer was asked to explain why they proposed to take more surveyed plots than the landholder he explained as follows:

*“The motive behind CDA’s intention of securing more surveyed plots than community members was to make sure that the surveyed plots are equitably distributed to all citizens regardless of their income levels. In addition, our rules prohibit one person to own more than 2 surveyed plots in a single neighbourhood. The rationale of this rule is that, when many surveyed plots are left in the hands of one person, other people especially the poor, will have no access to such plots”.*

Although this description sounds protective to the people of all income levels; and the need for equitable distribution of surveyed land to a wider spectrum of land developers, land owners suspected that it was being used by unethical officials to get and sale land in the name of the poor. Buyers of plots are not typically the urban poor; on the contrary, these are middle and higher income people. In that view, community members did not buy this idea and instead, opted for parcelling and selling land informally in the fear of losing their rights if compulsory land acquisition process would be executed.

### Community participation during plan notification

The assessment of community participation was done by investigating the manner in which they were involved in various stages of the compulsory land acquisition process namely; plan notification, property assessment or valuation, compensation payment for the dispossessed people, taking possession of the land and resettlement of displaced individuals (Kombe, 2010; URT, 1967; URT, 1999 and URT, 2007a). When asked how community members got information about the intention of Capital Development Authority taking land from the people, the Capital Development Authority Town Planner responded as follows:

*“We held several meetings with Nzuguni people ever since we launched this program in that village in 2009. I can’t remember well the exact number of public meetings until I review the meeting reports; but in fact, we conducted several meetings and the main agenda was to sensitize the people about the rationale of developing land through town planning procedures and reminding them that urbanization is an inevitable process”.*

The information from sub-ward officer however showed some slight difference in that public meetings were conducted in Nzuguni sub-ward only. There were no such meeting that were held in Machimbo area (Table 3).

**Table 3: How community members got informed on the process**

Information source	Nzuguni		Machimbo		Total	
	No	%	No	%	No	%
Heard from community representatives (leaders and members of the negotiation committee)	58	75.3	6	75	64	75.3
Heard from community meeting held by CDA	4	5.2	0	0	4	4.7
Heard from fellow community members	15	19.5	2	25	17	20
<b>Total</b>	<b>77</b>	<b>100</b>	<b>8</b>	<b>100</b>	<b>85</b>	<b>100</b>

*Source: Household interviews, (April, 2014)*

It was also noted that there were no people from Machimbo who participated in the meeting to deliberate on compulsory land acquisition despite the fact that the Capital Development Authority acquired land from community members in Machimbo for public use (that is construction of the Police Training Collage). The negotiation committee that was formed by community leaders and representatives from these two settlements also had limited number of meetings with the Capital Development Authority (CDA). The information given by members of the negotiation committee showed that, CDA convened only one meeting with this committee, and the main agenda was; “government’s intention to acquire land for preparation of a neighbourhood plan”. The discussion between the two sides was dominated by opposing arguments. While CDA proposed that one acre (4900 square metres) would produce an average of 5 medium density surveyed plots each measuring 980 square metres; and that, CDA would give only one surveyed plot to the property owner and the rest (4 plots) would be taken by CDA; community representatives disputed this proposal arguing that they were ready to pay for any charges related to land preparation cost and all the surveyed plots should be left under their ownership. After a lengthy discussion, an agreement was reached where, among the 5

surveyed plots, 2 plots would be taken by CDA and 3 plots would be left to the owner. Despite of this agreement, CDA later on came with the police force and forcefully acquired part of land in the sub-ward and prepared a plan for the sub-ward centre. It was through this forceful acquisition that led to the creation of hostility between CDA and community members in Nzuguni village.

#### **Community participation during property valuation**

Section 4 of the Land Regulations of 2001 require that; community members participate during property valuation including filling in “compensation claim forms” where all affected properties are listed to facilitate Valuers determine proper compensation rates (URT, 2001b). Results revealed that almost all respondents in Machimbo could not and were not dissatisfied with the way they were involved in the valuation process. Prior to land acquisition initiatives in Machimbo and Nzuguni areas, the CDA acquired a piece of land in Nzuguni that was used for the construction of the “Nane-Nane Exhibition Ground”. Although notification was served to the people, the land acquisition process faced an opposition from people because an agreement was yet to be achieved (Table 4).

**Table 4: Community participation during property valuation**

participation in property valuation	Nzuguni		Machimbo		Total	
	No	%	No	%	No	%
Not involved at all	77	100	0	00	77	93
By filling the compensation claim forms	0	0	8	100	8	7
Through a negotiation committee	0	0	0	0	0	0
<b>Total</b>	<b>77</b>	<b>100</b>	<b>8</b>	<b>100</b>	<b>85</b>	<b>100</b>

*Source: Household Interview, (April, 2014)*

#### **Compensation arrangements**

The new Land Law (Land Act Number 4 and 5 of 1999) provides that after the elapse of 6 months from the last valuation, a new valuation shall be done with an interest rate of 6 percent. In Machimbo area valuation was done in 2009. Until 2014, compensation was yet to be paid contrary to

provisions in the Land Act. In Nzuguni sub ward, people complained over the lower compensation rates that the Government intended to provide as compared to rates offered by the land markets. The compensation paid was only 14 or 15 per cent of the market price. For example respondent 1 was to be paid TZS 732,000 for the 1.7 acres piece of

land as compared to the market price of TZS 5,100,000 of the market price. The same trend applied for other respondents as summarized in Table 5

Table 5: Amount of compensation paid by CDA versus market prices

Respondent	Size of the land acquired	Compensation paid (TZS)	Market Value (TZS)	Variance (TZS)	Compensation as % of market price
Respondent 1	6972m <sup>2</sup> (1.7acre)	732,000	5,100,000	4,368,000	14
Respondent 2	12,193m <sup>2</sup> (3 acres)	1,280,000	9,000,000	7,720,000	14
Respondent 3	825m <sup>2</sup> (0.2 acre)	87,000	600,000	513,000	15
Respondent 4	13,932m <sup>2</sup> (3.4 acre)	1,449,000	10,200,000	8,751,000	14

Source: Sub-ward Office records, (April, 2014)

Table 6: Proportion of land sold by community members for the past 5 years

Proportion of the remaining land after sale	Nzuguni		Machimbo		Total	
	Respondents	%	Respondents	%	Respondents	%
More than three quarters	2	3.4	7	87.5	9	13.4
Half of the farm	16	27.1	1	12.5	17	25.4
Less than half	41	69.5	0	0	41	61.2
<b>Total</b>	<b>59</b>	<b>100</b>	<b>8</b>	<b>100</b>	<b>67</b>	<b>100</b>

Source: Household interview, (April 2014).

### Property valuation process

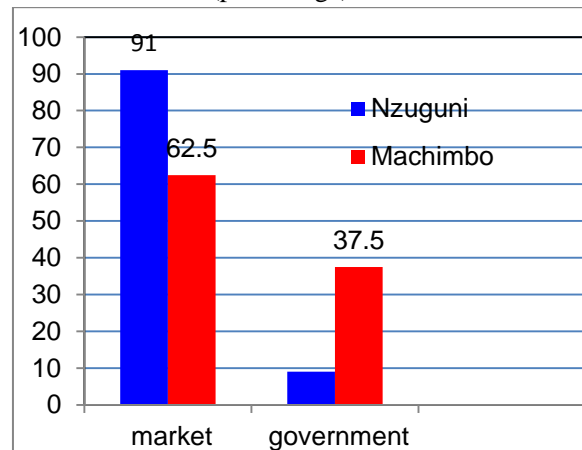
Complaints over unfair compensation were echoed by many respondents in Nzuguni sub-ward. In this area, the Capital Development Authority had designated land for the construction of the National Agricultural Exhibition Ground (Nane-Nane exhibition). Being a land use of national importance the process of valuation started from bargaining from land owners and negotiation between CDA and residents. The Village Executive Officer of Nzuguni narrated as follows:

*“...The CDA and Dodoma Municipal Council Officials started negotiating with community by explaining to the significance of locating Nane-Nane exhibition stadium in our village. Their friendly approach made us willing to offer our land with the agreement that we were entitled for compensation for our expropriated properties. Unfortunately, the compensation was neither prompt, nor fair but we had nothing to do with the process, as we had already released the land...”*

The dissatisfaction over compensation was largely attributed to the low rate applied in the valuation process as compared to the market price. The valuation report showed that the rate used to compensate for the bare land was TZS 100 per square meter. This was equivalent to TZS 490,000 per acre. The compensation also included other elements of 5 percent as disturbance allowance in addition to the compensation given for expropriated bare land. In total therefore, the compensation payable to the dispossessed landholder was TZS 514,000 per acre. This amount was far below the average price offered by the land market as shown in Table 5. It was against this unfair compensation rates that disputes associated with compulsory land acquisition had dominated in Nzuguni village. In event of land disposal, many respondents preferred to dispose it to potential buyers through the market as contrasted to government compensation. This was revealed by 91 per cent who preferred the market approach as compared to 9 per cent for compensation through the government (Figure 7).

It was further revealed that there was an increased trend in number of land owners who were selling land resulting into diminishing land size within a period of five years. About 69.5 percent of the land owners in Nzuguni had less than half of the land they used to own in the past five years (Table 7). This was a demonstration of the people's resistance against low and unfair compensation rates provided by the government.

Figure 7: People's preference in disposing land (percentage)



**Table 7: Proportion of land sold by community members for the past 5 years**

Proportion of the remaining land after sale	Nzuguni		Machimbo		Total	
	Respondents	%	Respondents	%	Respondents	%
More than three quarters	2	3.4	7	87.5	9	13.4
Half of the farm	16	27.1	1	12.5	17	25.4
Less than half	41	69.5	0	0	41	61.2
<b>Total</b>	<b>59</b>	<b>100</b>	<b>8</b>	<b>100</b>	<b>67</b>	<b>100</b>

Source: Household interview, (April 2014).

### Adherence to laws governing compulsory land acquisition

Section 24 (2) of the constitution of the United Republic of Tanzania of 1977 requires that, whenever land is compulsorily acquired, affected persons should promptly be given fair and adequate compensation. The government therefore gets the legal mandate to acquire land after paying the affected people a fair and prompt compensation. However, confusion emerged from the fact that the overall title of the Capital City District (CCD) land was issued to the Capital Development Authority. Within this boundary, there exist many customary and quasi-customary land ownership modalities. While the CDA has maintained the stance that all land is under their ownership, residents have been complaining over infringement of their local titles. When the Town

Planner was asked to explain on this controversy, he said;

*“When CDA was given a main title for the whole land within Dodoma Capital City District, many areas including Machimbo were not occupied. In addition, when we surveyed the land that was given to the police unit, there were less than 10 dwelling units with some bare farms. At the time of valuation (in the year 2009), there were found 52 dwelling units, which had to be included in the valuation process, and their compensation is in the process”.*

According to the Town Planner, people's invasion in an area was an attempt to complicate the compensation process for those who were entitled for compensation. CDA had to intervene the informal land subdivision to prevent encroachers who wanted to come in and later on put claims for compensation. Section 1 (1)



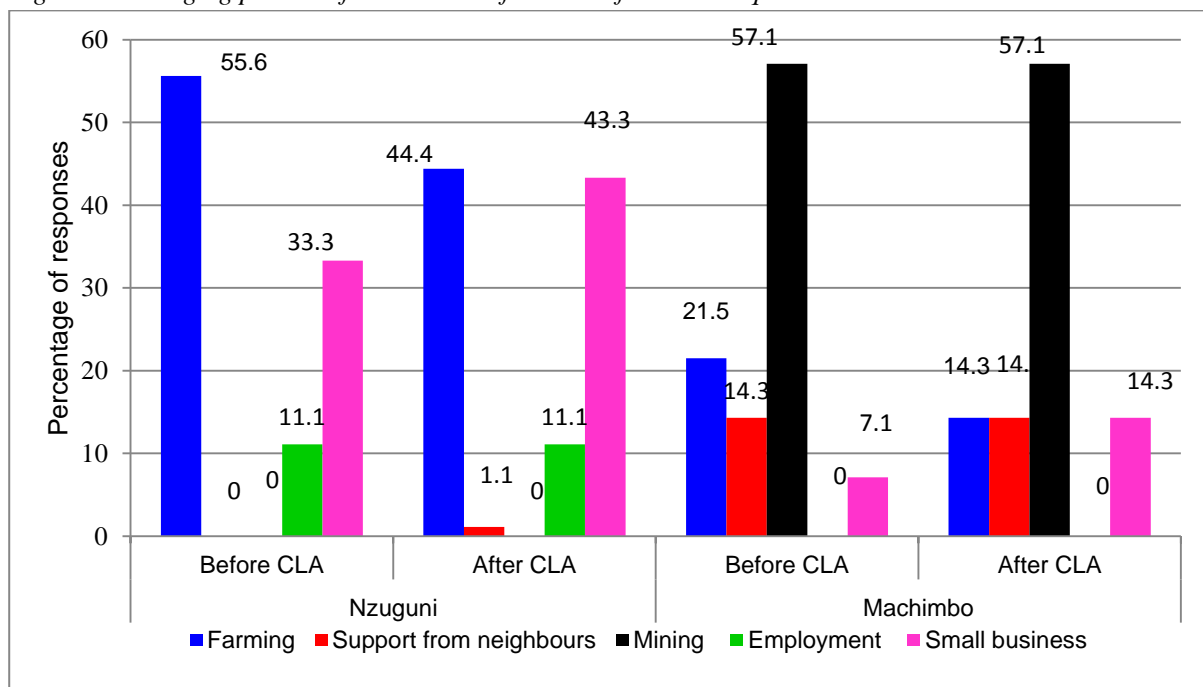
subsections (f) and (g) as well as Section 7 of the Land (Assessment of Value of Land) Regulation of 2001 provides that compensations should be paid within 6 months after evaluation process. Failure to abide to this condition leads into a penalty of 6 per cent interest in addition to the re-valued properties entitled for compensation. This provision has not been honoured by CDA because the valuation that was done in 2009 was yet to be paid until April 2014.

### Effects of compulsory land acquisition on people's livelihoods

The disputes emerging from compulsory land acquisition process in Nzuguni ward especially in Machimbo and Nzuguni areas have had adverse

effects on peoples' livelihoods. It was revealed that most people; from approximately 56 percent to 44 percent in Nzuguni and from 22 percent to 14 percent in Machimbo switched off from farming as key source of livelihood to other activities. Many people (61.2 percent) sold large parts of their land and remained with less than half of what they had before the introduction of compulsory land acquisition. The implication of this finding is that as people sold more land, they remained with small pieces of land which could no longer support agricultural activities. In the same vein, the number of people engaged in small business increased from 33 to 44 per cent in Nzuguni and from about 7 to 14 per cent in Machimbo (Figure 8)

Figure 8: Changing pattern of livelihood before and after land acquisition



### Discussion

#### Compulsory land acquisition in the context of land delivery theory

The (FIG, 2010) land delivery theory has focused on the two prepositions of market-based and human-based models. While the market-based assumes that the operations of the forces of supply and demand would best determine the amount of compensation for one to deliver his/her property;

the human-based model on the other hand, seeks to protect the owners and occupiers of land from adverse impacts of acquisition by recognising entitlements of all displaced landholders with or without legal rights (FIG, 2010). The findings presented in this paper indicate convergence with theoretical prepositions of the land delivery theory. It has been revealed from Nzuguni that the mismatch between the compensation rates which were given to the displaced people and market prices had impact on people's decisions to dispose

their land through market forces and resist compulsory land acquisition from the Government. While at times the resistance culminated into conflicts and social unrest forced compensation also affected negatively the livelihoods of the community members. These effects on livelihood are attributed to the fact that compulsory land acquisition was not done according to human-based model. Resistance of the people in Nzuguni to release their land through compulsory land acquisition and opt for market approach led to informal land parcelling, selling and subsequently the development of informal settlements. What needs to be underscored here is that, since land was the key source of livelihood among community members, compulsory land acquisition with a human face ought to have guided decision-making process.

#### ***Perceived power of state and land acquisition***

The perceived power of the state was manifest in CDA's status of being the custodian of the land under the Capital City District (CCD) and having a 99 years title. Whoever stays on this land is considered as a tenant and entitled for the provision of sub-leases. This supremacy over land ownership contributed to disregard peoples' right to land. At times, this supremacy was manifest in negligence of rights of sitting land occupiers which have been safeguarded in the Constitution and the Land laws. While it is true that CDA has the authority over the management of land development matters in Dodoma, this does not denounce the rights and privileges of the sitting land occupiers. Neither was it meant to overshadow other laws that protect the rights of sitting land occupiers. These laws require that whenever land is sought from sitting land occupiers through compulsory land acquisition arrangements, the affected people should be given adequate, fair and prompt compensation (URT, 1977).

#### ***Compulsory land acquisition and professional chauvinism***

It was evident from empirical findings that some officials portrayed professional chauvinism because they manipulated community participation

as a favour and not legal rights of the community. FAO (2009) underscores the importance of community as a very important element in either causing failure or success of any development project. This fact is worth taking on board especially on sensitive matters that touch livelihoods of the people. While Officials claimed to have conducted several consultative meetings, responses from the people was contradicting from this observation.

#### ***Property valuation for land acquisition***

Section 1 (1) subsections (f) and (g) as well as Section 7 of the Land (Assessment of Value of Land) Regulation of 2001 of the Land Act No. 4 of 1999, recognise market value of land as a base for compensation. It provides for payment of full and prompt compensation upon compulsory acquisition of land. Apart from recognising market value of land, it also provides for payment of market value of un-exhausted improvement, disturbance allowance, transport allowance, accommodation allowance, and loss of profit (URT, 2001a). According to the "Assessment of Value of Land Regulation", accommodation allowance should be determined by market rent of the acquired building for the duration of 36 months. Loss of profit is payable for the displaced business activity and it should be calculated from monthly profit multiplied by 36 months. On the other hand, the disturbance allowance payable to displaced individuals should be determined by multiplying the value of land by the average percent rate of interest offered by commercial bank on fixed deposit for a period of 12 months at the time of loss of land (URT, 2001a). Section 10 of the Compensation Claims Regulations further provides for various alternative forms of compensation to displaced landholders (URT, 2001b). This may be in the form of all or a combination of: a plot of land of comparable quality, extent and production potential to the land lost; a building or buildings of comparable quality, extent and use comparable to the building or buildings lost; plant and seedlings; and regular supplies of grain and other basic food stuffs for a specified time. These attributes were not considered in Nzuguni and Machimbo cases. If

compensation was paid as provided by the laws and regulations there could have been a substantial reduction of grievances and violence from disposed landholders.

#### ***Adherence to policies governing compulsory land acquisition***

Section 4.2.20 of the National Land Policy (1997) requires that, whenever land is sought for public interests, the affected landholder should be given compensation based on the concept of opportunity cost and shall include: market value of the real property; disturbance allowance; transport allowance; loss of profits or accommodation; cost of acquiring or getting the subject land; and any other costs or capital expenditure incurred to the development of the subject land (URT, 1997). Section 6.3.1 of the same Policy recognises that declaration of planning areas does not automatically extinguish customary rights of the sitting land occupiers. The preparation and development of such plans should be preceded by identification of all interests on land including customary land rights. In all cases, fair, prompt and adequate compensation would be paid (URT, 1997). Section 4.1.1.2 (iv) of the National Human Settlement Development Policy (2000) states that; when land is sought for purposes of accommodating urban expansion, the government shall make sure that prompt, adequate and fair compensation is paid to holders of land required for such expansion. Both policies recognize the rights of sitting land occupiers and they require that whenever land is compulsorily acquired for public interests, the affected landholders should be duly compensated. While these policy provisions are quite clear, actual implementation on the ground has been different as revealed in Nzuguni and Machimbo case study areas.

#### **Conclusion and Recommendations**

This paper has empirically shown that the declaration of Dodoma as a National Capital of Tanzania and the development of large institutional establishments resulted into population boom and increased land for urban expansion. While compulsory land acquisition has

been used as a tool to acquire land, increasingly, there have emerged disputes and disagreements from the local communities. These disagreements, disputes and conflicts emanating have their roots from a number of factors namely; unfair compensation, inadequate community participation, professional chauvinism, perceived supremacy of the state over land, flawed valuation process and non-adherence to policies and laws governing the process. Empirical evidence revealed that community participation in the land acquisition process has been to the large extent restricted. It was until when village members started to pursue their rights over land that the CDA changed the approach and started to involve community members in the process. Yet this approach could not be sustained as revealed by the defaulted process of sharing the number of plots and in place a forceful acquisition was made for part of the case study areas. On valuation and compensation arrangements, the study revealed that these processes were associated with a number of flaws culminating into unfair land acquisition from the people. The compensation rates provided by CDA were incomparably lower than those prevailing in market prices. Professional chauvinism and non-adherence to the laws governing land acquisition were key factors contributing to the disputes and conflicts associated with compulsory land acquisition. Livelihood patterns have been negatively affected and some households were compelled to change from agricultural dependent lifestyles to non-agricultural activities. Following these observations, the following are recommended:

- Wherever compulsory acquisition of land is executed, peoples' interests should be integrated in the process. This strategy will create a fair and win-win situation, which will make landholders willing to release their land for public interests.
- Community members ought to be educated about all steps and costs associated with land use planning and cadastral surveying; and allow the people to decide, which method or approach they can use to cover such charges.

If it is through cash or through surrendering part of their surveyed plots these options should be discussed and decided upon openly and in a transparent manner. This will reduce un-necessary fears and conflicts that are currently experienced when acquiring land for public interest.

- For planning and land development to work effectively and sustainably, planners and their clients should negotiate and forge partnerships because their interaction is not limited to compulsory land acquisition only, but they are likely to interact every now and then in the governance of urban land development process.
- It is unacceptable if one favours some people while ignoring the rights of others (especially the poor) who are seen to hold inferior rights when dealing with land matters. This is because any act that jeopardises people's rights over the land is likely to cause irreparable sufferings to the affected people. The essence of compulsory land acquisition and land use planning is to promote fairness, equity and protection of public interests while recognizing private rights on land. These cardinal principles should be upheld by all stakeholders with a view to minimizing undue conflicts and promoting sustainable urban development.

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