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# Cooperative Development and Land Use Planning Dynamics in Sub-Saharan Africa: A Quest for Socio Solidarity Economy and Partnership in Sustainable Urban Development

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## 1. Introduction

Urbanisation is the key factor underpinning and catalysing changes in land use, land transactions, increased rural-urban immigration, cooperative development and the overall poverty increase in Cities of Sub-Saharan Africa (SSA). The increase of urban population leads to changes in the life style of the people, where land used for farming is changed into different land uses including housing and institutional development. The changing life style demand people to think more on how to get finance to sustain their life and living styles in urban areas, and therefore financial and agricultural cooperatives becomes a fundamental demand in urban development. The need for development of these cooperatives is encouraged due to life changes caused by among other reasons urbanisation processes leading and catalysing people into forming associations and voluntary pressure groups as room for manoeuvre, which ultimately help them to access different financial betterments from financial institutions to improve their income levels. Paradoxically, rural dwellers make use of goods and services including money remittances in terms of money flows from urban settings.

The rural and urban inhabitants both depend on agricultural activities, in which case the success in marketing of agricultural products whereby improved productivity depends much on group organisation in the form of cooperatives, mainly Agriculture Cooperatives. In this respect agriculture land use allocation for farming becomes an essential ingredient for enhancing farmers' productivity in both urban and rural settings. However, there exists a strong relationship, which seems not to be clearly known between cooperative development principles and values with land use planning in the fight against poverty in Africa especially SSA. Thus, discussing urban development is inseparable from rural development context in view of the synergy of urbanisation processes, particularly when one wants to understand access to the city economy, in terms of capital outsourcing from relatives and friends, labour and exchange of goods and services, and strong

communication action. These are common features, which triggers the transformation needs of cooperative development and land use planning in urban development agenda in both developed and developing countries.

In both countries of the world stated above, Tanzania inclusive, cooperatives have traversed two stages namely state control and liberalization (Bottelberge, P *et al*, 2010). The former, cooperatives were created by government as part of their populistnationalist strategies for nation building, rather than by people's own common interests and motivation or by market demands. Such strategies were often enthusiastically supported by international donors who preferred to work through governments (Hofstede, G., 1994). From the early nineties, cooperatives entered the era of liberalization, which required them to be run on business principles and in line with the evolving market economy. The questions of analyzing member based assets including land as mortgage was a driving feature in both financial and agriculture cooperative in this era. The understanding cooperatives and land use planning nexus in empowering member based in accessing financial resources as well as improving ecological environment in both urban and rural setting was and still a demand in our communities. Betts *et al.*, (2002) support by showing the potential of community involvement in management of forest land and urban environment. The authors indicate that private forest land owner, can utilize cooperative ecosystem based management guidelines to own land property. Cooperative are found to be less growth oriented but use natural resources inputs more efficiently and therefore makes members come out of poverty in poor resource areas (Booth, D., E, 1995; Delveltere *et al.*, 2008)

The SSA countries in which we work exhibit a wide range of social and political systems, stages of economic evolution and cultural legacies. Yet in each, the need for collective action to address shared problems is evident, particularly in rural and resource-poor areas.

However, by organizing cooperatives and participatory land use planning approaches, farmers and entrepreneurs can mobilize capital, pool knowledge, achieve economies of scale and foster vertical integration. They can create greater leverage in the marketplace and policy arena, attract business service providers and more efficiently link to urban and export markets. Such disciplined groups not only catalyze local economic growth, they may serve as a vehicle for more equitable community land use planning and improve members income and level of productivity in the city economy. Likewise, they develop human capital, encourage the participation of women and youth in development activities including farmers' decision making, fostering democracy and entrepreneurship for organizational and membership development within the social solidarity economy context.

In pursuing factors for sustainable urban development agenda, the question of cooperative development and land use planning linkage therefore are essentials. However, towards enhancing city's productivity and attraction of foreign investment, understanding social solidarity economy is inevitable. The social solidarity economy in this context refers to collective practices that contribute to building a more just and egalitarian world hence contributing to sustainable development. The practice grows in a global perspective, by linking economy to society, local to global, labour to investment, and production, consumption and the environment. Thus, it becomes an engine for development and plays an increasingly important role in meeting needs that are not adequately addressed by the

public or private economy. The social solidarity economy is one of the responses to the current economic crises in addressing city development challenges. Both land use planning and cooperative enterprises therefore are key players and require partnership in strengthening the social solidarity economy in a locality or for overall country productivity. They have both economic and social characteristics. The economic characteristics entail how do they operate efficiently and attain profit to cover operating costs as well as operate at low or economic costs. In view of social characteristics, all of them must involve people in its operations, must be competitive in the market economy, and have adequate capital investment from the membership. In addition, both land use planning and cooperative development experiences consistent conflicts, thus demanding that they are managed democratically, transparently and with inclusiveness of stakeholders in planning to decision making.

Cooperatives in this context refers to social and economic organisation or association formed by people voluntarily who agree to come together on the basis of equality and equity to undertake an economic activity in order to achieve their goal (ICA 2001; Kashuliza *et al*, 1999). These people have common felt need, which among others make them come together. However, before a cooperative society/enterprise is formed, certain things must occur including: there must be people with common need/problem; the need and desire to solve that problem; association of people with a common bond coming together discuss how to solve the problem and an agreement/consensus on how to solve the problem. The key cooperative principles includes: Voluntary, which entails no force, willing and freedom to join; Equality, which entails non exploitative, existence of democracy and equal voting rights and lastly equity, which entails equitable share, capital contribution and sharing of risks and profits (Bottelberge *et al*, 2010; Faustine, 2001; Chambo, 2010)

In supporting the above, land use planning refers to a process of determining equitable and efficient use of land through proper allocation to ensure proper sitting of the building and other land uses including farming (Magigi *et al*, 2009). It considers the principles of social, economy, land use compatibility, accessibility, aesthetic value, livability, safety and technology of efficient use of land to increase city and residents' productivity. It considers also minimisation of land use conflicts to enhance city Direct Foreign Investment (DFI) and productivity which has direct connection with social solidarity economy. The process of land use planning initiation requires voluntary action of members, participation, democracy in decision making, equal sharing of costs, involvement of different stakeholders and enjoyment of the plan outputs. The planning output is the land use plan, which once registered may help a member within a neighbourhood or cooperative member to use it as a collateral to access financial mortgages after the land has been formally granted right of occupancy. Thus, dealing with urban development, where poverty is on the increase in African cities, land use planning and cooperative development can not be avoided and can be integrated as a viable option for poverty reduction in African cities including Moshi in Tanzania.

## 2. Study approach

A descriptive research design has been adapted for this study, which was complemented by exploratory devise to capture elements that relate to knowledge and opinions of relevant actors in land use planning processes and cooperative development context. Himo Savings and Credit Cooperative Society (SACCOS) and Himo community led land use planning

project were taken as case studies in Moshi Rural District Council. A list of SACCOS, urban farming association groups and informal settlements involved in land use planning project in Moshi were obtained and used as sample frame in selection of the study areas. Qualitative and quantitative data were collected from both primary and secondary data sources, where a total of 292 respondents were involved in this study (Table 1). The study employed qualitative data collection approach with periodic use of quantitative data gathered to enable the use of information from different sources for the purpose of triangulation. The mix of qualitative and quantitative data collection approach was preferred so as to enhance the search for different types of information from diverse sources to capture the existing relationships, partnership, values and contribution of land use planning and cooperative development in poverty reduction effort in urban development agenda.

## 2.1 Study area description and selection

The study area was Himo settlement in Kilimanjaro region, particularly, Kitotoloni Village and Himo Savings Cooperative Society. The villages and Himo SACCOS are located on the foot of Mount Kilimanjaro between 2,500 and 3,000 meters above sea level. River Saghana and Whona, traverses the settlement, which are Pangani drainage basin tributaries. It is located about 30 kilometers from Moshi urban centre with a population of 18,872 people, of which 10,024 are females and the rest are men (Ward Population Census Report, 2008). The area receives mean rainfall between 800 mm and 1,400 mm; sometimes reaching up to 1,600 mm. Mean daily temperature is 10–12 centigrade while annual range of temperature is 4–6 centigrade. The present size of household farm ranges from 1 acre to 2 acres (as per Ward data from August 2008). Other households have less than 1 acre (48%). Most of all household expenditures are expected to come from this small piece of land. The average size of the household is seven people, which indicates increasing future land problems in the township.

Existence of unsolved land use planning conflicts of landholders against the council remained undetermined by the court of law for many years. Existence of land property mortgage/collateral conflicts within Himo SACCOS, land tenure conflicts, unorganized farming practices are some of the remarkable factors used for selection of the study cases. Urban planners *inter alia*, were and still are totally stuck and unable to regulate land use change in the entire territory under the customary land tenure system within the township dominant by farming. This has resulted in conflicts and confrontations of local authorities and landholders, which appear revealing the interests, real rationalities, notions, values and ethics underlying the actor's decisions and actions in land development. In addition, landholders in Himo organized a protest to struggle to seek space in the formal planning system to influence decisions, which negatively affected their lives. On the other hand, Himo SACCOS organized an Auction for selling a member based housing property for loan recovery, which both increase conflicts and therefore the cases might clarify the factors underpinning the poor performance of land use planning and cooperative development in social solidarity economy within Sub-Saharan African Cities. The selection of the case did not mean that other factors found rational were not considered, but the one proposed provided a profound for indepth case exploration and therefore others cases were taken and reflected in the study context.



A number of respondents who participated in providing data and information for this study are depicted in Table 1.

Participant's Category	Kitotoloni Village		Himo SACCOS		Farmers association group members		Total Respondents
	Men	Women	Men	Women	Men	Women	
Respondents	90	10	15	7	20	30	172
Informants	5	4	6	5	2	3	25
FGDs	14	5	12	8	3	4	46
Interviews	3	2	11	10	2	4	32
In-depth Interviews	6	4	3	2	1	1	17
Total	118	25	47	32	28	42	292

Source: Field Data (2010-March 2011)

Table 1. Number and Location of respondents in the case study

3. Results, discussion and synthesis

3.1 Factors for the growth of Himo settlement

Himo is an area which is transforming from agricultural land use to urban area. Formally Himo was initially a sisal estate known as Voi estate established in 1929 and in 1940s. It then pooled people from various parts of Tanzania as well as other countries such as Kenya and Burundi. The services located to serve the estates and job in sisal cutting attracted people to live in the area. From late 1970s to the late 1990s, Himo became a centre of a thriving smuggling trade across the border exchanging agricultural produce from Tanzania for manufactured goods from Kenya. As a matter of fact this contributed to the rapid growth of Himo town especially in the 1970s and 1980s. This also facilitated construction activities and therefore increased land use changes and needs beyond planned development including service provision.

Inadequate formal provisions of surveyed and serviced plots, decreasing urban farming land in the city of Moshi Municipality and limiting residents to sustain their livelihoods have catalyzed the growth of Himo settlement. The growth of Moshi Municipality has been diverted to these small townships. A report obtained from the planning office during field work showed that from 1998 to 2002, 1,368 plot applications were received, and out of these a total of 415 applicants (30%) were from Moshi Municipality. In August 2008, more than 3,500 people were looking for land as applicants. This shows that the growth of Moshi town is to some extent being diverted to small townships surrounding it. Consequently, proper land use allocations through involving land use planning becomes an essential mission for the local authority to effect and accommodate various changes.

3.2 Essence and emergence of Himo SACCOS and land use planning projects

3.2.1 Himo SACCOS

Changes of Himo settlement into Township led to decreasing land for farming on the one hand which on the other hand motivated people to get organized into groups including

formation of Savings and Credit Societies to access financial resources to enable them have a voice on their land. Himo SACCOS which loans funds Himo Settlement dwellers was established in year 2006. It was born out of the desire of the Lutheran Church believers who were motivated by the Uchumi Commercial Bank, to form such an organization to fight against poverty in the neighborhood as well as checking down loss of farm land as the area changed its status from a Village to a Township. A total of 37 members were founders as a result of motivation provided by Clergy of the Lutheran Church. It operated as a pre-cooperative group for almost a year. In March 2007, the Himo Savings and Credit Cooperative Society was registered with registration No. KLR 687 and started operations as mandated by Cooperative Society Act of 2003 of Tanzania.

### **3.2.2 Factors for success and challenges of HIMO SACCOS**

#### **Training**

Members and leaders of Himo SACCOS received training from various institutions outside and internally. These institutions include Cooperative Department of Moshi Municipality, from Banks and regular internal trainings offered by SACCOS to members by leaders who were already trained. The Cooperative Department offered seven training session to leaders and members from the year 2007 to June 2011. The type of training offered includes cooperative leadership entrepreneurship and rights and duties of members and leaders. CRDB and Uchumi Commercial Banks offered two trainings on effective use of Loan, recovery systems and entrepreneurship. Four trainings in these areas had been offered to members and leaders. This seems to be done if and only if there is an offer for a loan from these banks on demand basis. Internal training is done by leaders to members. This training type is offered on regular basis to keep the members informed of their obligations for organizational development. What is observed is that the training and education aspect is not given much weight. It is not taken to mean the preparation of the human resource for serving the SACCOS. This discussion shows Commercial Banks that have ties with the SACCOS should reduce the lending interest rate as it increases the cost in terms of the borrowings to the members. As well, they should give the requested loans on time.

#### **Legal, policy awareness and gender considerations**

The study found out that the Himo SACCOS has been adhering to the legal requirements. One indicator noted includes keeping copies of the Cooperative Policy; Cooperative Societies Act; The Cooperative Societies Rules; and their own internally developed by-Laws. However, it appears that though these are kept in SACCOS' custody, yet many of the members are unaware of them (inclusive of the Board Members). It is only the Loan Officer and the Cashier who make effective use of them. This is detrimental to the progress of the cooperative, which seems to be common to such organizations.

Himo SACCOS experiences gender balance in terms of membership, but with regard to leadership position, gender imbalances exists. The organization has a total of 289 members, of which 121 are female and the rest are men. The table below indicates the gender imbalances existing within the organization operations.

Organ	Position	Sex
1. The Board	Chairperson	Male
	Ass. Chairperson	Male
	Secretary	Male
	Assistant Secretary	Male
2. Supervisory Committee	3 Members	All Male
3. Management	Manager	Male
	Loan Officer	Male
4. Loan Committee	3 Members	2 Male, 1 Female

Table 2. Organizational structure

From the table above, one can rightly deduce and infer that there is a problem with regard to women participation in leadership positions at Himo SACCOS. There are only three women out of twelve leaders forming the Board and this is because it is a legal prescription. In the management there is only one lady cashier. The trainees tried to find out the reasons for such a problem, it came to their notice that basically two reasons are behind this problem. First, women are not ready to compete. This is much more motivated by cowardice and fear to stand before men. And the other reason is much connected with much concentration in other economic activities and reproductive functions. Women are worried that if they become leaders they won't participate effectively in other personal activities. The SACCOS administration is highly encouraged to make sure that women are also included in the leadership positions. It is not enough that they are members only. The study established that women are hesitant to join leadership position due to the nature of the Chagga society where male dominates. However, they should know their right of becoming leaders. Education will provide education and increase women awareness and understanding of their rights, including land property ownership.

**Effective mechanism of financial inspection and Auditing**

According to informants, inspection and auditing are normally done annually to ensure transparency in the use of public funds. The inspection was found to be done by the Municipal Council Cooperative department officers and auditing by a government auditing parastatal organization known as Co-operative Audit and Supervision Corporation (COASCO). The two institutions normally examine Financial statements and based on Income and Expenditure of the SACCOS and give feedback report as supervisory report by Co-operative Officers and Management Audit and Annual Audit Report by COASCO Director General who is mandated to do so. However, it was strangely observed that inadequate funds hinder timely audit work. For example until June 2011, the financial report for the year 2009 and 2010 were not audited. This may lead to increasingly misuse of public funds through swindling of money which can lead to decline of SACCOS activities. It is likely this may discourage members to contribute to their organization and therefore decrease their income levels, levels of productivity and reduced faith in those in leadership position.

**Non-compliance with the law, principles & values**

Three Annual General Meetings are required as per Himo SACCOS bye-laws. Inspection and auditing of organization funds have to be done annually. Experience shows that there has been a departure from implementing the rules. The numbers of meetings were not exactly



the number prescribed in the society Bylaws. It appears that leaders of this organization shun away from questioning by members especially on the use of members funds. Further, it was observed that, the issue of Auditing and Inspection are not given much serious attention by the SACCOS, the Cooperative Department and COASCO. Here we recommend that the Board, which is the organ responsible for running of the society, to make sure that the Bylaws are adhered to and the three meetings are held. This is for the sake of making the society alive and allowing members to get an opportunity to make their contributions for better running of the society to their advantage. Revising and transforming the Cooperative Societies Act and its better implementation seems to be a an enormous demand.

3.2.3 Government based interventions in land use planning process

In view of land use planning project in the neighborhood, Himo District Council as a local authority initiated this project immediately after the area had been declared to be township in 1986 and consequently extension of the boundary was compulsory. When the planning boundaries for Himo Township were established in 1986, some villages which were registered, under the Village and Ujamaa Registration Act of 1975 in Tanzania, were engulfed into the planning area. Prior to this plan these villages had administrative authorities and the land allocation and control vested with Village Authorities who were entitled to decide about land questions including subdivision and allocation. Kitotoloni village is among the ones engulfed into the planning area. During preparation of land use plan project for this area, there was no explanation on how the villagers would be incorporated into urban fabric, including compensation for their land. Most landholders resisted land use planning and have continued parceling land for selling or allocation to their families and clans. They are also erecting permanent buildings despite the instructions given by the district council to stop doing so. People used to access land in the settlement by different mean as presented in Table 3 below.

Means of acquisition	Men	Women	Total	Percentage
Inheritance	132	10	142	88.8
Gift	0	1	1	0.6
Buying	13	4	17	10.6
Total	145	15	160	100
Percentage	90.6	9.4	100	

Source: Field Data (2008)

Table 3. Land Acquisition at Kitotoloni Village

Results presented in Table 2 show that 142 (88.8%) of property owners got land through inheritance, one person got land from his former employer as a gift (0.6%), and 10.6% bought parcels of land from original settlers and occupation of land by virtue of absence of landlords was not recorded in the area. This has a connotation that land occupiers at Kitotoloni village are strongly attached to customary land tenure system, which is one type of land declared as per Urban Planning Act of 2006, it has to be futile. Women (9.4%) compared to men (90.6%) are seen to be the least involved in property acquisition. This could be caused by patriarchal dominance in accessing property and ownership rights in African families including Chagga community in Kilimanjaro Region, Tanzania.

In view to such land use developments for the township, the villagers protested against the planning intervention. This protest manifested itself as a conflict, which led into residents appealing in the court of law, seeking help for their land that has been changed from agricultural to residential use. The court of law has issued a stop order to planning and surveying of plots until when a consensus will be reached. The conflict has become an obstacle to the council's attempts to regulate land use change in Himo Township, especially in Kitotoloni village that has been included in the township boundaries.

However, in the discussion with landholders (88% of the total respondents), they said that they are not opposing their farms to be part of urban area, however they were unhappy about the decision because of uncertainty about their lives in the changing social and economic setting in an urban environment. Government officials promised that each landholder whose land will be taken would be given first priority in allocation of new plots and be compensated in the process of land use planning and allocations. The landholders were not satisfied with this promise as they knew that once an area has been declared an urban area, the use of land will change to housing, institutions, and other uses. They also were aware that parceling the land into residential plots will cause change of traditional farm boundaries of individual land holdings. What they did not know is how they will survive in a township environment, as they already experienced that certain laws and regulations in towns prohibit activities such as free grazing, growing of crops such as maize and bananas. This restriction was perceived as a constraint in starting a cooperative that will or may help to market their products profitably and subsequently alleviate poverty. Most land occupiers depend totally on land for their sustenance. In addition, landholders know that once their land has been turned into an urban, they will not have freedom of using it as they desire. In this area, land is used by the owner and children to secure their livelihoods. This necessitated some of them joining Himo SACCOS to cope with urban life

### 3.3 Leadership and governance

Himo SACCOS has three tier type of leadership with different mandates as per their constitutional set up. This structure comprises of SACCOS' members, Board members and Supervisory Committee. Board members are elected by members during the Annual General Meeting (AGM). Members are supposed to make decisions during the Annual General Meeting where their voices are expected to be heard. The supervisory committee which comprises Manager, loan officer and Cashier who performs daily activities of the organisation. The supervisory committee officials are also members but in most cases are employed by SACCOS based on their area of expertise. The structure seems to be commendable but there is a problem in regard of the AGM. According to the interviewees, the Board is not complying with the by-laws because the number of meetings supposed to be held annually is not met as previously explained. In addition, knowledge on land and house mortgages observed are not clearly known to enable them understanding both formal and informal properties, which can be mortgaged by members to the cooperative society.

By June 2011, Himo SACCOS had 289 members, of which 121 are females and 168 are males. Members of this organization are involved in different activities which enable them to recover the cost of loan once borrowed. These activities include small-scale business persons, crop farming and animal husbandry. The organization is open for any member to join provided she/he is living in Himo neighborhood as guided by the organization bye-laws.

There are categorically two types of members observed during this study. They include the founder members and ordinary members. The founder members are the ones who brought the society into life and the ordinary members are the ones who have been registered day to day upon meeting certain criteria. According to **Rule 10** of the SACCOS' by-laws, ordinary members can be admitted if she/he has met the following conditions; first, if she/he has attained the age of 15 years and above; if she/he is of sound mind; if she/he has fully paid up shares (i.e. 10 shares @ TShs 5,000/=). There are other more requirements related to the behavioural aspect of a person. One important thing noted is that, one cannot become a member if she/he does not reside within the Ward of Makuyuni that is made of three villages of *Himo, Makuyuni and Lotima*.

Himo SACCOS had a capital meriting to Tanzania<sup>1</sup> Shillings 70 Millions (i.e. 47,000 USD) by June 2011 from Tanzania Shillings 37,000 (i.e. 25 USD) in the year 2006 when it started. The main sources of funds include loans from Banks, member entry fees and selling of pass books. Other sources include selling the constitutions to members and income resulting from penalties imposed on members who delays loans recovery. Reluctance of leaders for change including barring chances to youth to lead the organization was observed to be a key challenge. The Founder leaders, it was observed, they take the organization to be their property and are reluctant to allow any changes which seems to jeopardize their leadership, a situation which deters development of the organization. It was also noted that these leaders do not want to transform to new leadership style and adapting to technology nor preparing for adaptation and acquiring new skills required to enhance organizational performance. In fact this observation is part of the contribution to current conflict in the cooperative. One may wonder how the founders are always re-elected in the Annual General Meeting. This appears to follow personal integrity, popularity and convincing power, which puts away the youth who aspire to contest but lacks those characteristics to win the votes.

Some conditions are set to ensure the amount of penalty on a member is recovered as a way of disciplining members by the organisation. For a member who delays loan repayment between 1 to 14 days after planned period, she/he is supposed to pay 2% of the total loan received. Likely, for a member who delays repayment between 15 and 30 days has to pay extra payment of 4% of the total amount borrowed. These conditions were made and agreed by members themselves during their Annual General meetings. The enforcement of these conditions enabled the organization to increase its income and therefore its economy. In addition, a total of TShs. 280 Million loan, from Uchumi Bank (100m) and CRDB Bank (180m), were borrowed by the organization with 16% interest. Loans from Uchumi Bank were recovered successful until year 2009 from the base year 2006. Loan from CRDB until June 2011, was not fully recovered by the organization. What has been observed and perceived by members is that loans from banks make them poorer. It is important if the source of income can be internal sources rather than depending on bank loans which charges high interest rate.

In view of land use planning, key players include local authority and landholders who were denied right to be part of decision making process in formalizing land rights in township authority through involvement in land use planning, cadastral survey and being granted right of occupancy, culminating in unnecessary land use conflicts. Some of the conflicts are related to re-negotiation of the customary land ownership in the face of the ignored right of the landholders, in view of social and political changes. The undermining of indigenous

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<sup>1</sup> 1 USD was equivalent to 1500Tshs by June 2011

tenure arrangements in Himo has resulted in conflicts, which manifest in physical clashes between customary and statutory rights in the process of land use planning. Under the current Land Policy of 1995 in Tanzania one may have access to land through either a granted right of occupancy or by customary right of occupancy. Whereas the former is issued by the head of state or his authorized subordinates, under the later system the law deems customary land owners as lawful occupiers (the deemed right of occupancy). However, since colonial times up to the present, the courts have undermined the “deemed right of occupancy” under which customary land tenure is based, and upheld the superiority of documentary evidence, title deeds, certificates of occupancy and all the paraphernalia of granted rights of occupancy. This can be critically interpreted that, the courts are of the opinion that customary right of occupancy is inferior to the granted right of occupancy once the settlement expands. This puts more questions, as to how the customary land right will be respected as a way of gaining status which shall enable the urban poor to access financial sources to enable them contribute towards national growth and poverty reduction efforts especially among cooperative members and SACCOS’ management?

### **3.4 Cooperative development and land use planning disputes**

#### **3.4.1 Dispute settlement mechanisms for Himo SACCOS**

Remarkable mechanism appears to have been established by Himo SACCOS in resolving disputes. Common disputes observed are connected with the Loan Repayments. When members fail to repay is when things starts to come to a collision course. The established processes include;

- i. Serve a notice to a member. Some conditions are set on how to execute this. From 1-30 days, the member is called by phone and be informed the need to recover the loan. From 31-60, the member is served a letter explaining to pay as a follow-up. From 61-90 days this is recorded as bad debt;
- ii. Second step is physical follow-up. In this regards physical visit of the member’s business unit is made. If found is informed and is requested to voluntarily come and repay back the loan with penalties,
- iii. Thirdly, if the member is not able to come and repay at the society, attachment and realization of the Securities is declared and auctioneers are contacted and involved;
- iv. The search for the Guarantor is committed and letter and physical visit is done. In this respect when they fail the Auctioneers take the reading role.

In the whole process, nowhere the court of law is being involved. This seems to be detrimental for the cooperative organization development in terms of ensuring cost recovery once the member borrows. This also happens in land use planning process, as no where the court can be involved in the process of land use planning unless there is a conflict between subordinates. This act as a disincentive to community and or association members who are motivated and joined together to improve their settlement and income levels of their residents and therefore improve township productivity.

#### **3.4.2 Conflicts related to selling member properties within Himo SACCOS**

One of the conditions for accessing a loan from Himo SACCOS and other cooperatives in Tanzania and elsewhere include being an active member who contribute shares, pay fees,



actively participates in the business of the organization, attend meetings and share ideas on the development of the organization. The member also must have some guarantors who know him/her in terms of properties he/she owns. These properties may be sold as payback once the member fails to recover the loan. The common properties which most of the cooperative members use as mortgage include land, house and other material goods such as vehicles. Once the member request for a loan is accepted, the loan agreement is drawn and signed by both parties.

The nature of the conflict occurred in Himo SACCOS is between the organization and one member, Mr. Emmanuel. S. Mvungi, who entered a loan repayment agreement in which he mortgaged his house. The appellant borrowed a total of Tsh.5, 000,000 million (3340 USD) from the Himo SACCOS on 12<sup>th</sup> May 2009 for two years recovery period agreement. The condition set for loan recovery was to adhere on monthly repayment schedule. The appellant after receiving the loan he did not respond to any loan repayment as agreed in the contract. The organization management reminded him in various occasions by both orally and written notices. He either ignored and/or refused to payback the money.

On 4<sup>th</sup> April 2010, after serving three notices to the member, the Himo SACCOS contacted Visionary Auction Mart Broker popularly known as Majembe Auction Mart to help the organization to recover the cost. The Broker sent two notices of 14 days and later of 30 days. These attempts of the Broker to serve the notices fell on deaf ears and the member did neither appear nor respond to these notices. While the Majembe Auction Mart prepared to go to sell the mortgaged house as by law to recover the loan borrowed, they received an ex-parte interim order No.96 of 2010 dated 15<sup>th</sup> of June, 2010 restricting the action to be taken from *The District Land and Housing Tribunal of Kilimanjaro at Moshi*.

The member after filing the case in the District Land Tribunal, prayed for not auctioning the mortgaged house to settle the loan amount instead he requested for more to pay slowly as he gets the money. In this respect no explanation was given where and how he spent the money received from the Himo SACCOS. The Himo SACCOS was in favour of interest of justice to see that the loan is repaid back so that the organization can be able to assist and extend the loan to other needy people rather than leaving the money with the applicant who is not ready on his volition to pay back the loan. The total amount to be covered included loan 5,545,200 with penalty addition and for Broker fee amounted to TShs 554,020 excluding other costs payable such as Transport fee which merit to TShs 15,000/=. Up to June 2011, the case still under the District Land and Housing Tribunal in Moshi waiting for decision to be made for the parties.

The study shows that the Housing property, which is mortgaged as collateral was constructed on informal land which is owned under customary land tenure. The informal land property owned under customary law in practice has less value when compared to the formal right of occupancy recognized in legal framework. The market value of this mortgaged house on informal land determined by the broker could have been more valuable if land use planning was carried land registered. Likely, training on land laws to cooperative leaders and members was lacking to enable member knowledge on issues of land and housing property mortgages and its implications once opted to use as collateral for financial access. Training in property rights and collateral determination can be an important vehicle for enhancing cooperative development. However, capital accumulation



through member contribution seems to be an important element to enhance sustainability of the microfinance institution to ensure it makes profit. The borrowing from Banks is a disincentive for ensuring cooperative development and sustainability so as to make surplus one of the reasons being high interest rate and numerous exorbitant fees of banks.

### **3.4.3 Nature and sources of land use change, land tenure conflicts based on land use planning process in the neighbourhoods**

Urban planning process among other things, aims to ensure equitable utilization of land, increase city productivity and creating a livable and safe city. The process involves production of land use plan as an output to guide urban development and investment processes through having planned neighbourhoods. The process involves land use planning, cadastral survey, and infrastructure provision and land registration. The formal granted rights of occupancy ensure land safety and security for landholders who want to use the property to access financial benefits. The land planning process in Himo settlement encountered various challenges and conflicts, which deterred its effectiveness as explained hereunder.

#### **Inclusion of village areas into planning boundaries**

When the planning boundaries for Himo township were established in 1986, some villages which were registered, under the Village and Ujamaa Villages Registration Act of 1975 in Tanzania, were engulfed into the planning area. Prior to this plan these villages had administrative authorities and the land allocation and control vested with Village Authorities who were entitled to decide about land questions including subdivision and allocation. Kitotoloni villagers are among the ones engulfed into the planning area. Given that during preparation of layout plans for this area, there was no explanation on how the villagers would be incorporated into urban fabric, including compensation for their land, most landholders resisted land use planning process and have continued parceling land for selling or allocation to their families and clans. They are also erecting permanent buildings despite the instructions given by the District Council to stop doing so.

#### **Protest against expansion of boundaries of the planning area**

The villagers protested against the planning intervention. This protest manifested itself as a conflict, which led into residents appealing in the court of law, seeking help for their land that has been changed from agricultural to residential. The court of law has issued stop order from planning and surveying of plots till when consensus will be reached. The conflict has become an obstacle to the council's attempts to regulate land use change in Himo township fringes, especially in Kitotoloni village that have been included in the township boundaries.

#### **The "fear" of getting urbanized**

In the discussions with landholders (88% of the total respondents), they said that they are not opposing their farms to be part of urban area, however they were unhappy about the decision because of uncertainty about their lives in the changing social and economic setting of an urban environment. Government officials promised that each landholder whose land will be taken would be given first priority in allocation of new plots and be compensated. The landholders were not satisfied with this promise as they knew that once an area has been declared an urban area, the use of land will change to housing, institutions, and other uses. They also knew that parceling the land into residential plots will cause change of

traditional farm boundaries of individual land holdings. What they did not know is how they will survive in a town environment, as they already experienced that certain laws and regulations in town prohibit activities such as free grazing, growing of crops such as maize and bananas. Most of land occupiers depend totally on land for their sustenance. Therefore they know once their land has been turned to urban, they will not have freedom of using it as they desire. In this area, land is used by the owner and children to secure their livelihoods.

The system of compensation suggested by the lands officers and other leaders was not acceptable by most of landholders. The system was that, when the area has already been planned and surveyed, landholders will be given one plot in every acre one possessed. This means that those with one acre will get one plot, those with two acres two plots and those with piece of land which is less than an acre will also be given one plot. However this system didn't specify the size of plots which will be offered. By any means these plots wouldn't be able to support livelihood of these people. Worse enough is that some of the landholders whom their land was planned and surveyed didn't get even a single plot within that piece of land they have possessed. This land was allocated to other persons and when they went to complain they were told that they would be allocated another plot in another area.

One resident whose farm was subdivided into plots didn't get a plot there, instead he was shown a new plot near a quarrying area where he wouldn't be able to practice agriculture as he was used. In his former farm he had planted vegetables and trees of different varieties, and if it was the matter of being given a plot he was supposed to be given first priority. Neither compensation in cash was discussed nor on other properties as promised. One landholder remarks:

*“This arrangement of taking our farms is like some one who has taken your shirt, then he torn it into pieces, then he just gives back to you a collar, will this collar be enough to cover my whole body? From this land I am getting food, I am getting money to settle school fees for my children and other expenditures. Today you are asking me to leave? It is quite impossible, I will kill any one who will happen to take my land and I will also commit suicide”.*

The corroboration statement was also confirmed by other landholders in Himo settlement. This revealed that landholders had been more or less ignored in the course of preparing the layout plan. Most of the landholders asserted that they had heard about layout planning for the area but they had neither participated in the process nor had the opportunity to air their views. Understandably, the interviewed landholders expressed bitter reservations about the intentions of the Ministry responsible for Lands and Human Settlements and Development to prepare layout plans without involving and considering landholders' rights.

Interviewed landholders (88%) perceived the attempted planning intervention as a threat to expropriate their land. Trust and relationship between the landholders and the local government (especially the district council) are weak and may probably further decline. The majority of those who had been allocated land in newly planned areas in Himo include influential people like businessmen, politicians, middle and upper class public servants, and retired civil servants. This implies that land in the periphery is increasingly being colonized by people who command some form of power, through a conspiracy theory. One landholder remarks:

*“I do not know where these people want us to go. Look, the beacon, had been amounted here separating the main house and a cowshed. Surveyors came to my home and told me that my farm plot has been reduced and therefore I have to find somewhere else to erect a cowshed because the existing one has fallen into somebody’s plot”.*

This implies that there were no proper updating of base maps to plot existing property rights and interests on the basis of which a plan would be prepared.

### **Conflicts’ arising from the state’s undermining of indigenous Tenure arrangements**

Some of the conflicts are related to re-negotiation of the customary land ownership in the face of the ignored right of the landholders, in view of social and political changes. The undermining of indigenous tenure arrangements in Himo has resulted in conflicts, which manifest in the clashes between customary and statutory rights. Under the current Land Policy of 1995 in Tanzania one may have access to land through either the granted right of occupancy or by customary right of occupancy. Whereas the former is issued by the head of state or his authorized subordinates, under the later system the law deems customary land owners as lawful occupiers (the deemed right of occupancy). However, since colonial times up to the present the courts have undermined the “deemed right of occupancy” under which customary land tenure is based, and upheld the superiority of documentary evidence, title deeds, certificates of occupancy and all the paraphernalia of granted rights of occupancy. This can be critical interpreted that the courts is of the opinion that customary right of occupancy is inferior to the granted right of occupancy once the settlement expanded. This puts more question, how the customary land right will gain status for enabling the urban poor to access financial betterment towards national growth and poverty reduction efforts?

### **Conflicts during cadastral survey processes**

A major conflict, which confronted the surveyor, was the discrepancy between the proposed plot boundaries and actual plot boundaries on the ground. The plot subdivision plan disregarded individual property boundaries and a lot of development had taken place since, contrary to the plan. The planners had not recorded this important aspect of land development during the mapping exercise, because they did not consider land value to be an important issue. The mapping exercise did however not take into account individual property rights, suggesting that such rights did not matter to the planners, although they did to those holding such rights.

The first attempt of surveying plots in the area faced strong resistance from landholders, who teamed up led by their chairman. Many of them didn’t know if their land had been planned. This resistance caused the surveyors and land officers to report the issue at Himo Police Station so that they can be guarded. From that day the surveying of plots was done under supervision of the police. Landholders who continued to resist were caught and taken into jail. Some people who are said to have close relationship with land officers had their farms surveyed and given title deeds. Therefore during surveying of plots these farms were not included. This act caused complains as some peoples’ land was taken while others were not.

### **3.4.4 Community coping strategies, resources and powers to respond on formal land use change**

Once the landholders teamed up to fight against their rights on using their land, a total of 2300 U\$ was contributed to facilitate their move. A total of 25% of the contributors were

female households, which shows the importance of gender consideration in land use planning. The action of landholders appears to build strength to act against the government and therefore be able to file their case in the court as explained hereunder.

### **Opening of cases in the court of law**

When people saw that surveying of plots was going on they teamed up and went into the court and filed a case opposing their land being surveyed without their involvement. The plaintiffs were villagers of Kitotoloni the defendant was the district council. In their allegation they said, Kitotoloni village was registered in 1976 as village No. KM/KIJ 334. It had otherwise existed as a village before independence. It owes its origin from land allocations made to parents and grand parents of the plaintiffs by the Chief (Mangi) of Kilema for which each grantee paid customary fee called “upata”. At the time of allocation the area was forest and bush land. In order to put into use the grantees had to clear the forest and bush and remove stumps, with a lot of efforts and at cost. In supporting the foregoing one landholder states:

*“We were surprised to seeing people coming with their cameras [meaning theodolite] into our land forcing us to move out”.*

The court went ahead and issued a stop order of surveying and issuing plots. The district council was directed to discuss with the landholders to reach consensus before the exercise resumes. In responding to the court decision, the local authority called for a meeting. In this meeting the landholders wanted to know what exactly the District Council wanted to achieve by expanding the town towards this area. They wanted to be enlightened on how the landholders will benefit from the town’s expansion. The question appears to be a common community felt problem that made them work together to defend their customary land right of occupancy.

In addition, it appears that if the benefits of land use planning procedures and allocations could have been clearly explained to landholders by the local authority, eventually there would have been no problem of this magnitude. The fear, inter alia, was striking landholders’ minds because they knew that urban regulations prescribe how land should be used and developed, according to certain standards. Until July, 2011, the struggle was still in vain and continued to brew.

### **3.4.5 Roles of different actors in land use planning**

Stakeholders involved and their linkages with various stakeholders involved in the land use planning, implementation and arbitration of land disputes in Himo settlement are numerous.

#### **Ten cell leaders, committee members and landholders:**

These stakeholders have been involved in land subdivision and transactions, transfer of land rights, and conflict resolution. Eventually there are land conflicts in Himo relating to farm boundaries, use of canal water, blockage of footpaths and even double selling of the same plot. While Himo is changing from rural to urban, buildings worth millions of shillings have been erected. This suggests that investors, including landholders, have confidence in the informal institutions, which have facilitated property transactions and are safeguarding individual rights as a social solidarity economy. These buildings are being erected in the area which has been declared to be a planning area ripe for urban development.



**Central Government (MLHSD), Local government (District Council), Ward and Sub-Ward administration, Sub-ward development committees, policy and Courts of law.**

These institutions are among others responsible for land use plan preparation; follow up on the different land use plans in the area, policy formulation and enforcement including Ministry responsible for planning and local government. Other responsibilities include conflict management related to land development in the country mitigated by police and the courts of law. The performance of these institutions is shaped by social and physical contexts, but the observed outcomes are also influenced by the formal system. A land dispute, which could be solved by a local institution, in short time can take several months or years when this issue is handled with the courts of law. This institutional characteristic in practice appears discouraging local communities to engage in land use planning and subsequently conflicts arise.

**3.5 Urban farming, land use planning and cooperative nexus and emerging challenges**

Implementing land use planning requires contribution and partnership in terms of cost sharing. The costs here involves payment for consultancy services, labour, materials and those leaders who will be making follow-up in land use plan approval procedure. All these costs are community shared and require commitment and transparency in its use. In regard to co-operatives, the organizations in most cases aim at cost minimization. The members try their level best to ensure that costs are at lowest and equal opportunities are given to members. This forms a similarity when trying to link land use planning process and cooperative development and sustainability when the question of cost is at the central focus of all the two in mutuality and friendly manner. However, decisions in both fields are taken in collaboratively though the initiation differs as per policy and guidelines in place in Tanzania and other Sub-Saharan African Countries.

Urban land use planning is guided by Urban Planning Act of 2007 and Land use Planning Act of 2006. These legal instruments exclude urban farming as it requires attention in its management. However, the case study shows people get organized and use peri-urban areas for subsistence farming. Gardening and household yards are common. Vegetables farming in plots and off-plots were also noted to be dominant. These activities were found to be conducted in unplanned and un-serviced land, where it becomes cheaply undertaken by the government once land is needed for public development or for any land use alternative development including housing or other investment needs. A group of farmers who had formed an association for using irrigation system were negatively affected as the land they used to farm was taken by government for public interest.

In fact, once someone's lands is taken, she/he drifts to lower levels of poverty since the property she/he depends on has been taken. In addition, cooperatives associations in forms of SACCOS found difficulties to establish the value of unplanned land and with no title deeds. Likely, group associations found that after land deprivation they declined economically and found themselves poorer and the shifting to peri-urban and rural areas became an apparent feature. However, urbanisation process is accompanied with expansion of the city boundary, which engulfs peri-urban land, resulting into decreasing land used for farming. Lack of land designated for cooperative development in urban planning practise is hindering cooperative effectiveness and their level of productivity. Increasing interaction of smallholder farmers and



Savings and Credit Cooperative organisations guarantee members' access to the city economy, in terms of capital outsourcing from relatives and friends, labour and exchange of goods and services, and strong communication action are common features, that triggers the transformation need of cooperative development and land use planning change in urban development. Thus, guiding urban development through proper land use planning is essential to ensure the increased urban investment, making a social justice city and therefore reduce poverty among urban residents to implement the urban development agenda.

#### **4. Synthesis and concluding statements**

The SSA countries in which we work exhibit a wide range of social and political systems, stages of economic evolution and cultural legacies. Yet in each, the need for collective action to address shared problems is evident, particularly in rural and resource-poor areas.

However, by organizing cooperatives and participatory land use planning approaches, farmers and entrepreneurs can mobilize capital, pool knowledge, achieve economies of scale and foster vertical integration. They can create greater leverage in the marketplace and policy arena, attract business service providers and more efficiently link to urban and export markets. Such disciplined groups not only catalyze local economic growth, they may serve as a vehicle for more equitable community land use planning and improve members income and level of productivity in the city economy. Likewise, they develop human capital, encourage the participation of women and youth in development activities including farmers' decision making, fostering democracy and entrepreneurship for organizational and membership development within the social solidarity economy context.

Whether working with legally registered agricultural and financial cooperatives, community-based enterprises and private limited companies, financial institutions such as Banks seems they do not promote one standard model for enhanced cooperative development. Banks are interested in profit making and giving loans which they know later you will reimburse at high interest rate and impose exorbitant fees indiscriminately. The approach for enhancing cooperatives is to build on existing structures and to promote diversity and choice within itself. In this regard diagnostic tools for assessing the capacity and seriousness of existing cooperatives to serve the interests of their members in an effective, accountable and transparent manner are in high demand. Along with participatory subsector analysis, institutional mapping and competitiveness analysis tools, by engaging stakeholders in devising plans that address cooperative weaknesses and constraints.

To ensure cooperative sustainability, accountability, service orientation and surplus generation, members must contribute and monitor the progress of their group. There is a need for developing participatory methods and procedures in policy and legal context to allow group members to assess management, participation, organization, planning, economic performance, technical operations, financial operations and growth in both sectors of cooperative and community based initiated land use planning process. Some range of instruments—including memoranda of understanding, protocols, contracts and franchise agreements—to protect members from abuses of power and to discourage irresponsible groups from bringing the organizations into disrepute, can be adopted.

Community organized groups in their involvement in land use planning and cooperative development allows small-business owners and farmers to compete in the marketplace.

There is therefore a need to strengthen the capacity of such groups to expand their trading options by scaling up production and applying quality-control standards. To this end, groups are assisted in accessing essential technical services, linking to higher-value markets, forming business alliances and advocating for a favorable regulatory environment for improved city productivity.

The potential for large-scale impact embodied in agriculture and financial cooperatives justifies the long-term commitment of resources required to build effective, independent and financially sustainable member organizations. As organizations mature, they generally expand their operations—diversifying products and services, branching into new geographic areas and addressing social concerns such as illiteracy, gender inequity or HIV/AIDS. Cooperatives play a significant role in nurturing the next generation of community leaders, and, with their extensive member networks, they are ideal vehicles for transferring knowledge, challenging social perceptions and poverty reduction tools.

In democratically run, member-owned organizations, smallholder farmers and small-scale business owners learn participatory decision making and develop ways to resolve conflicts. They enable members to demand accountability of elected leaders, present their views in public, claim ownership of the local political process, and on a daily basis they demonstrate the values of transparency and accountability.

The study shows that local community participation is important towards enabling residents in urban centers to come together and fight for their right of securing tenure system for improving small scale farmers' productivity as a response to food insecurity. However, linkages, synergy and partnerships in view to participation process and contribution of different resources appears to be an important ingredient in enhancing local community involvement in securing land tenure and therefore safeguard urban environment. Roles of different actors including the central government, local government and other planning and development institutions need to be clear and therefore contributory to enabling local community initiated project such as land use planning, cadastral survey and land registration to be implemented effectively and efficiently. This may be the case in most Sub Saharan African countries, where the need for having planned and secured formal landownership to residents is high in urban development agenda.

The economic characteristics entail how do they operate efficiently and attain high profit to cover operating costs as well as operate at low economic costs. In view of the social characteristics, all of them must involve people in its operations, must be competitive in the market economy, must have adequate capital investment from the membership and finally must be managed democratically, which shows the role of land use planning and cooperative development in improving city productivity.

The future outlook of cooperative and land use planning process should be based on community-centred and market-driven approach. Member-owned groups should increase their members' incomes, either directly, for example through bulk input purchases and collective marketing, or indirectly, such as through policy and advocacy initiatives. Members are motivated to participate in group activities because of profits and or benefits they obtain as a result of their engagement in the sector.

To move in the right direction, the Government may also prepare a transparent strategy for rebuilding the co-operative movement involving other interested parties like NGOs and

other sympathizers of co-operative enterprise. The tendency of the Government to dominate the co-operatives as in the past should be avoided, but will play a key facilitation role. The heart of the strategy should be a pro-poor participatory co-operative development and modernization education programs that may be drawn on the positive lessons of the wide range of participatory approach based pilot projects. This may bring fundamental change of attitudes and approaches of particularly the government policy makers and other interested stakeholders including extension officers, Co-operative support institutions, co-operative movement and other sectors in the economy. Likely they will succeed to introduce appropriate changes of the mindsets and governance practices. The study concludes that towards enhancing social-solidarity economy for improved livelihoods of members within city's neighborhoods or within cooperative associations, private-public partnership (PPP) may be an important combination to be considered in urban development. If the linkages and partnerships are not well created and addressed in policy and institutional settings, it may be difficult to retrofit and may enhance urban poverty in Sub-Saharan African cities and rural settings.

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## **Urban Development**

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Cities are growing as never before and nowadays, it is estimated that at least 50% of the world's population lives in urban areas. This trend is expected to continue and simultaneously the problems in urban areas are anticipated to have an increase. Urbanization constitutes a complex process involving problems with social, economic, environmental and spatial dimensions that need appropriate solutions. This book highlights some of these problems and discusses possible solutions in terms of organisation, planning and management. The purpose of the book is to present selected chapters, of great importance for understanding the urban development issues, written by renowned authors in this scientific field. All the chapters have been thoroughly reviewed and they cover some basic aspects concerning urban sustainability, urban sprawl, urban planning, urban environment, housing and land uses. The editor gratefully acknowledges the assistance of Dr Marius Minea in reviewing two chapters.

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