

Review

Urban farmers land injustice: Assessing the impact of land development projects on agriculture in Dar es Salaam City

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Land injustices are a global phenomenon but more vivid in developing countries, especially in Africa, where colonial hangover and the neo-liberal economic policies have been known to contribute into the plight of the urban poor including urban farmers. This paper examines the land injustices of urban farmers by taking Mbweni-Mpiji, a sub-urban area in the city of Dar es Salaam as a case study. The study used a qualitative approach to gather explanations, perceptions and feelings of the farmers regarding the issue of land injustices in the study area. From the findings, farmers in the study area are in constant pressure due to land insecurity and inferior land rights, the use of informality ways in accessing land, stiff competition from other land users and degrading land quality and constant decrease in size of agricultural land. In general terms, these factors are negatively affecting the day to day livelihood (in terms of food security, social status and income) of the people who entirely depend on urban farming. In order to overcome these challenges, this study recommends a dialogue between farmers and the city administrators as a short-term solution and inclusion of urban farming in the future master or strategic plans as a long term strategy.

Key words: Land justice, urban agriculture, land development projects, compulsory land acquisition, plot delivery project.

INTRODUCTION

Land injustices resulting from land acquisition and allocation are of major concern in the urban areas worldwide (Nijman and Wei, 2020; Soja, 2010; Fainstein, 2010; Harvey, 2010). This is most common in Africa (Home, 2020; Kironde, 2009; Kombe, 2010; Martin, 2010; Makupa, 2018), where the governments have more controlling powers in the process. In Tanzania, land acquisition has a long history from colonial times, through

socialism to present mixed economy.

The transformation of political and economical systems in Tanzania has an impact on land resource distribution and utilization which requires special attention. Sequentially, each step in the transformation cycle has contributed to the formation of the current land management system and land injustices within the country and mainly in the cities. The study main objective

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is to assess the impact of land development projects on agriculture in Mbweni-Mpiji area and to suggest ways in harmonizing land uses in urban areas for sustainability. The data reported in this paper were gathered in two ways; firstly, various documents archived at the National Archive and secondly, libraries were revised (archival review). These were essential in gathering the situation which existed during colonial times and earlier years after the independence. Data for present day situation were gathered using interviews and participants observations. Hence, in the following sub-sections fundamental characteristics of each of these political and economic systems and their contribution to existing land injustices are highlighted.

Land acquisition: Pre and during colonial periods in Dar es Salaam city

In the 19th Century, the local Zaramo tribe seized the reign of power in Dar es Salaam city after the death of the Arab Sultan who established the city in the 18th century (Brennan and Burton, 2007). The Zaramo owned the land under their traditions and customs. Each tribal member had opportunity to own land provided he/she had the ability to live in it. These systems are similar to free-hold in which a person obtains a piece of land forever without paying any dues. The tribal family heads acquired lands enough to cater for their existing needs. People with huge families, which are mainly wives and children would own more land than those with small families due to the fact that people were the major source of labour. Land hoarding was unheard of. Boundary demarcation was normally by a huge tree, or special herbs which had a tendency of regenerating quickly (these are still popular in some rural areas in Tanzania). Native communities were able to define land ownership on those terms. On the issues with the Zaramo, land ownership system was tribal-based discrimination. Only Zaramo people with their spouses had an opportunity to own and use land. Immigrants were not allowed to use land except with the permission from *Jumbe* (the local leader).

The Zaramo system of land ownership ceased when Germany and British colonial powers came to the city. The two colonial powers disregarded the traditional land ownership system and replaced it. Both used land alienation laws to acquire any favourable land from the locals. The locals were forced to live in designated residential areas (*Uswahilini literary meaning for Swahili natives*) to enable the colonial government control and monitor their movements (Brennan and Burton, 2007). The Germans used the Imperial Decree regarding creation, acquisition and conveyance of Crown Land of 1895 to acquire land from the natives. The lands were acquired in the form of alienation mainly for plantation, administration or other purposes. The 1895 Decree

declared that, all land was a Crown Land, vested in the German Empire (URT, 1995). This law was indeed, the beginning of land alienation in the city and in other places in the country. It was estimated that a total of 1.3 million acres of land were expropriated for administrative and commercial farming purposes. Under this tenure system, individuals started to own large tracts of lands for commercial agriculture and other purposes. The land ownership right started to be authenticated by a piece of paper called a 'certificate of title'. The person who wanted to own land was required to apply the same to the Chancellor. Land was taken from people and vested to a supreme power which had the responsibility to allocate it at its discretion to its subject. This is the source of open unequal sharing of land.

The British also used land laws to control the locals in the city. They ruled the country from 1917 until 1961 when Tanzania became independent. Also, the rulers made Dar es Salaam its main commercial and administrative city. The British used a different approach in controlling land; they abolished land alienation which was the common practice during German colonial rule and introduced public land ownership. Under the British land law, all land was public whether occupied or unoccupied, and this land was vested under the Governor to be held for use and common benefit of the people (Land Ordinance, 1923). The new law gave more power to the Governor in allocating land for various land uses. As expected, the Governor favoured the British and other settlers more than the locals in land allocation and use. After independence, the British land laws were largely adopted by the independent government. The government kept the Land Ordinance, 1923 up to 1999 when it was repealed through the Land Act No. 4, 1999 for general land and the Land Act No. 5, 1999 for Village Land. Although, the new land laws have similarities with the British land laws whereas land is public and the President is the custodian of land (URT, 1995). The Land Act, No. 4 of 1999 identifies the existence of customary right of occupancy or long standing occupancy as a legal means of owning land.

Land acquisition: During the socialism period in Dar es Salaam city

Towards the second half of the 1960s, Tanzania became more socialist guided by Africa communism (*known as Ujamaa*). According to the then President, Mwalimu Nyerere, there was a need for all Tanzanians to have dignity and equality (Nyerere, 1977). Bold actions were taken against private companies and private commercial banks through nationalisation under the Arusha Declaration of 1967. The Declaration state that all land and sources of wealth are to be owned by the public. Private land ownership was forbidden and all leaders were prohibited from investing in land and/or real estate business. Land owned by foreign and local private

companies was nationalized and declared public property.

In its effort to promote agricultural development, Tanzania formulated a villagisation policy in 1973. During villagisation, small clan villages were abolished to form bigger villages. Village land was vested to village governments and the villages were surveyed and their boundaries demarcated. These villages were issued with certificate of land ownership. All people who had an intention to use land for agricultural purposes or construction of a house were required to apply the same through village government. The land holders or users in the villages were not given any document as an authenticity for their land ownership.

In Dar es Salaam City, communal villages were formed in the sub-urban areas, and people from the city centre (mainly immigrants from other regions) were forced to form new villages. An example is Mbweni-Mpiji village which was formed in 1974 and became agricultural village until 2000s when the 20,000 plot delivery project acquired majority of its land. Since people had ancestral roots and attached meaning to their native clan lands, it was harder for them to move into new meaningless places, and many people escaped from the communal villages back to the city.

During the Socialism period, land became a 'free good' distributed freely to Dar Es Salaam through land allocation committees. These committees had powers to allocate a few surveyed lands to people in need who were supposed to apply based on the provisions of the Land Ordinance, 1923. This system was inherited with the Land Act, No. 4, 1999. The increase in population and change of economic system had pushed the horizons of land demand further into the areas which were earlier-on allocated to village governments and individual land owners under various circumstances as discussed above. Land was again given to the people, local people had an opportunity to easily access and own land.

Land acquisition: During neo-liberalism in Dar es Salaam city

Since the beginning of the 1990's, the country changed its fundamental economic and political stance. The ruling party and the government adopt liberalisation and privatisation of the economic base. One of the major shifts was the shelving of the Arusha Declaration of 1967 by the Zanzibar declaration of the 1992. In the later declaration, government leaders were allowed to own landed properties; this coupled with the increase in population (through natural means and urbanisation) caused an influx in demand for land and related infrastructure. Land was needed for residential, industrial, commercial, institutional and other uses. During neo-liberalism, the city has expanded both physically

(horizontal expansion) and in-terms of economic base (private investments and foreign trade). What is vivid is also, the promotion of private property and economy.

Policies which are intended to promote private and foreign investment have resulted into more new sources of wealth especially land resource. More land is needed for residential and industrial land use, expansion of infrastructure facility such as: road-networks, railways, ports, airports and institutional land use. For the government to be able to acquire land to cater for the above needs, it uses a Land Acquisition Act (LAA), 1967 and some provision of the Land Act, No. 4, 1999. The economic and political situation has changed (closed to open market system and socialism to neo-liberalism), and the provision of LAA has remained the same. LAA of 1967 was designed during socialism and it was intended to reduce foreign and local private investments on land and give the government the power of eminent domain. This is in contrast with the aim of promoting private and foreign investments. It is a fundamental tenet of neo-liberalism. Similarly, the Land Act, No. 4 and Village Land Act, No. 5 of 1999 and Land Policy, 1995 appear to be influenced by the colonial land laws mentioned earlier-on. The two land laws have elaborate provisions on land acquisition. According to these Acts, all land is public and vested under President as a trustee (URT, 1999). This is not different from the British land law which provided that 'all land was public land and was vested to governor or emperor'.

In the current laws the president has the powers to decide on land allocation and change of use for the so called "*public interest*". The philosophy behind this 'public-interest' principle is that the interest of the community or majority of the citizenry is more important than that of the individuals'. For example a project that proposes for development or expansion of a hospital will be beneficial to the whole society including the person using the land at that time. This has been the major source of land use conflicts between the government and the people in the process of compulsory land acquisition in the city (Makupa, 2018). While the government sees the land acquisition as beneficial to the whole public, right holders consider it to be a 'designed economical sabotage and land right infringement'. In the city of Dar es Salaam, for example, the government had acquired land from the farmers for private and publicly initiated projects (Bushesha, 2018; Kironde, 2009; Martin, 2010; Kombe, 2010). It is estimated by the UNHABITAT in 2010 that the city demanded for over 76,635 Ha of land for its expansion projects for the period 2000-2020. These amounts of land are expected to be acquired from most urban poor farmers in the city's peripheries (UNHABITAT, 2010).

THE STUDY APPROACH

The study was conducted in Mbweni-Mpiji suburb, which

is found in Kinondoni Municipality within the city of Dar es salaam, Tanzania. Qualitative approaches were used during the data collection and analysis. Data were gathered using interviews and focused group discussions (FGD) with sixteen farmers and (9) local government leaders; also archival review was used. Un-structured interviews, group discussions and semi structured interviews were conducted with four (4) officials from the Ministry of Lands and Human Settlements Development, (5) Agricultural Officers from Kinondoni Municipality and (3) Ward leaders in their respective offices within Dar es Salaam City. It was also necessary to interview project leaders of the 20,000 PDP. The interview with the former manager of the 20,000 PDP was conducted. Observation was one of the methods used; the observed issues were captured in still photos (Plate 1 and 2). Government documents regarding urban farming, valuation details and maps were also reviewed. Some of the records were collected during interviews with the key informants while maps were obtained from the surveying and mapping division. Data were analysed using a thematic analysis method and the analysis was useful in interpreting and identifying the overarching themes as suggested by King and Horrocks (2010). Although textual data were transcribed and translated from Swahili to English, the themes were identified from the transcribed data to form codes that were used to present the results in this study.

CONCEPTUAL FRAMEWORK

The term land justice has been used by many scholars and activists around the world. However, none of these groups have been able to define land justice clearly. In West Africa and Tanzania, the topic of land justice has been used recently to address the issue of land grabbing by foreign investors. For example in 2013, universities, embassies and other organizations in Tanzania jointly organized a conference on land justice for sustainable development. The most important message from the conference was to advise the Tanzania government to resolve conflicts between foreign large investors in the land, for local farmers, to harmonize the conflicting land laws, and to prevent future land conflicts in the country.

Land justice has also been used by scholars, in writing on native land rights issues in Australia (Weir, 2009; Pearce, 2012). In this context the term land justice has been used to describe the legal procedures used to facilitate or deny land rights to native Australians. In Hong Kong, the Land Justice League was formed by young activist scholars who were determined to create a balance between urban development and preserving the city's natural environment for the betterment of all of its residents.

In this paper, land justice is defined as the quality of being fair and reasonable in land matters. The central point in land justice is the righteousness, fairness, and

respect for other people regarding land resources. This means the right to own, use, or transfer land without any interference from others, whether individuals, a wider community or the state. In order to assess land justice in any country it is important to evaluate its land tenure system, because land tenure involves the relationship, whether legally or customarily defined, between individuals or between groups with respect to land (FAO, 2002). Through this relationship, individuals have various rights to land. In the case of Tanzania, the level of land security is low because land is public and individuals are not allowed to own land. Although land can be used by everyone, according to the law, the president has power to acquire any land at any time for the public interest. This means that farmland could be transformed into a hospital, a housing estate or a road, depending on what the president considers more important for the public. In this case, land was needed by the middle income people for residential purposes; hence, farmers who are considered as the poor were pushed out of the way to allow new residential projects. This process of injustice is persistent as the situation is produced and reproduced in Dar es Salaam city. Various scholars have also acknowledged the concept of distributional injustices in the cities (Harvey, 2010; Heynen, 2006; Heynen et al., 2006; Keil, 2003; 2005; Fainstein, 2010). According to Harvey (2010), injustices occur when there is imbalance in the need, contribution to common good and merit. A just society can be attained if the basic structure of a society allows the less fortunate to be empowered and considered in a decision making process (Fainstein, 2010; Harvey, 2010).

THE 20,000 PLOT DELIVERY PROJECT (PDP)

The 20,000 PDP was initiated by the Ministry of Lands Housing and Human Settlement Development (MLHSD) in 2002. This project aimed at reducing unplanned settlements (it is estimated that 70% of the houses in the city are in unplanned areas) in Dar es Salaam city by providing surveyed plots to the people. These plots were designed for residential, commercial and communal use. According to the project plans, the surveyed plots were expected to have a well-planned infrastructure and services such as: water, electricity, and roads. The project is the largest residential project in the city to-date with a capital requirement of 21 million USD. The total land acquired from various farmlands within the city was 76 km². Mbweni-Mpiji was highly affected because the project produced about 1200 plots from the village. This was 60% of the total land that was acquired in Mbweni ward, making it the most affected area in the city.

The 20,000 PDP was one of the important land development projects for the city which had blessings and support of the government. The project implementation followed the laid down procedures and



Plate 1. Property development at the farms.

the laws. Also, the major legislations which were used are the Land Acquisition Act 1967 and Land Act 1999. According to these two legislations, compulsory land acquisition is allowed in all projects that are important and beneficial to the public. The 20,000 PDP compensated farmers for their loss of land, housing and crops. However, it did not plan for resettlement package and future livelihood activities of the affected farmers. This is one of the major downfalls of the project; because most of the affected farmers expected to get an alternative land to continue with their farming activities. Other problems related to the project were unprofessional conduct, low compensation rates, delay in payment of compensations, and a total exclusion of the affected farmers in the project planning and implementation process (Martin, 2010).

LAND INJUSTICES IN MBWENI-MPIJI

Land problems are very common to farmers in the cities (Kyessi, 1998; Foeken et al., 2004; Nsangu and Redwood, 2009). Although urban farming is tolerated in Dar es Salaam city, there is a limited effort including the activity in the city future plans (Mkwela, 2013). The proposed city's Master Plan has included urban farming in the peripheries of the city, where there is no supporting infrastructure. Furthermore, the current Land Laws and regulations, regards urban farming to be an activity that does not fit into the city and when practiced should not obstruct any other development activities (URT, 1995; 1999). Hence, it will not take long before the land reserved for urban farming in the peripheries of the city will be used for other city expansion activities.

Land injustices resulting from the 20,000 PDP in Mbweni-Mpiji village are categorized into five major issues. (i) Inferior land rights, (ii) Informality in land access, (iii) Land in-security (iv) Competition from other land uses and land degradation (v) Decrease in land size. These are further discussed in the following sections:

Inferior land rights

The Land Act No. 4 of 1999, which is one of the two instruments governing land management in Tanzania states that, land is publicly owned but vested to the president as a trustee for all citizens. This means people do not own land but have use rights over it (Kironde, 2009). Land in Tanzania can be held via three ways. In the first, the right to use land is formally granted through the right of occupancy. This right is granted for the maximum period of 99 years; it can also be allocated for shorter periods of 33 and 66 years (URT, 1995). The granted right of occupancy is authenticated by a grant of certificate of title. This title confers to the holder a right to use land and it stipulates the allowable land use over the subject land; it can be renewed after the expiry of the term at the discretion of the governing authority. The second approach is related to the derivative of the granted right of occupancy and is held by foreigners using land in Tanzania for investment purposes. It has similar conditions with the above with the exception that the land is held over the term period minus one day (URT, 1999). Another way to hold and use land is via customary (deemed) right of occupancy emanating from long term occupation of the piece of land. Nevertheless, land obtained via customary right system tends to be less

secure than the granted right of occupancy and its derivative (URT, 1999).

In the interviews and the group discussions held by the researchers with the farmers and local leaders in Mbweni-Mpigi. It was evident that all of the farmers are holding and using land via customary right of occupancy. This inferior land right has exposed farmers to challenges associated with malpractices by some of the unscrupulous land officials who are sub-dividing and allocating land to people developing residential houses (Plate 1). These developers are issued by the certificate of titles which grant them more right and security than the farmers.

Informality in land access

Land access is one of the major issues for the farmers (Nuhu, 2019; Kironde, 1995; Sawio, 1998). Farmers' access to land is very limited in the study area. This is because both the local and central governments have not set enough land for farming (Kyessi, 1998; Mkwela and Banyani, 2008; Dongus, 2000; Sawio, 1998; Jacobi et al., 1999). The study realized that, farmers are accessing farming land through renting, grabbing, using their friends' land and some, through inheritance (Jacobi, 2000; Dongus, 2000). These farmers believe they have rights over the parcels of land they occupy. The farmers who accessed land through inheritance, regard their land as being more secure compared to land grabbers; they normally sub-divide their land and rent a section of it to other farmers on monthly basis. The rent for a parcel of land could range between 15,000/- to 30,000/- Tanzania shillings a month. This depends on the size and negotiation skills of the farmer. Also, the relationship between the farmer and the land lord may determine the amount of rent. Long standing tenancy may be considered to pay lower than incoming new farmers. Land grabbing occurs when a farmer intentionally encroaches or invades into a land which is either set aside for utilities, right of way, buffer zone or undeveloped parcel of land allocated to individuals or institutional developers (Jacobi, 2000, Mireri et al., 2006). These farmers are involved in farming a short cycle crops (Mkwela and Banyani, 2008; Dongus, 2000). This type of land holding seizes when the project intended for the subject land is implemented or the government institutes the cleaning-up campaigns on the utilities reserves (Dongus, 2000).

Land insecurity

Agricultural land in the peri urban areas is the target for the continuous major land development projects in Dar Es Salaam city (Mkwela and Banyani, 2008; Kironde, 2009; Kombe, 2010). There are a number of development projects in the pipe-line at the moment (Kombe, 2010).

These projects are for example, the Millennium City Project which is executed in the Kigamboni Peninsular in Temeke Municipality; there are also Satellite City Project, expansion of a national hospital and expansion of the Tanzania Twiga Cement Company all in Kinondoni Municipality. Earlier on, the government had implemented the 20,000 PDP also in Kinondoni and other Municipalities in the city. The targeting of the peri-urban land is purposely done to avoid huge compensations if the projects were to be implemented in the built up areas. The compensation paid to land held under customary right is far less compared to that paid to the land under the granted right of occupancy (Sackey, 2010). Due to insecurity farmers have been constantly exposed to eviction from road reserves and other areas set for alternative development (Mubvami and Mushamba, 2006; Mkwela and Banyani, 2008; Magigi, 2008; Martin, 2010). Farmers in the study area explained, "Farming is what we have been doing for years since Villagization in the 1970's, and why are denied land for doing the big projects?"

Competition with other land uses and land degradation

Competing land uses have an impact on the farmers' activities (Kidunga and Shomari, 2017; Nsangu and Redwood, 2009; Kyessi, 1998; Sawio, 1998, Msangi, 2011). Apart from the common competing land uses in the cities, farmers in Mbweni-Mpigi are particularly in day to day confrontation with the sand miners. Interviews, group discussion and observations have shown that, farmers in Mbweni-Mpigi are struggling with sand miners and property developers (Plate 1 and 2). The increase in construction activities in Dar es Salaam city has contributed to an increase in sand mining activities. According to the Ministry of Natural Resources and Tourism, sand mining activities in beaches are highly prohibited in Tanzania leaving the river banks to be the only available sand mining sites. Similarly, some of the building developers have been allocated land in areas which were formerly used for urban farming (Plate 1). According to the farmers these two land uses are constantly threatening the existence of their activities in Mbweni-Mpigi. Furthermore, sand mining is the major cause of land degradation which has reduced the fertility of the land. The sand miners have been removing the upper fertile agricultural land in order to reach the suitable engineering soils. It is evident that, sand mining activities are destroying and reducing the arable land in the study area. The photographs taken from the site have shown existence of gullies as a result of the sand mining activities (Plate 2).

Decreasing land size

Historically, residents of Mbweni-Mpigi were farmers. Up



Plate 2. Poor land quality in Mbweni-Mpiji.

to the beginning of the 2000s, farmers were able to access and held huge land for farming purpose (Kironde, 2000; Foeken et al., 2004). During interviews, farmers had estimated their farming land at over 20 acres in early 2000s; by 2014 the total farming area was about 12 acres. The decrease of the land size is due to other competing land use and land degradation (Mhache and Lyamuya, 2019; Kironde, 2000). Majority of the farmers in Dar es Salaam are using about $\frac{1}{4}$ acre and a few have 2 acres of land (Mkwela and Banyani, 2008). It is evident from the study area that, the available size of land may be reduced further if sand mining and illegal allocation of land to property developers will not be contained.

CONCLUSION

Land injustices described in this article are a clear underground and unnoticed struggle of poor urban farmers in the city of Dar es salaam. The initiative to promote sustainability of urban farming and its challenges should come from the farmers. Farmers have to be proactive and act to safeguard their livelihood, and interest. This can be done by stepping out and forming strong farmers' groups that will represent them in various decision making process within the city. The silence of urban farmers in Mbweni Mpiji today does not help their desire to be recognized, protected, or favoured by the current liberal economy and the law.

RECOMMENDED SOLUTIONS

There is no single solution to land injustice issue in Dar es Salaam city. This paper suggests the following:

Linking the parts involved in farming-a two way traffic dialogue

In the immediate situation, farmers in Mbweni-Mpiji, local (Municipal level) and central (Ministerial level) government are to initiate and engage in a dialogue intended to safeguard the existing land used by the farmers in the study area. Farmers should become active and stop being passive when issues affecting their livelihood arise. Farmers should form committees and request assistance from experts such as lawyers, environmentalists and humanitarians who will be involved in the lobbying and advocacy over their land rights. The negotiation should intend to create a substantive right over the land and curtail the continuous degradation and reduction of the land size. The process should ensure that, farmers organise themselves in co-operatives which are registered with legal mandate to sue or being sued, to borrow and transact in agro-business in the small and medium scale. The use of committees will give farmers a platform for the negotiation of their rights against any impending land users. The success of this kind of organisations may sensitize the government and lure the planners into considering urban farming in their future plans.

The power of voice to the voice-less

The government should pro-actively include urban farming in their development projects. This has to be performed in a very systematic manner. The government has to analyse and understand the number of evictees involved in the urban farming as a full time employment endeavour. This requires the government to carry-out the

job-task analysis of the people affected by any development project. Also, after the analysis the government should set aside a certain amount of land, and this will ensure security in terms of land rights and ownership to urban farmers. The inclusion of the urban farming in the urban plans will ensure land security, boost farmers' self-esteem, increase possibilities for securing financial assistance or loans and increase food security and good market to the farmers.

CONFLICT OF INTERESTS

The author has not declared any conflict of interests.

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