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**PRESIDENT'S OFFICE
PUBLIC SERVICE MANAGEMENT**

THE EFFECTIVENESS OF PUBLIC POLICIES

VOLUME 4

CASE OF THE NATIONAL LAND POLICY OF 1995

FINAL REPORT

Submitted by:



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ACRONYMS AND ABBREVIATIONS:

ASDP	Agricultural Sector Development Programme
ASDS	Agricultural sector Development Strategy
CBO	Community Based Organization
CCRO	Certificate of Customary Right of Occupancy Tenure
CVL	Certificate of Village Land
CO	Certificate of Occupancy
CoL	Commissioner of Lands
CSO	Civil Society Organisation
DCF	District Compensation Fund
DLB	District Land Board
DLHT	District Land and Housing Tribunal
DLO	District Land Office
GoT	Government of Tanzania
HSD	Human Settlements Division
HSDD	Human Settlements Development Division
ICT	Information and Communications Technology
IHL	Institutions of Higher Learning
KRA	Key Result Area
LAC	Land Allocation Committee
LAI	Land Administration Infrastructure
LAIF	Land Administration Infrastructure Fund
LAS	Land Administration System
LASS	Land Administration Support Services
LDS	Land Delivery Services
LDSD	Land Development Services Division
LGA	Local Government Authority
LGRP	Local Government Reform Programme
LIS-	Land Information System
LTS	Land Tenure System
LUMO	Land-User Ministries and Organisations
MIS	Management Information System

MDA	Ministries, Departments and Agencies
MLHHSD	Ministry of Lands, Housing and Human Settlement Development
MTEF	Medium Term Expenditure Framework
NCMIS	National Centre for Mapping Infrastructure and Services
NCPS	National Council of Professional Surveyors
NGO	Non – Governmental Organisation
NLAC	National Land Advisory Council
NLP	National Land Policy
NLUPC	National Land Use Planning Commission
NSGRP	National Strategy for Growth and Reduction of Poverty
NVRS	National Village Resettlement Scheme
PEACE	Public Education, Awareness Creation and Enhancement
PER	Public Expenditure Review
PIC	Presidential Implementation Committee
PILL	Programme of Implementation of the Land Laws
PMO-RALG	Prime Minister’s Office – Regional Administration and Local Government
PPP	Public Private Partnership
RO	Right of Occupancy
SMART	Specific, Measurable, Achievable, Realistic and Time-bound
SMD	Surveys and Mapping Division
SPILL	Strategic Plan for the Implementation of Land Laws
SUA	Sokoine University of Agriculture
SUDP	Strategic Urban Development Plan
SWOT	Strengths, Weaknesses, Opportunities and Threats
ToR	Terms of Reference
TP	Town Planning
URT	United Republic of Tanzania
VLA	Village Land Act
VLC	Village Land Council
VLUP	Village Land Use Plan
VPO	Vice President’s Office

CHAPTER ONE: INTRODUCTION AND BACKGROUND

1.1 Introduction and Objectives:

This Report is one of the outputs in an assignment commissioned by the President's Office, Public Service Management to the Economic and Social Research Foundation (ESRF) under contract no. PSRP/000530/2009 signed on 20th December, 2009 to assess the effectiveness of public policies in Tanzania based on a sample of five public policies. The study results are expected to serve as part of input into the Results framework of the second phase of the Public Service Reform Programme (PSRP II).

The overall objectives of the study were summed up in the terms of reference as: (i) developing potentially replicable policy evaluation processes that can be applied more widely across Government and which could potentially form the basis for developing a policy evaluation manual or guidelines (ii) learning, from the sample Policies, the degree to which policies are effective, with a view to identify possible ways to improve policy implementation (iii) providing lessons from the sample policies on the operational effectiveness of the respective policy review processes, and (iv) assisting the President's Office, Public Service Management (PO-PSM) to assess policy effectiveness, - within the context of its results framework.

The national land policy (NLP) of 1995 is a public policy and has been selected by client as one in a sample of five public policies for deeper study in this assignment. Its importance to the people and government of Tanzania is well known and its linkages and synergies to all sectors that depend on the land for their operations is without question since we all live on the land and from the land, and to the land our bodies are committed when we die (Simpson, 1970). Further, Government has the leading role in land administration. The private sector, including non-Governmental and professional institutions, is but Government's close partner only in regulating the lands sector.

1.2 Background:

Land is, functionally speaking, a space or platform for human activity as reflected in the many forms of land use (e.g. agriculture, conservation, settlements, infrastructure development, recreation, etc). The interpretation of land in the Land

Act No. 4 of 1999 of Tanzania includes *"the surface of the earth and the earth below the surface and all substances other than minerals and petroleum forming part of or below the surface, things naturally growing on the land, buildings and other structures permanently fixed to the land"*. This interpretation is conveniently stated so as to exclude resources such as minerals and gas, regulated through other legislations. But, land hosts all infrastructure established in the process of extraction of underground resources and is therefore also directly linked to it.

Land is a central issue in many Government policies, strategies and plans such as: (i) the Tanzania Development Vision (TDV) 2025, (ii) the National Strategy for Growth and Reduction of Poverty (NSGRP), (iii) the Agriculture and Livestock Policy (ALP) and corresponding strategy, ASDS, (iv) the Rural Development Strategy (RDS), and (v) the Forestry Policy and Act, etc. In the recent exercise on needs assessment and costing of NSGRP/MKUKUTA, land was among the sectors included from the onset (Lugoe and Mtatifikolo, 2006) due to its central role to the economy.

The Sense of Belonging to the Land: The usefulness of the land including its production and productivity will, in the long run depend on how it is managed or conserved to serve user and national needs. Good land management is a desirable factor to any community and nation but it starts with a sense of belonging to the land by the landowner, facilitated by good land administration practices. The National Geographic Magazine interviewed an onion farmer in USA about production on his farm in 1998. This is what he had to say: *"fifty years ago ... an acre planted in onions would produce about 200 sacks ... of yellow onions. When we got that up to 350 sacks per acre, we thought we were the hottest thing in farming. Today if we cannot produce 800 sacks per acre, we can't compete with the guy down the road."* Agricultural yield increase of 400 percent does not come easy without unleashing the potential factors of land productivity. In the same vein the NLP has singled out economic use of land for emphasis, as consideration for the extensive array of land users.

The Agricultural Sector Development Strategy (ASDS) draws the attention of the Government to the issue of land distribution in Tanzania with a statement in section 2.1 that *"approximately 85 percent of the arable land is used by smallholders who operate between 0.2 and 2.0 ha, and traditional agro-pastoralists who keep an average of 50 heads of cattle. It is estimated that the average per capita land holding is only 0.12 ha."* This statement is made while acknowledging an "abundance" of arable land. *"According to recent studies, only 10.1 million ha, or 23*

percent of the arable land is under cultivation. It is also estimated that out of 50 million ha., suitable for livestock production only 26 million ha., or 50 percent of is currently being used ..." Tanzania is confronted with a huge challenge in its land distribution policy that has not considered allocation of higher acreages to many villagers especially the over 4 million peasant farmers residing in the villages.

People centred land distribution: The world bears witness to poor land management and poor production reported on state farms and cooperatives in the former Soviet Republics and other Socialist States, where the land was state owned and production followed a command economy rather than a response to markets. One of the first policy reversals undertaken in these states, after adopting market economy policies, was to change to individualisation of land tenure.

In Tanzania the villagisation policies of the 1970s almost extinguished customary land tenure (Fimbo, 2004) - a form of freehold tenure practiced for centuries. It can be recalled that villagisation was governed by legislation that sought to place village lands under the regulatory authority of village governments, as did the ex-socialist States. The National Agricultural Policy of 1984 for example sought to give village titles of 999 years. The policy would have therefore not allowed other land rights to exist in villages and thus wiping out customary tenure.

Under villagisation policies, production and productivity took a nosedive, not to mention the rise in land-related conflicts, in almost all areas where the programme was instituted. The Agricultural and Livestock Policy (ALP), states, in part, that *"export crop production, though not because of land policies alone, declined between 1970 and the mid-1980s as the growth rate declined at an annual rate of 4.5%. During the same period, food crops declined by 0.2% per annum (between 1986 and 1991) while livestock registered negative growth rates (GoT, 1997)".* Some of these issues were instrumental in making a decision towards designing a national land policy (NLP) in 1992.

1.3 Baselines – Referencing

The methodology and approach taken in this research is the same as used in other sectors comprising the sample in the study and is covered in the synthesised report. However, a word on referencing in rankings of effectiveness is made here as could be different from others in the sample. It is worthy underscoring that in assessing effectiveness, a policy objective is a pointer as to where the policy leads the sector

and/or what the policy expects to achieve or impact in the process. The objectives established at policy formulation stage often, as was the case in the design of the NLP, do not give the baseline environment prevailing as a starting point. This is however, implied in the matrix of problems existing prior to policy formulation, if these are provided.

The ToR for this study state that “baseline values for policy related indicators do not exist” since they were not established in earlier consultancy assignments. In other words, researchers were not provided with a starting point in the evaluations and here is where the need for primary data search got its prominence – to set the baselines. In the case of the NLP of 1995, the indicators (see annex 1) were developed using a participatory methodology during the formulation of the Strategic Plan for the Implementation of the Land Laws (SPILL) in 2005. These have now been used to establish baseline effectiveness for each of the key objectives of the land policy. In this case the study has reviewed the situation now prevailing in the sector. The interviewers assisted the informants to recall the situation prevailing during the time of designing the policy and the status of the sector at that time of the study enough to respond well to the ranking mechanism that have been established.

CHAPTER 2: LITERATURE REVIEW

2.1 Background Studies

The literature review was undertaken with the purpose of obtaining: (i) secondary data and information in support of the objectives of this study; (ii) a bench mark of performance of the lands sector, its status, problems, constraints and challenges in the period leading up to the policy formulation; and (iii) any information relevant to the implementation of the NLP after its launching. It is acknowledged here, that several land policy related studies were conducted in the Lands Sector starting with the report on the Presidential Commission on Land matters of 1992. But much more work was done with the inception of the Public Expenditure Review (PER) study series conducted for the sector from 2000 to 2005 and the Needs Assessment and Sector Costing undertaken in the context of the MDGs in 2006.

A number of seminars, policy dialogues, tele-conferences and workshops have issued proceedings on land policy that are invaluable to a study such as this. These have been conducted in the context of the Commonwealth Association of Surveying and Land Economy (CASLE), The World Bank Institute, SADC, AU, EU, UNECA, Annual General Meetings of professional associations and several Non-governmental Organisations, among others.

Specific studies on land policy studies have been undertaken by the World Bank, the Dar Es Salaam Institute of Land Administration and policy studies (DILAPS), Topo-Carto Consultants Limited and the Ardhi University (ARU) as consultants and researchers to the Ministry of Lands, Housing and Human Settlements Development (MLHSD). Individual researchers include Fimbo (2004), Mtatifikolo and Lugoe (2001, 2002), Lugoe et al (2005), Lugoe and Mtatifikolo (2006, 2007), Lugoe (2006, 2007), Mollel et al (2007) and Mollel and Lugoe (2008a,b), etc whose work has contributed immensely in expanding knowledge of the challenges, opportunities, problems and strengths of the sector.

The bibliography section of this report provides a long list of documents that have provided information on aspects of this study. All these authors have, in one way or another, touched on issues surrounding land policy in general and the NLP of 1995 in particular. One should be able to see the views of various writers on the effectiveness of policy design, constraints to meeting policy stated goals, the extents

of policy implementation, role of policy instruments, stakeholder participation, etc. This section summarized the work done by the various platforms, for a, authors, researchers and consultants.

2.2 Summary of Issues Raised in Various Studies

Historical Experience

At independence Tanzania inherited the colonial laws and policies that had been in force on the land question. These continued to vest land in the state as the ultimate landowner, without any significant modification, upholding the new order such as the leasehold systems where these existed. Land tenure reforms were rare. Legal reforms were introduced to conform with the politics of the day but, did not constitute land reform measures and hence were largely cosmetic to the reform agenda. Legal reforms worked towards upholding colonial arrangements and often diminishing influence of customs and traditions of local people.

Pressures on Land Policy Formulation

Both internal and external pressures operate on land policy-making processes, land distribution and tenure security guarantees particularly, in pursuit of poverty reduction goals. External pressure includes market forces, trade, globalization, aid management, etc. These pressures often create tension and prolonged debates at all levels and influence policy either way. Often it is not easy to strike a balance between them.

Customary Tenure Policy:

Customary tenure evolves out of native use of land and as such it appears to take care of the basic human needs of shelter and food for all. Customary land rights are at the foundation of native people as a basis for their livelihood and source of their identity. Customary tenure therefore provides and restores human fundamental dignity of belonging to some ancestral land, which should only be relinquished at will in favour of other land tenure (freehold, leasehold) systems to facilitate a multiplicity of land uses and land users. Registrable customary tenure can be correctly labelled as the corner stone of land tenure systems in sub-Saharan Africa that has a central role to play in poverty reduction in agrarian economies.

Gender Land Access

Gender issues in land seek to address the rights of women to own and use land that constitutes the ultimate resource for human kind. These rights are more basic than reversal of customary arrangements over inheritance and/ or employment. Both men and women should not lose focus of primary issues in

the struggle for land access – land use and production. Further, gender discrimination is repugnant to justice and morality in most communities. Therefore gender sensitive legislation is to support emancipation of women towards equitable access to land and subsequent enhancement of production and higher contribution to the GDP.

Land Adjudication in Village Lands:

The definition and identification, for purposes of record keeping and facilitation of land administration functions, of individual interests in land using methods that will enable recognition and guarantee of land rights including a careful scrutiny of the place for physical adjudication, fixed and/or general boundaries and maintenance and upgrading of land administration infrastructure are essential in enhancing tenure security in village lands. A modern approach to the definition of parcel boundaries for titling should be considered, as the added value is overwhelming.

Conflicts and Disputes:

The volatile nature of land disputes between farming and herding communities in the rural areas, for example, that now constitute a firm chapter in land tenure practice in the country, will diminish only when the administration of village land will be conducted with due regard and respect of the Fundamental Principles of the NLP and new Land Laws. These conflicts will only be minimised or end where each individual recipient of land rights shall rely on his/her well determined and allocated land parcel(s) (including communal lands of the village of ones domicile) for all his/her land-use requirements and, where need arises to use extra ground, shall seek appropriate permission of legal rights owners. Government should guarantee security of tenure by establishing frameworks that will seek to prevent the occurrence of conflicts and disputes. This ought to start with a careful study of the nature and modes of their occurrences. Such studies should be, in as much as possible, localized to the ethnicity and levels of local populations.

Effect on Policy Implementation Across Sectors

Land-based challenges to national planning are many in number and include: (i) an old mindset on a modern land dispensation and the general lack of awareness among many actors, particularly at the village and district levels regarding the history of reforms in the country and achievements accomplished in land regulation; (ii) Lack of will to address obvious trespass and encroachment as provided for in the laws. These challenges result in inaction. The roaming of the countryside by some pastoralists with little regard to existing land rights is a case to consider. Also inaction to protect

loss of crops and livestock against theft is fuelled by this lack of will to act; (iii) Poor enforcement of rules and regulations manifests itself in the preferred mode of top-down planning rather than the participatory. Also the, low capacity for development control that has left open spaces and way leaves prone to invasion is considered, as is an increase in land-use conflicts and disputes both in rural and urban areas; and (iv) A face value guarantee for land titles that manifests itself in law enforcement agents, particularly the police, not intervening directly in incidences of criminal trespass. Land administrators encourage court action rather than executive action that could offer quick solutions particularly, where land titles are openly questioned.

Other challenges include: (i) Massive growth of irregular settlements. There are housing constructions springing up in unplanned, unsurveyed and unserviced areas of most urban areas including settlements in hazardous lands as well as open spaces and way leaves or for recreation and public land-use; (ii) land administration authority is still far detached from land users and a call is therefore to decentralize down to the Districts so as to also give easy and prompt access to records, maintained at headquarters in Dar Es Salaam, and to the various authorizations stated in law; (iii) Land administration system is part of Government that operates a dual system of services, i.e. in the lands sector Ministry and in local government. The latter often undertakes land delivery activities in a relatively weak institutional framework; (iv) The New Land Laws and supporting sub sector laws are not always in sync with other sector laws on minerals, water, agriculture, infrastructure developments, etc and need to be harmonized, bearing in mind the primacy of the land; (v) The market in land is being regulated at too slow a pace to support the economy. The wide spread sale of land without a framework to guide such sales and protecting the vulnerable, including regulation of real estate agents and making provision for leasing agricultural lands; (vi) continuing patronage and corruption in the procurement and delivery of services.

The Consequences: Challenges cited in preceding discussions have infringed upon land distribution and access opportunities, which are major interventions of the sector. The Challenges have also denied due security of tenure and conversely, unleashed disputes and conflicts upon land rights holders and users, thus obstructing opportunities for economic growth and reduction of poverty both at micro and macro levels. Also, settlements in the

country are not planned for optimal land use. This challenge could be too expensive if not impossible to remedy in the future.

CHAPTER THREE: LAND POLICY FORMULATION PROCESS

The national land policy (NLP) of Tanzania mainland is among the first policies to be formulated since the start of a paradigm shift in decision making, through policy implementation, started. The shift covered also changes to market economy in Tanzania in the 1990s that, though has been slow coming, has been acknowledged to lead mindsets on the land question. The conflict between people's aspirations and government position led to a re-think of political direction for the country on land matters beginning 1990. The government, in a new vision guided by its economic liberalization policy and keen therefore to enhance the role of land in agricultural (crop and livestock) production and other sectors that are heavily dependent on land for their operations, sought to formulate a new and pro-poor land policy.

3.1 Methods adopted in policy formulation

The policy formulation process was spearheaded by the Presidential Commission on land matters (PCLM) of 1992. The methodology used by the commission involved wide stakeholder consultations across mainland Tanzania. The commission covered all Regions and held meetings with various stakeholders. The views were recorded and synthesized for validations. Many in the private sector including CSOs and NGOs also participated from the outset to the stakeholder conference held prior to the adoption of the policy.

3.1.1 Findings of the PCLM - Agenda Setting

The setting of the land policy formulation agenda was made in the context of Tanzania's experience over land allocation, land ownership and land use under circumstances spelled out in section (1.1) of the policy. The experience includes:

- High growth of human and livestock populations above carrying capacities and densities resulting in land conflicts and land degradation in both rural and urban areas;
- Increased demand for urban plots in response to high levels of urbanization as a result of rural to urban and urban to urban migration;
- Responding to the investment promotion needs centred on expansion of agriculture and hence on land allocation;

- Undermining customary tenure as a result of the villagization programme of 1971-1976 and affirmations by Court of Appeal for restoration of customary rights in areas affected by the programme;
- Increasing awareness, amongst the population, of the value of land and landed property in urban areas and in areas with high agricultural potential and at the market;
- Evolution of customary tenure towards more individualized ownership and need to protect land rights of individuals and their businesses; and
- Major changes towards political pluralism, and shift from command to market economy in Tanzania

The report from the Commission was submitted to Cabinet in late 1994 and assessed in a national workshop held early the following year (MLHHSD, 1994). This grand initiative culminated into the formulation and adoption of the National Land Policy (NLP) later that year, (GoT, 1995) and has enabled a new setting of the legal framework among other benefits such as: (i) Four years later, in 1999, the Land Act No. 4 and the Village Land Act No. 5, respectively, were enacted (GoT, 1999); and (ii) the old Land Ordinance of 1923 was repealed alongside other laws on land matters - the new laws came to effect in May 2001.

Box No.1: Lighting the Candle for Agenda Setting:

The decision of the President to establish a special Commission on Land Matters and the wide mandate in stakeholder participation is a most commendable one in kick starting a policy design process. Through a close and deep involvement of a wide spectrum of people, in and out of Government from start to finish made this the best designed of all policies, as acknowledged by Civil Society Organisations. Also the timeliness of such methodology at a time when the nation was embracing good governance in decision making and after the paradigm shift to multi-party democracy and economic liberalization sent good signals through out the Continent and beyond as to how the agenda for policy making ought to be set.

This policy deserves to be called a public policy as a result of such a wide participation and acceptance by stakeholders. The wide consultations gave hope (Box No. 1) to land users and ushered in a new era of land administration. The policy formulation process also identified a set of fifteen fundamental principles of the policy as a yard stick for evaluation of operational performance.

3.1.2 Objectives of the NLP and Key Indicators

The Government of Tanzania decided to formulate a land policy that would address the above set of seven problems, opportunities and challenges stated in section 3.1.1, under four constraints and controls that: (i) land remain publicly owned and vested in the President as a trustee on behalf of the citizens; (ii) speculation in land be controlled; (iii) rights of occupancy, whether statutory or customary, continue to be the only recognized types of land tenure; and (iv) rights and title to land under any consolidated or new land law continue to be based mainly on use and occupation.

The overall objective: The overall objective (section 2.0 of the NLP) is to: (i) promote and ensure a secure land tenure system; (ii) encourage the optimal use of land resources; and (iii) facilitate broad based social and economic development without upsetting or endangering the country's ecological balance.

The **specific objectives** are to:

- Promote an equitable distribution and access to land by all citizens;
- Ensure that existing rights in land especially customary rights of small holder (i.e. peasants and herdsman who are the majority of the population in the country) are recognized, clarified and secured in law;
- Set ceilings on land ownership which will later be translated into statutory ceilings to prevent or avoid the phenomenon of land concentration (land grabbing);
- Ensure that land is put to its most productive use to promote rapid social economic development of the country;
- Modify and streamline the existing land management (administration?) systems and improve the efficiency of land delivery systems;
- Streamline the institutional arrangements in land administration and land dispute adjudication and also make them more transparent;
- Promote sound land information management;
- Protect land resources from degradation for sustainable development

The policy therefore recognizes that land cannot be created and is hence scarce in the longer term and calls upon: (i) institutional regulation of land access that is based on equity, recognition of customary and user rights and setting acreage ceilings in ownership; (ii) underscoring productivity and land use efficiency by

protecting land degradation and promoting sound land use practices; and (iii) applying modern technology including setting up viable land information systems.

3.1.3 Yardstick for Evaluating Performance in Service Delivery – The Fundamental Principles of the NLP, 1995

Policy statement apart, the NLP is unique to many in that its worth is judged by the way those empowered with land administration adhere to its fundamental principles. These have also been adopted as principles of the new land laws, which appear as sections 3 (1) and 3 (2) of Part II of the Land Act No.4 and Village Land Act No. 5 of 1999. The NLP and new land laws expect that all persons exercising powers in land allocation, tenure arrangements and the use of land are to have regard to the fundamental principles of the policy and laws. The set of fifteen statements are provided in annex 1 of this report.

3.1.4 Performance Indicators - Outcomes

The performance indicators for the land policy are not embedded in the policy itself. The strategic plan for the implementation of the land laws (SPILL) of 2005 has developed 88 performance indicators in the context of the key result areas and strategic objectives that are reproduced in annex 2 of this report. These have been used in the evaluation of policy effectiveness.

3.1.5 Land Policy Coverage – Sub sectors

The lands sector is a supporting sector linked to all other sectors that operate on land including; agriculture, the environment, natural resources, communication, transport, energy development, national defence, construction, health, education, etc. The sector provides all such sectors with ground for its activities and paves way for sound stewardship of the natural resources, so that these can be converted to wealth. The administrative role of the lands sector is one of the key responsibilities of the Head of State and is vested in the Minister responsible for lands, housing and human settlement development. Success in land administration is a prime indicator of good governance and the rule of law. Since land is a communal asset, land administration is therefore, a public good and government covers its recurrent costs through budget provisions.

The NLP of 1995 covers the above named sub sectors with action statements on: (i) land tenure and administration, (ii) surveys and mapping, (iii) urban

and rural land use planning, (iv) land use management and (v) the institutional framework.

3.2 Major Coordinating and supporting institutions

The lands sector is regulated by the Ministry responsible for lands, housing and human settlements development and other actors in local government authorities so as to provide for: (i) land and property development; (ii) use and conservation of land; (iii) revenue collection from the land through taxation, leases and sale; (iv) resolution of possessory and land-use disputes and conflicts; and (v) land based productive, recreational, and other needs of the public, individual citizens and their businesses in accordance with agreed land use patterns. The lands sector of Tanzania also includes aspects of landed property management specifically, including, the activities of planning, developing and regulating human settlements. These functions are vested in both the MLHHSD and the Prime Minister's Office for Regional Administration and Local Government (PMO-RALG). The former regulates and the latter implements land development at the local level. The latter is however regulated under a separate policy and bye laws.

CHAPTER FOUR: LAND POLICY IMPLEMENTATION PROCESS

The implementation of the NLP has been slow and often uncertain probably due to budgetary squeeze of the time. Further, the MLHSD took long (10 years) to come up with a medium term strategy known as the strategic plan for the implementation of the land laws (SPILL). As the name suggests, the strategy does not address the policy as such but a set of new land laws enacted four years after the policy. There is yet to be formulated a sector strategy. The centrality of land to productive sectors including agriculture, forestry, settlements, etc calls on land policy implementation to go ahead of the rest. In this way the implementation process benefitted by obtaining finance to design a strategic plan although the good news seems to end there – a situation that needs to be rectified. A more detailed synopsis of the linkages is detailed below.

4.1 Land Policy Linkages to Major Economic Sectors

4.1.1 Linkage with the Agriculture and Livestock Policy

Agriculture (including livestock) is the major land user in Tanzania with a big rural population earning livelihoods from crop and livestock farming. The overall importance of the National Land Policy (NLP) of 1995 to the Agricultural and Livestock Policy (ALP) of 1997 and generally, to food production cannot therefore be overemphasized.

The ALP, in its overview, spells out several reasons for a need to review agricultural and livestock policies of the 1980s. The last two reasons dwell on land policy reform including the environment. Thus stated ***the NLP was a major driving force*** for the review of policies pertaining to food production (Got, 1997) and further, that when land policies change the ALP must also re-examine its rules and regulations so as to ensure a good fit. In this statement is an acknowledgement that: (i) land is a valuable resource that must be made available to all actors in a diversified and multi-sector economy; (ii.) as over 85% of rural folk depend on land for their livelihoods, through agricultural related activities, many land policy statements are therefore directed towards the rural small scale farmers; and (iii.) the land policies have primacy over agricultural policy with a statement that “agricultural policy must be revised to meet the demands of the new land policy.”

The ALP, 1997 calls on the lands sector to ensure access and ownership of land for smallholder farmers so as to assist in the modernization of agriculture. It further agrees with the fundamental principles of the national land policy including statements on; vestment, land value, customary and statutory rights, land titling, certification and women's land access. It also agrees and advances other land policy statements such as those on; village land zoning, urban agriculture, land use planning, mitigation of conflicting land uses, discouraging nomadism and the protection of rangeland and arable land uses. Above all the ALP advances the notion in the NLP that there is abundant land for expansion of agricultural and pastoral activities in spite of inadequate and poorly developed water resources that lead to poor livestock distribution and range degradation.

4.1.2. Linkage with the Forestry Policy and Act:

The next large land user sector in Tanzania is forestry. In the lands sector regulatory framework of Tanzania, forest land falls under the category of **reserve** land whilst the villages sharing borders with the forests are located on lands classified as **village lands**. Forest lands, as are all **general** lands, are guided by the land policy of 1995 and the Land Act No. 4 of 1999 whilst village lands fall under the Village Land Act No. 5 of 1999. Forest Lands are regulated by forest policy of 1998 and the Forest Act of 2002. Forests that are located on village lands are legal village resources controlled by the Land Policy and the VLA, which provide for such undertakings by setting aside land within the village lands for communal uses. The village land classification model in the VLA recognizes all village land to be either **customary**, or **communal** or **vacant**. The last two classifications in the model are administered by the village council on behalf of the village assembly.

Forest resources user rights are provided for in the new Forest Act. The Act provides opportunities for villages and villagers to manage, use and protect forests in village lands or near such lands. Opportunities for forest management in the Forest Act include community based forest management (CBFM) on village lands. Opportunities also include joint forest management (JFM) on reserve lands (under the custodianship of the MNRT) for forests located close to the village lands as communities share the ecosystem resources in their neighbourhoods.

There are over 600 village forest reserves already established in the past decade and these provide a good analysis of problems encountered in implementation of

the forest policy and FA on village lands. Villages are required by the land policy and VLA regulations to prepare village land use plans but many are yet to comply with the regulation.

4.1.3. Linkage with Settlements Policy:

This is the sector better known as the living environment. It covers about one percent of the land but used by 24 percent of the population of Tanzania and most affluent part thereof. Land access in the sub-sector has been challenging for most part of Tanzania as a republic. It is the mandate of the lands sector to make land available for settlements. The early years had a small urban population and land access was less of a problem up to 1972.

The Demand for Urban Land: The very low urban plot output throughout Tanzania, experienced since 1972, has resulted in an accumulated demand for urban land estimated in the National Land Policy, at 150,000 (NLP, 1995). The demand is in three categories at 70% residential, 25% commercial and 5% other uses (Mollel, 1997). The report further states that large urban centres have higher demands, with Dar Es Salaam leading at 30,000 plots annually”.

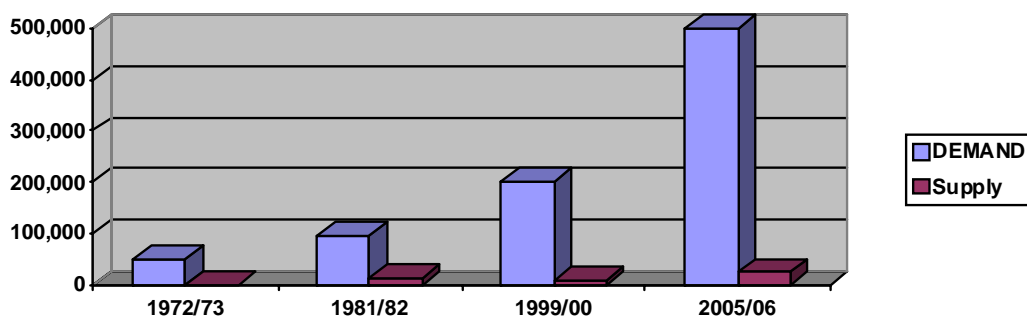


Figure 1: Demand and Supply by House Count in Dar Es Salaam

More investigations show that “between 1999 and 2001, the various Dar Es Salaam authorities received 243,473 applications” for plots (Kironde, in CASLE, 2006). But, this estimate was made at a time when most applicants had lost hope in the official land delivery channel and had turned to informal markets to obtain land for their development needs (GoT, 2001) and is therefore grossly underestimated. House count numbers in unplanned areas of Dar Es Salaam at four different epochs of time are (cf. Figure 1): (i) house numbers given in the human settlements development policy for the year 1972/73 at about 50,000 (GoT, 2000); (ii) figures of 96,000 houses up to 1981 (GoT, 1981); (iii) 200,000

houses in informal settlements in 2000 (GoT, 2000); and (iv) 500,000 houses existing in those settlements in 2006 (cf. Kironde in CASLE, 2006). This is generally consistent with the notion that some 70 percent of Dar Es Salaam's 4 million residents (that is, more than 2.8 million people) now live in informal areas for lack of access to urban plots.

4.1.4 Estimates on Demand for Urban Land:

It is possible to use average needs per urban area as a method of estimating the demand for plots at national level. This method has the singular advantage that all urban areas of Tanzania are considered, as has been done in the table 1 below. An assumption is made that each of the 28 Municipalities (Regional Headquarter) could consume as many as 10,000 plots if made available today. Similarly, figures for the 131 District headquarters and 400 gazetted minor settlements are placed at 3,000 and 1000 plots respectively. Mindful that over half of the 10,107 registered villages are (though not gazetted) *de facto* minor settlements, a figure of 200 plots for each is a conservative estimate. The total need from this realistic point of view becomes two million planned and surveyed plots as per computations in Table 1 below (Lugoe, 2009).

Table 1: National Estimates on Need of Plots in Planning Areas

S/No.	Area	No	Average Plot Needs	Total
1.	Municipalities or Regional Headquarters	21	10,000	210,000
2.	District Capital in 131 Districts	131	3,000	393,000
3.	Gazetted Minor Settlements	400	1000	400,000
4.	Ungazetted Minor Settlements	5050	200	1,001,000
5	TOTAL			2,004,000

The national need of two million plots is not an impressive one. Plot outputs in the supply chain put together and covering the first 45 years of independence show that Tanzania has been able to produce just ten percent of the current need at 230,000 plots only. This is a big challenge in view of cost and capacity needs in the implementation of the NLP on settlements. But, on the other hand it is also a consequence of omissions in policy implementation. Should the statement on vertical development of urban areas have been implemented the demand would have been lower as condominium on a plot serves many families.

4.2 Institutional and Legal Supporting Instruments at Inception

The implementation of the NLP of 1995 has been slow due to an *ad hoc* policy implementation approach centred on short-term and poorly financed strategies adopted after the enactment of the new land laws and repeal of the land ordinance of 1923 and corresponding regulations. Enactment of new land laws was seen as a priority without which the policy would not move to the next stage in the policy cycle and it was accorded due priority.

4.2.1 Strategy No.1 - New Laws and Regulations:

Strategizing the implementation of the NLP of 1995 started with the design of statutes and corresponding regulations. It was felt that the Land Ordinance of 1923 had outlived its usefulness and had to be repealed. The reasons for repeal included the fact that the old law did not embrace customary tenure and was not responsive to key elements of the NLP. In order to serve the policy well, the new laws had to include the four tenets of the NLP and in addition usher in a new system as stated in the policy that "the present system of land tenure accepted since independence, and further developed over three decades is a product of the past (GoT, 1995) ... the right to land with secure tenure must be respected, but land problems extend much further than individual claims to tenure rights. *They involve other issues such as the economic use of land, rural and urban development, housing, squatting, the quality and security of title, advancement of agriculture and the protection of the environment.*"

Prior to the repeal, a new law was to be enacted. This process started, and in 1999 the Land Act was completed for parliament's debates and approval and became effective from May 2001. The new law constituted a big document that, in the eyes of many, needed to be broken down into two. Two new Acts of parliament namely the Land Act No.4 of 1999 and the Village Land Act No. 5 of 1999 were therefore born putting into operation the policy on customary land tenure and customary land access in Tanzania.

Other laws were enacted in subsequent years are: (i) the Land Disputes Courts Act No. 2 of 2002, and corresponding regulations, (ii) the Town Planners (Registration) Act, No. 7 of 2007; (iii) The Land Use Planning Act No 6 of 2007 (CAP 116), (iv) The Urban Planning Act No. 8 of 2007, (v) the Mortgage Finance Special Provisions Act of 2009, and (vi) The Unit Titles Act of 2009.

The following laws need to be harmonized and aligned with the Land Act and Village Land Act: (i) The Land Survey Ordinance (CAP 324), (ii) the Professional Surveyors Registration Act (CAP 270), (iii) the Land Registration Ordinance, (CAP 334), (iv) the Registration of Documents Ordinance (CAP 117), (v) the Agriculture and Livestock Act, of 1997 (vi) the Land Acquisition Ordinance (Caps. 118), (v) the Chattels Transfer Act (Cap 210), (vi) the Ward Tribunal Act (Cap 206), (vii) the National Environmental Management Act (CAP 191), and (viii) the Tanzania Investment Act of 1997 (Cap 38).

4.2.2. Strategy No. 2 - Action Plan on New Land Laws:

The Ministry of Lands Action Plan for the Implementation of the New Land Laws No. 4 and No. 5 of 1999 was formulated by the Ministerial Implementation Committee (MIC) in July 1999. The Action Plan for the implementation of the Land Laws was to start with exercises such as translation of the Laws into the national language, preparation of Regulations for the Laws, and key aspects of sensitization and publicity of the Laws; all these pending the preparation of a lands sector Strategic Plan for such implementation. Initially such implementation would be in a series of annual sets of activities without any long term and comprehensive Strategic Plan. Major emphasis was placed on sensitization for: (i) the establishment of village land committees as per sections 8 and 53 of the Village Land Act; (ii) the meaning of customary tenure to villagers; (iii) gender equity in land ownership as per sections 2 and 3(1) (c) of the village land Act.

4.2.3 Strategy No. 3 - Prepare Programme for Management of Land Resources:

The Land Resources Management Programme (2000 - 2010), which comprised of three major components: (i) the Land Tenure Security Enhancement component, (ii) Land Markets Reform component and (iii) the Land Information Management component (MLHHSD, 1999). The Land Resources Management Programme was conceived in 1999 to operationalise the land policy and the new land laws and to address specifically, the

problems affecting the lands sector such as lack of security of tenure over land, conflicts in land uses, difficult access to planned and serviced urban plots, uncoordinated land information, bureaucratic land administration, etc. The programme was also designed to complement reforms undertaken in other sectors of the economy such as liberalization, privatisation and adoption of a market economy. A review of this programme revealed that the LRMP was over ambitious and unattainable and hence discarded.

4.2.4 Strategy No. 4 - Modernization of Infrastructure:

The Modernization of Surveys and Mapping Division and Registrar of Titles Project (2000-2003), was essentially a Land Information System's (LIS) Strategic Plan with focus on Land Administration. Its long term objective was to *"create a national land information system"* in support of land administration, planning and development, including property boundaries, ownership, leases, mortgages and other related information.

Analysis of three strategies (2-4) indicates that there are some similarities and hence comprising of duplications. For example, the modernization of the Surveys and Mapping Division and Registrar of Titles office is a major component in the Land Resources Management Programme. The Modernization Project is more specific and focused whilst the programme is over ambitious and almost assumes that resources for implementation are unlimited. The Action Plan for implementation of the new Land Laws is actually a checklist of activities that have to be undertaken to operationalise the new land laws. The Land Resources Management Project is all-inclusive, ill-focused and unattainable in its present set-up, while the Modernization Project is selectively detailed and implementable.

4.2.5 Strategy No. 5 - Anti-Corruption Drive

In addition to the above core ones there is the Anti-corruption Action Plan (2001-2002), also documented in PER 01. The Warioba Report of 1996 identified the Lands sector as one area of Government where corrupt practices were rampant. This Plan was prepared by the management of the MLHSD to fight corruption in the Sector as a short-term, 2-year plan. It was estimated to cost a total of Shs. 5.985 billion at a time when the entire government anti-corruption budget (Integrity Fund) was only 700 million. The implementation period for its components was estimated to last from 6 months to 24 months.

It is to be remembered that there has been a major and prolonged shortfall of planned and surveyed plots in Dar Es Salaam for over two decades. The shortfall fuelled corrupt practices as also stated in the Warioba Anti-corruption Report. In order to confront the predicament regarding land access, and also implement the anticorruption strategy, the Ministry responsible for Lands requested the Ministry of Finance to provide a loan of Tsh. 18 billion, to finance the planning, survey and delivery of 20,000 plots in the City of Dar es Salaam. A Tsh 8.9bn loan was provided in financial year 2003/04. With this fund a strenuous program was executed leading to the identification of project sites, public awareness creation, land acquisition, compensation, preparation of settlement schemes, cadastral surveys and eventually land delivery.

The above strategies were designed rather hurriedly, in a non-generic way, without proper identification of the implementation indicators, activities and without realistic costing. These drawbacks were carefully considered in designing the next and comprehensive strategy on the new laws.

4.3 Strategic Plan for the Implementation of the Land Laws (SPILL)

SPILL has accommodated all the important elements of the four projects above, and much, much more. It was also facilitated by the design and launch of the current National Strategy for Growth and the Reduction of Poverty (MKUKUTA). The Preparation of a Strategic Plan for the Implementation of the Land Laws (SPILL) was a required Government action, by March 2005, under the Performance Assessment Framework (PAF) for Poverty Reduction Budget Support (PRBS) and Poverty Reduction Support Credit (PRSC 3) from donors including, the World Bank and European Commission (EC).

To meet this obligation, the Ministry of Lands and Human Settlements Development hired consultants to prepare the strategic plan by identifying, through a consultative and validation methodology, all sector needs in a participatory way. Consultative meetings were carried out in some sixty sessions, in 15 Districts of Tanzania, bringing together about 2,700 people comprised of villagers, NGOs/CSO advocates, officials in local and Central Governments and development partners. Results of the consultative workshops that served as inputs for the purpose of building the strategic plan are presented in Lugoe et al (2005) and discussed in Lugoe (2006).

This was followed by a careful costing of interventions that had a direct bearing on the implementation of the land laws. A financial assessment of the identified needs for the medium and longer terms was also compiled as a co-document to SPILL known as the Investment Plan for SPILL (Lugoe et al, 2005b).

4.3.1 Major Action Areas in SPILL – *The Implementation Matrix*

The Land Laws, as they stand, provide for a broad classification of land into three categories namely; general, village and reserve lands. Over the period of tenure history in Tanzania, much emphasis was placed on general and reserve land. Village land had received very little attention in spite of the fact that over 80% of the population lives and operates in villages.

The lack of due attention, with regard to tenure security in village lands, had tempted many violators to act in contravention of the law. It was therefore important that the plan of action considered mainstreaming village land tenure as a top priority (Lugoe et al, 2005a).

Village lands are made up of farm and grazing lands to a large measure. A small part of such land is comprised of human settlements. Land tenure insecurity, in all settlements, is still rampant. Most affected are the cities and small towns emerging out of the village category. There are also actions in the strategy, which are crosscutting to the three classifications.

4.3.3 SPILL Implementation Matrix

SPILL has identified the following nine Key Result Areas, KRAs that are further decomposed, with input from field Consultation meetings, into Strategic Principles and Strategic Objectives (ibid.). A list of the nine KRAs are as follows: (i) Land Tenure, Access and Land Rights; (ii) Tenure Security, Law and Order, Justice; (iii) Performance of the Land Administration Infrastructure; (iv) Capacity Building; (v) Land Administration Finance, Resource Mobilization and Financial Management; (vi) Land as a Resource, Land Markets, and Public-Private Sector Operations; (vii) Land Management, The Environment and Community-Based Participatory Decision Making and Facilitation; (viii) Performance Monitoring, Regulation, Supervision and Evaluation; and (ix) Public Education, Awareness Creation & Enhancement (PEACE). The nine KRAs are built against the background of a set of guiding principles.

Against each KRA are strategic principles, strategic objectives, interventions (or activities) and outputs. In all 88 implementation indicators (outputs) have been identified in all 9 KRA. These are attached to this report as Annex 2. The reader is referred to SPILL documentation for the implementation Matrix.

4.4 The SPILL Investment Plan and Implementation Indicators:

The Investment Plan (cf. Lugoe and Mtatifikolo, 2005b) takes the Key Result Areas from the Implementation matrix, decomposes them into activities and costs them accordingly. The inputs are costed at 297 billion shillings in total, for the 9 KRA and 88 implementation indicators. Other information provided by the Investment Plan includes the Source of Funds (Local vs. Foreign). The financing of SPILL was largely to be outside of the mainstream of the MTEF processes especially for the large investments that could not fit in the normal tight envelope of Treasury's MTEF Budgets. The Land Administration Infrastructure Fund (LAIF) proposed was to be the key message. It was to be a Fund with a lifetime of the strategy (10 years) after which all revenue would revert to the national Treasury leaving the lands sector in a stronger position to deliver on its objectives and generate higher revenue. LAIF was not meant to compromise the logic of MTEF and some national parameters in the budgeting processes but rather to augment such efforts through acknowledging that the sector had first to get very substantial resources, to be drawn largely from within the sector itself, so that the backlog of accumulated problems (repeated in annual rhythms by the PER Studies) could be put to rest before the sector could become part of the mainstream of economic sectors interacting with the rest in mutually-reinforcing engagements.

4.5 NLP Approval Systems, Capacity Building and Sensitization

4.5.1 Approval:

The report of the commission submitted to Cabinet on 22nd December 1994, the recommendations of the National Arusha Workshop of 16-18th January 1995, public inputs, including those made by Non-governmental organizations (NGO) and the media, were key inputs in the new land policy. This policy deserves to be called a public policy as a result of such a wide participation. The wide consultations gave hope to land users and ushered in a new era of land administration.

4.5.2 Capacity Building and Sensitization:

The Ministry of Lands prepared the first plan for the implementation of the new land laws. Items that started implementation in 2000/01 under this plan are:

- Preparation of Regulations and Prescribed Forms (with DFID technical assistance).
- Translation of principal land laws from English to Kiswahili (by the Office of the Parliamentary Draftsman)
- Translation of Village Land Act No. 5 (Regulations and Forms)
- Capacity building training of 70 Land Officers at Ardhi Institute Tabora in 1999 and 2000.
- Computerisation of land records and data and the establishment of a Local Area Network (LAN) in the Ministry of Lands
- Preparation of Guidelines for Participatory Village Land Use Planning and Management and a Citizens Guide for implementation of the Village Land Act No. 5 (prepared by the National Land Use Planning Commission for application by District and Village leaders).
- Public awareness rising in the local "Mzalendo" paper (by the National Land Use Planning Commission).
- A strategic Planning Workshop for all local stakeholders was held in October 1999 and a donors' conference was organized in March, 2000 by the Ministry.
- The Ministerial Implementation Committee (MIC) supervised and monitored the implementation of the new Land Laws since November 1999.
- The Ministry of Lands more or less relied on its internal savings from other charges (OC) to carry out partial implementation of some components of the Action Plan. In fact, in the last three years running up to 2000/01, the Ministry of Lands got no development funds. It relied mostly on Plot Development Revolving Fund (PDRF) and Land Rent Retention Scheme (RS) to carry out its current and some limited development operations.

Many NGOs, CSOs and the Gender Land Task Force participated actively in sensitization. The latter group comprises of several NGO's namely; Legal and Human Rights Centre (LHRC), Women Legal Aid Centre (WLAC), Environmental, Human Rights Care and Gender Organization (ENVIROCARE), Tanzania Home Economics Association, TAMWA, National Organization for Children and Human Relief (NOCHU), Tanzania Gender Networking Program (TGNP) and Women Advancement Trust (WAT). The consortium has participated in land issues since the publication of the Land Bill in 1997 to its passing into law. The group had input into the preparation of

the Strategic Plan for the implementation of the land laws and advocacy on the amendment to the Land Act in 2004 with regard to mortgages. Non-governmental Organizations are upfront in providing public awareness to communities on issues of relevance to their work plan. They have participated well in mitigating land conflicts that have occurred in such areas as Loliondo, Kilosa, Usangu and Simanjoro. NGOs are also useful in public awareness campaigns.

4.6 Implementation/Execution of the Policy

Implementation of strategies has not been made possible at a grand scale but, at pilot level for lack of resources. The low level of capacity in the sector has also necessitated a slow start. The sector has since 2002 initiated some 'stand-alone' intra-ministerial projects as a part of implementation of the NLP either singly or through the SPILL. Many of these result from special needs of the sector, and some resulting from other sectors' initiatives where the land component was significant (Mtatifikolo and Lugoe, 2006b). In this latter case are: (i) programmes in Agriculture and of particular relevance is the Agricultural Sector Development Strategy (ASDS) and corresponding programme (ASDP); (ii) in Informal Sector Development such as the private sector competitiveness project; (iii) the property and business formalization programme, known in Kiswahili as ***MKURABITA***; and (iv) in Mining and Livestock development, to mention but a few areas where land as a resource is a conspicuous 'asset' in their success. Other recent projects are:

The Mbozi District Pilot Project on Village Land Titling

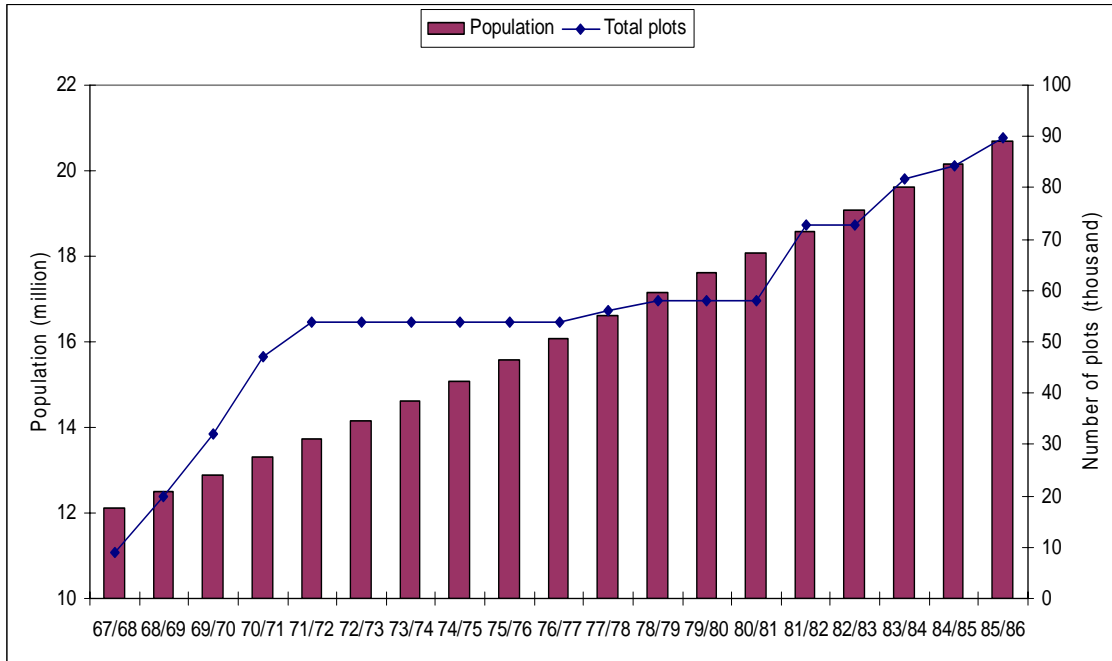
A related showcase was the earlier project that took processes under the Village Land Act to survey and map villages in one district, and proceeds with processes that culminated into individual titling of individual parcels of land in Mbozi District of Mbeya Region. This is now being expanded to other Districts; mainly to bring home the logic that 'it makes economic and political sense to enhance land tenure security through the Certificates of Customary Rights of Occupancy, CCRO', which is the legal document for the titles under the Village Land Act of 1999.

4.6.1. The 20,000 Plots Project:

There had been a major and prolonged shortfall of planned and surveyed plots in Dar Es Salaam and other towns for about three decades when this project came on-line to enable the implementation of the NLP and respond to the sector anti-corruption strategy. The annual reports of the MLHSD show

that the country witnessed an exponential growth in formal plot production in the 1960s.

Figure 2: Erratic plot production vi-a-vis steady urban population growth



Source: The World Bank

Production increased from 4,800 in 1961/62 to 6,200 in 1966, to 12,000 plots in 1969, to 15,000 in 1972. The 15,000-urban-plot output, attained in 1970/71, remained the highest output for nearly 30 years, in spite of the lower capacity levels of that era. However, the plot production dropped sharply to near zero from 1973, and this gloomy scenario continued into the 1980s. In this period the average annual production of plots stood at 4,480 plots. It is also noted that growth in the production of urban plots, especially after 1972, has lagged behind the population growth in Tanzania as shown in Figure 2 above. As the population trend has continued to grow and accelerated since 1986, that gap continues to widen. As production of urban plots slowed down, demand continued to increase, and before long many towns could not satisfy even 10 percent of the demand. The diminished total output nationally continued throughout the 1980s and 1990s, until the commencement of the 20T Plots Project in 2002.

A Tsh 8.9bn loan was provided to MLHSD in financial year 2003/04 by treasury. With this fund, a program was executed leading to the identification of project sites,

public awareness creation, land acquisition, property compensation, preparation of settlement schemes, cadastral surveys, allocation and titling of urban plots. Within a year, this new project had created 21,800 plots, in addition to other sources, to a total of 25,865 plots. But, even the 20T plots project's output is not commensurate with the demand and people, therefore, continue to build and live in unplanned settlements. The annual average output of the 20T Plots project in its lifetime is a dismal 6,000 plots per year, which is but a 1967 record and far below national demand per year.

4.6.2 Property Adjudication and Registration in Irregular Settlements of Dar Es Salaam (Mazagazaga):

The project commenced in 2004 using satellite imagery to identify the affected homes in informal settlements. Project activities include: (i) undertaking field campaigns to map and register houses and plots in the irregular settlements; (ii) establish registries and encourage and support residents to apply for residential licences. The project is being piloted in Dar Es Salaam and other Cities namely; Mbeya, Arusha, Mwanza and Tanga. Since 2006 to May 2010, the number of properties adjudicated and registered throughout Tanzania are 301,961, and the breakdown is as follows: - Mwanza (25,929); Dar es Salaam (265,417); Tanga (3,945); Moshi (1,019); and Dodoma (5,651). In Dar Es Salaam 92,565 residential license (RL) have been issued to residents.

4.6.3 Land Reform Component of the Private Sector Competitiveness Project:

The project component is a direct flow from SPILL and is funded by the World Bank at a cost of nearly US\$ 30 million. It has five subcomponents namely: (i) land registry and land information; (ii) geodetic control and base mapping; (iii) decentralisation of land administration services; (iv) formalisation of property rights in the planned areas; (v) strengthening the dispute resolution mechanisms; and (vi) capacity building. The project started in mid-2006 and continues for a duration of five years. The main activities in the land registry component are:

- Developing an efficient, re-engineered registration process supported by strengthened land information systems;
- Decentralizing land administration services in 15 Districts by establishing District Registries, surveying and issuing certificates of village land, establishing a prototype village registry in each District

and providing support and guidance to other villages in establishing registries and undertaking a comprehensive public awareness campaign;

- Undertaking field campaigns to map and register properties in unplanned settlements in Dar Es Salaam and other priority areas, establishing registries in local authorities, and encouraging and supporting residents in applying for residential licenses;
- Facilitating the resolution of land disputes by strengthening the District Land and Housing Tribunals, improving infrastructure, providing vehicles and supporting a public awareness campaign;

4.7 Monitoring and Evaluation

4.7.1. Performance:

The record along several indicators is reported in this section:

Production of Urban Plots: Since independence, in 1961, no more than 250,000 urban plots have been surveyed against an urban population of close to ten million people. Lack of adequate access to legally available urban land in Tanzania has led to a large amount of informal settlements. In large cities, such as Dar es Salaam, some 70 percent of residents live in informal areas because of an inadequate supply of planned, surveyed, and serviced land parcels.” Even when a parcel has been allocated, getting the title delivered takes too long a time as to discourage the investor. A recent study in context of the World Bank’s Local Government Support Project (LGSP)¹ in Tanzania states in part that “scarcity of serviced, legally subdivided urban land not only hinders economic development, but also impacts the social issue of how people live”.

Survey of Village Boundaries: The drive for the survey of village boundaries that started in the 1980 and re-emphasized since adoption of the NLP in 1995 and the new land laws in 1999 is at an advanced stage. The record at the end of 2009 shows that 8,672 registered villages across the country had their boundaries surveyed to the satisfaction of the Director of Surveys and Mapping, with the sponsorship of the European Union, World Bank, GTZ, LAMP, FARM Africa and under the Protection of Water Sources

¹ The World Bank, The Urban Transition in Tanzania - Tanzania ESW Report, 2008

project (Ndemela, 2009). Out of this number 1,452 villages have been granted certificates of village land.

Village Land Adjudication: Certificates of Customary Rights of Occupancy can be issued in villages that have received CVL. Sources show that 57,500 village land parcels have been adjudicated in the last 5 years, in all 113 Districts in readiness for issuance of CCROs, as follows: (i) Namtumbo District (6,000), (ii) Manyoni (2,000), (iii) Bariadi (15,000 in 34 villages), (iv) Babati (13,000), (v) Mbozi (20,000) and (vi) Iringa (1,500). The latest information however shows that all 11,000 villages boundaries in Tanzania were demarcated and surveyed, out of which, 4,227 villages have been granted certificates of village land (CVL). Further, Village land use plans have been prepared through participatory approach in 705 villages in 48 Districts.

Decentralisation by Devolution: There is progress also with regard to decentralisation by devolution of services and authority. The record shows that some duties previously performed by the Commissioner for Lands have been devolved by opening 6 land zone offices (headed by Assistant Commissioners) in the Eastern zone (Dar es Salaam), Lake zone (Mwanza), Northern zone (Moshi), Central zone (Dodoma), Southern-Western Highlands zone (Mbeya) and South-East zone (Mtwara).

Tribunals: The Government has established and strengthened 39 District Land and Housing Tribunals across. There is more access to courts now than in 1999 when land legislation and in 2002 when disputes courts legislation was enacted. In the period in reference, 65,287 cases were filled, out of which 40,437 were determined.

The Geo-Referencing Framework: It is on record that the zero-order Geodetic control network across the country has been established and strengthened and the Ministry of Lands Information System (MOLIS) and other

systems used by survey and mapping division, Land Administration, Registration of Titles, and Town and Physical Planning have also been improved and strengthened.

Gender Balance: Gender was streamlined in policy and land laws at the outset. Section 3 (1) c) of the Land Act (Cap 113) provides for facilitating equitable distribution of and access to land by all citizens in Tanzania. The 15 basic principles of the Land Policy 1995 (see appendix) require land officers to ensure that the “right of every adult woman to acquire, hold, use, and deal with land” to the same extent and subject to the same restrictions as that of any man.

However, historically, land access has been skewed in favour of the male gender. Reports on various land delivery initiatives show that 32% of the over 35,000 land parcels surveyed and allocated in the 20T plots project were received by women, 45.5% by men, 4.5% to joint spouses and 18% to corporations. Women applied in relatively large numbers and the law has been implemented without a marked interference of customs, traditions or religions. Equally impressive are data on the issuance of residential licenses where 21 % of women are beneficiaries – though also a reflection of the fact that most properties in informal settlements are owned by men and women are but tenants.

4.7.2. NLP Implementation – The Policy Statements

A quick scan of the extent at which policy statements have been adopted for implementation shows twenty major weaknesses after 15 years of policy history. These statements are entered in Table 2 below.

Table 2: Policy Statement Awaiting Implementation

Policy Statement	Comment
ON LAND TENURE: Item 4.1.1 (i): states that “Land will be graded as a constitutional category. In particular, the following four basic land tenets will be entrenched in the Constitution to ensure continuity.” (vestment, land value, legality in acquisition and compensation)	STEPS TAKEN Not attempted
ON ACCESS TO LAND Item 4.2.3 (iv) states: “Non-citizens and foreign companies will not be allowed to acquire land through transfer or purchase of customary land.”	Deposits into the land bank

Policy Statement	Comment
<p>Section 4.2.4 (viii) states that "All grants of land shall be done after the subject land has been fully surveyed and approved by the Director of Surveys and Mapping.</p> <p>ON LAND UTILISATION</p> <p>Section 4.2.8 (iii) states that " Land ceilings will be fixed by government on the basis of use, location, feasibility study and proven ability of the applicant to develop the said parcels of land.</p> <p>ON LAND REGISTRATION</p> <p>Section 4.2.21 (i): Most Land Occupied under customary laws and under Operation Vijiji is not recorded or registered</p> <p>Section 4.2.22 (ii): There shall be a certificate of Occupancy issued for all government and public properties including National Parks and any allocation made for public uses. Such public properties shall be registrable with the corresponding Zonal Registrar of Titles</p> <p>Section 4.2.22 (iii): Residents in unplanned urban settlements shall have their rights recorded and maintained by the relevant land allocating authority and that record will be registered</p> <p>Section 4.2.22 (iv): Registration of customary interests in land be compulsory to safeguard the interest of the villagers</p> <p>ON SURVEYS</p> <p>Section 5.1: Dependence on the limited resources of the government has resulted in the inability to survey the land to meet the ever increasing demand. The shortage of plots is acute in the fast growing urban centres such as Dar Es Salaam, Morogoro, Arusha, Mwanza and Mbeya. For example, in 1998/90 the national demand for new plots was estimated to be 157,000 while in the same year only 11,146 plots were surveyed.</p> <p>ON URBAN GROWTH</p> <p>Section 6.1.2 (i): The Government will institute measures to limit the loss of agricultural land to urban growth by controlling lateral expansion of all towns</p> <p>ON EXTENSIVE TOWNSHIP BOUNDARIES</p> <p>Section 6.2.1: The Government will ensure that urban boundaries are realistically determined to include areas that are developed for urban purpose with adequate reserve only for actual growth needs of the towns</p> <p>ON UNPLANNED URBAN SETTLEMENTS</p> <p>Section 6.4.1: The efforts of the Government will be directed towards arresting the growth of unplanned settlements:</p> <p>Section 6.4.1 (i): timely planning all the potential areas for urban development in the periphery of all towns</p> <p>Section 6.4.1 (ii) designating special areas for low income housing with simplified building regulations and affordable level of services</p> <p>ON VILLAGE LAND USE PLANNING</p> <p>Section 6.10.1 (ii): Land use planning will be done in a participatory manner to involve beneficiaries. Planning will be preceded by studies to determine existing land tenure, land use patterns and land capability.</p> <p>ON AREAS OF POPULATION PRESSURE & RESETTLEMENT</p> <p>Section 6.11.1: In the future resettlement of population will be preceded by land use plans which will be prepared for the receiving regions and districts. The plans will assess the land use patterns and land carrying capacity to establish the capability of the land to support additional population and livestock.</p>	<p>allowed! Adjudication required for CCRO!</p> <p>No upper or lower ceilings!</p> <p>At pilot stage!</p> <p>Attempted in Forestry/Wildlife Sectors only</p> <p>At pilot stage</p> <p>At pilot stage</p> <p>Demand-Supply gap increasing</p> <p>No control instituted</p> <p>Urban areas too big to manage and service</p> <p>Unplanned areas on the increase</p> <p>Planning lags development</p> <p>No such areas planned</p> <p>Key planning tools missing</p> <p>Key planning tools missing</p>

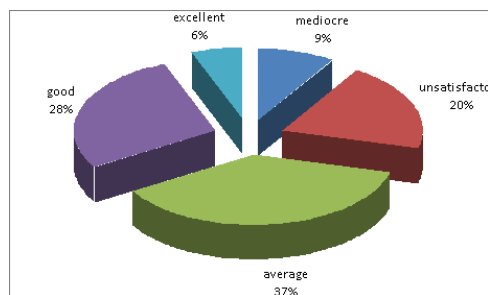
Policy Statement	Comment
<p>ON COORDINATION OF LAND USE</p> <p>Section 7.1.1 (iii): The Government will ensure that permits, licenses, claims and rights of exploitation of natural resources are issued in line with land use policies, and environment conservation policies and programmes</p> <p>ON RANGELANDS AND LIVESTOCK KEEPING</p> <p>Section 7.3.3 (i): Shifting agriculture and nomadism will be prohibited</p> <p>Section 7.3.3 (iii): Cattle movement will be regulated through coordinated planning and the provision of stock routes and other mechanisms.</p> <p>ON OVERLAPPING LAND USE AREAS</p> <p>Section 7.4.1: ... Game controlled areas not bordering Wildlife conservation areas will either be upgraded or be turned to land for resettlement.</p>	<p>Land suitability maps as key tools</p> <p>Nomadism continues & Conflicts abound</p> <p>Action awaited</p>

CHAPTER FIVE: ASSESSMENT OF THE EFFECTIVENESS OF THE NLP

5.1 General Assessment – Whole Policy

An evaluation conducted in MDAs on the effectiveness of the national land policy of 1995 has revealed that the mainstream segment of Tanzania's land administrators and users have mixed feelings on whether or not the policy is leading the country towards attaining its objectives. There are still a good proportion of people (39%) who are not satisfied with what the sector, and hence the nation, has done (cf. Table 3) in the past fifteen years with regard to regulating the sector on the basis of the land policy.

These conclusions may have been a result of a number of factors. There are some twenty statements in the NLP that are yet to see the light of day. Out of the 88 Implementation indicators (appendix) in SPILL, as many as 75% lie outside the two KRA that are being funded by the World Bank through the lands



component of the PSCP. But also due to budget limitations cannot be implemented within the MTEF process and hence remain on the waiting list.

In fact, the nation is still witnessing conflicts of blood-shedding proportions between small holder farmers and livestock herders in village lands. This is particularly so, in areas of Ngorongoro and Mbarali Districts and in some areas such as Kilosa where such conflicts were unheard of prior to the formulation of the land policy. Land management interventions are yet to attain a level at which land degradation particularly, in such areas as Simanjiro, Loliondo and Longido will reverse land degradation. The major impediment in these areas is excessive stock holding beyond the carrying capacity of the land, though also exacerbated by effects of climate change. Land access in urban areas for would be investors and for housing is getting more difficult with only one out of 100 new migrants able to obtain a surveyed plot in a planned area.

Almost two thirds of interviewees in a sample comprising of the land regulatory Ministry, and the major land user Ministries (agriculture, livestock and settlements)

are satisfied, to various degrees, with what is happening in land administration. Over half of them are only marginally satisfied with the new dispensation that seems to kindle hope for the future of land ownership and land use.

Table 3: Stakeholder Ratings of the NLP against Objectives

S/N	NLP OBJECTIVE ON:	RATING OUT OF 5	RATING OUT OF 100	COMMENT
1	Promoting equitable land distribution and access	3.04	60.8	
2	Land Rights of Small Holder Peasants and Herdsmen recognized	2.8	56.0	
3	Land Concentration and De-concentration	2.56	51.2	Least effective objective
4	Putting Land to its Most Productive Use	2.91	58.2	
5	Streamlining Land Administration Systems	3.43	68.6	Most Effective objective
6	Streamlining Land Administration and Dispute adjudication Institutions	3.40	68.0	Most Effective objective
7	Promoting the use of land Information	3.35	67.0	
8	Protecting Land Resources from Degradation	2.91	58.2	
9	AVERAGING	3.05	61.0	AVERAGE EFFECTIVENESS

NB: Ratings are Excellent (5), Good (4), Average (3), Unsatisfactory (2), and Mediocre (1).

Again, a number of causes are responsible for this state of pessimism as reflected in the various statistics on land titling both in general and village lands. Current records show, for example, that land holdings of 57,500 small holder farmers out of about 4 million, or 1.43 percent of them, have been adjudicated for issuance of CCROs in village lands. In urban areas, only 250 thousand plots have been surveyed since gaining independence. If industrial plots are disregarded in this count, then the indication is that as many as 200 thousand urban families only have accessed surveyed land. They are the lucky ones who are well housed out of an urban household count of about 2 million. In other words, only 10% households have legally accessed land in urban areas. Yet more recent studies have shown that out of 100 new immigrants into urban areas, only one plot is available legally – what a

bleak future! Urbanization in Tanzania is a real phenomenon that continues at as much as 7% rate in some urban centres.

5.2 Assessment of the Levels of Attainment of Each of the Eight Objectives of the 1995 NLP

This section provides an evaluation based on each of the eight objectives of the NLP. It should be seen as a break down of the general assessment of the NLP provided above. It is here discussed to give an insight of which objectives encumber the implementation of the policy and which ones assist that process. The NLP sets eight objectives in areas of land access, rights, de-concentration, productivity, administration mainstreaming, institutional arrangements, disputes courts, resource management and information. The extent at which each objective has been met will now be discussed using results from interviews conducted in four sectors and backed up by secondary data and information.

5.2.1 Promoting Equitable Land Distribution and Access

There is *less pessimism and more optimism* on the way the land policy has been instrumental in bringing about equity in land distribution and access in the fifteen years of policy formulation. Although the statistics available in the sector is still gloomy on the achievement, projects for land delivery, both in general and village lands have brought hope to many. It is worthy recalling that customary tenure was almost extinguished in the 1980s (Fimbo, 2004), land titling in villages was affordable to a few and in spite of the fact that the policy calls on individuals to pay for titling, the Government has taken upon itself the responsibility of issuing CCRO at a nominal fee. What has happened is therefore a reversal of what existed prior to the formulation of the land policy in 1995. The policy has compelled the land delivery mechanism to do more than expectations albeit at a pilot level.

In the urban areas, there are more plots available today than before the promulgation of the NLP. The 20T plots project that started in 2002 as both an anti-corruption and poverty reduction tool was undertaken also as a part of the operationalization of the new land laws. The regularization project in Dar Es Salaam has seen many people living in informal areas granted residential licenses in recognition of their land rights. The survey of village boundaries as a preparation for land delivery in village lands is over 90% complete and titling is being piloted in fifteen Districts. The business

formalization programme is working in tandem with both the 20T project and regularization project to add value in favour of the economically landless both in urban and rural areas.

The interviewed sample shows that only a quarter of interviewees are dissatisfied with progress in this area and possibly more for the time that has elapsed to yield results rather than the action itself.

5.2.2 Land Rights of Small Holder Peasants and Herdsmen

About 41% of those interviewed in government Ministries and Municipality of Ilala are still dissatisfied with the level of achieving this land policy objective, thinking that not much has changed since 1995 and village life on the land is still hard. However, 36% are marginally satisfied and another 23% satisfied above average that both groups now know their rights.

There is reason to believe that these conclusions are founded for the following reasons. Many are dissatisfied with the conflicts between these two groups which are largely conflicts about land resources and an assumed communal tenure on resources. Studies reveal that the major reason why people keep on moving and treading on others toes are lack of such resources in one place such as adequate land for farming, adequate pasture or water and other infrastructure. In this regard the village land act provides for communal tenure on resources, but within village boundaries and upon agreement by all at an assembly of the village. The verdict is low also because many do not resort to the courts but often take the law in their hands and cause damages even costing lives.

Climate Change Adaptation: It is also noteworthy that the rural areas and hence village lands have been badly hit by drought in the years after 1995 drying up rivers and dams. Both groups have tended to increase production (more crop acreage, bigger herds) to survive the drought at the expense of the other group and hence sparking off conflicts in the process. Knowledge of land rights alone does not help a situation such as this caused by global warming of which many in this target group know very little and know even less of mechanisms to adapt to it. It does not help that their lands are neither demarcated nor titled and registered. It is also difficult to enforce clauses on trespass for such lands or against a group that is on the move.

Post independence policy that emphasized communal land use in villages, has also instilled in the minds of many that public land means land not owned by anyone and hence can be used by anyone (SPILL, 2005). To many then the demarcation of village boundaries and granting of customary titles in the pilot projects is a sure sign of commencing the road to recovery from that situation. Individual titling has started in villages in earnest as the opinion of the satisfied 59% reveals.

5.2.3 Land Concentration and De-concentration

Informants in the public service have provided very interesting results on the policy objective of setting ceilings to land holdings and preventing land grabbing. Firstly, on the setting of ceilings only 20% think this objective has been achieved above average while the same percentage thinks grabbing is an issue in the lands sector of Tanzania. Secondly, as 80% acknowledge that grabbing is not an issue now compared to pre-1995, equally many think not much has been done to prevent it by setting limits on land holdings. Thirdly and finally, there is equal split of opinion as to whether or not the existing regulatory framework actually provides for land ownership ceilings. There is need to make an analysis of the key messages obtained from the respondents regarding the objective on regulating de-concentration of land holdings.

There are structural ceilings embedded in the existing regulatory framework, such as: (i) titling in villages will follow customary lands as inherited or acquired and is now put to use; (ii) village lands are regulated by the requirement to maintain three categories of land within village boundaries; and (iii) urban plots are also in three categories of residential and commercial plots as well as estates - residential plots are either small, medium or high density plots with clear size limitations. These categories are structural and are being followed in land delivery processes. Those who agree that there are ceilings embedded in the regulatory framework are, in this regard, right. There are also those who would have wished to see ceilings, both minimum and maximum (SPILL, 2005), set after land policy was formulated so as to guide poverty reduction in rural areas and guide urban sprawl in urban areas. A good number of these (80%) have probably been disappointed. They may not understand the reasons behind the impasse and still expect something to be done lest Tanzanians be marginalized under national and global investment promotion, fuel switching and climate change mitigation policies.

5.2.4 Putting Land to its Most Productive Use

The objective of putting the land to its most productive use leaves 30% dissatisfied of its implementation and 25% satisfied above average with 45% on the average - meaning either way above or below average. In trying to understand these responses it has been desirable to look at what new has the NLP brought to fruition with regard to good and appropriate land management. There is not much impact in general lands as it remains business as usual with: (i) informal settlements on the rise, (ii) urban sprawl unabated, (iii) horizontal construction of houses, (iv) unserved neighbourhoods and expensive infrastructure due to physical sizes of urban areas, etc. It is only in village lands where the NLP on land management has been making an impact at 25% acceptability, albeit with small land holdings. The zoning through village boundaries, the land use planning though still at low level, motivation to tree planting, management of resources such as the participatory forest management (FPM) and similar schemes are examples of better land management in village lands.

Box No2: The Land Distribution Paradox in Tanzania:

The national land policy (NLP) gives the land use statistics that, shows that slightly less than 50% of Tanzania land mass is comprised of arable land at 48.8 million Ha. (GoT, 1995). However, it is only 9.0million Ha that is under cultivation, implying that over 81.6% of all arable land is not used for farming. Also, some 8.4 million Ha of land is used for small scale farming by about 3.8 million peasants **at an average of 0.2 Ha, per peasant**. The remaining 592,074 Ha, is managed under large scale farming that includes sisal, coffee, tea, estates and plantations under granted rights of occupancy.

The picture being painted by this statistics is that of **abundance of land for delivery as the 81.6% of arable land** is available for new occupation and use. Although this observation is positive for land administration, the small average of 0.2 Ha, per smallholder farmer does not address the wishes of the land policy objective of promoting rapid social and economic development of Tanzania that now focuses on economic growth and reduction of poverty within the framework of the National Strategy for growth and reduction of poverty (NSGRP) or MKUKUTA (GoT, 2005).

Further, the NLP shows that Tanzania is made up of 61.3 million Ha of pasture out of which only 35.5 million Ha, is permanent. However, the global figure used for pasture stands at about 44 million Ha - a figure that is far greater than that of permanent pasture. These figures imply that a sizable proportion of grazing is undertaken on 8.475million Ha, of non-permanent pasture that is vulnerable to harsh weather conditions and insufficient for grazing during part of the year. The picture derived from this scenario is that there exists a reserve of (61.3 - 44.0) million Ha or 17.2 million Ha comprising **about 28.2% of all inclusive pasture**land available for use and a **deficit of land at 23.5% on permanent pasture** for livestock agriculture.

It is argued that sustainable livestock keeping can only be possible where land use suitability is considered. The converse is a rupture into land use conflicts with encroachment of animal herds into farming and conservation lands or vice versa. Geographers tell us that the underlying reason behind temporary settlements used by nomadic persons is inadequacy of resource needs in one place. It is therefore no wonder that nomadic pastoralism exists in Tanzania. If efforts are not made to balance land use with land availability, the question of nomadic practices will be here to stay contrary to the aspirations of the NLP.

From: "Investing in Land in Tanzania – The Basics". Paper presented to the Arusha Regional Investors' Forum, November, 2008. by Dr. F. N. Lugoe

Discussions on land use in various policies including the agricultural and livestock policy of 1997 and the NLP of 1995 (cf. Box No.2) show clearly that the unknown suitability of our land to various uses is still encumbering decision making on land use. The ignorance covers decision making on suitable location of settlements, crop farms and livestock herds. The situation is now aggravated by climate change mitigation in the context of reducing emissions from deforestation and degradation (REDD) that calls for a halt to land use change involving forests.

Further, it is common knowledge that the climates of equatorial and tropical Africa (including Tanzania) are not favourable, except in few places, to the formation of good soils. The low moisture levels, the high bacteria content

and sparse vegetation are mostly responsible for this state of soils. The best soils are found in areas of wet equatorial forest regions, in flood and coastal plains and in the highlands. In Tanzania this statement leaves out most of the central plateau as a crop farming area. Yet, statements in the policies seem to say that Tanzania has abundant land for all uses (Box No. 2)!

One would like to see the mapping of land suitability setting the scene for productivity monitoring and good land management on the basis of sound land use planning. But, it is a hard nut to crack requiring sound coordination between the land use sectors, re-assessment of resource allocation and building capacity for mapping.

Both the land administrators and the big land users have overwhelmingly acknowledged the positive changes that have taken place in favour of a streamlined and efficient land administration system since the formulation of the NLP. Only 14 % of those interviewed are dissatisfied with the effectiveness of the land policy as judged by this objective.

The services offered by the land sector have been widened since the Regional Restructuring Programme of the late 1990s to Districts with land administration undertaken in municipalities and districts. The private sector professional services of land surveyors and valuers are being utilized in land delivery projects on contracts. Capacity Building is essential to attaining efficiency and serving more people than they can now handle. It is quite an achievement to make land services available within easy reach as they were unavailable before 1995. The system has not only been streamlined, it has been modified and spelled out in land regulations.

5.2.5 Institutional Arrangements

The responses from interviewees in this case are similar to those of streamlining land administration. This is to be expected as land administration is undertaken by government institutions with the support of the private sector. Service providers continue to be institutions that are expanded in scope and focus. Thus only 14% of respondents are dissatisfied for reasons probably based on low efficiency, bureaucracy and lack of transparency reported of most lands offices. The 86% favour is a sure sign that institutional arrangements are working but need strengthening.

Table 4: Land Policy Effectiveness Baseline Indicators for 2010.

POLICY CYCLE	RESULTS	PERFORMANCE		COMMENTS
		Attributes	2010 Baseline Indicators ²	
Policy Effectiveness	Policy results in change/benefits		61.0 percent	
		1. Promoting Equitable Land Distribution and access	3.0	
		2. Recognition, clarification and securing in law existing land rights of small holder farmers and herders	2.8	
		3. Setting ceilings on land ownership (prevent land grabbing)	2.6	
		4. Improved efficiency of land delivery systems	2.9	
		5. Streamlining land administration institutions	3.4	
		6. Better Manage Land Information	3.4	
		7. Promoting Sound Land Information management	2.9	
		8. Protect Land Resources from degradation	3.4	

The changes that have been instituted in putting land administration on the road map to efficiency have necessitated major changes in institutional arrangements from the linkages between central and local government, to zoning of service delivery areas, to inclusion of the private sector. A PPP in land administration is evolving that is seen by peers to support the attainment of the land policy objectives. Key institutional changes include: (i) the positioning of Assistant Commissioners of Lands in all five zones with powers to sign certificates of occupancy; (ii) Zonal registries of titles are functioning and have been enhanced; and (iii) Municipalities and Districts are, when resources permit, engaged directly in land delivery activities.

² A scale of 0 – 5 was used for scoring where (5) stands for excellent; (4) for very good; (3) for average; (2) for unsatisfactory; and (1) for mediocre.²

5.2.6 Protecting Land Resources from Degradation

The proportion of those who responded favourably on this objective has 40% in middle ground with pros equal to cons. It is not easy to reverse degradation in an atmosphere of conflict that are on the rise in village lands. It is equally not feasible where the security of tenure is in doubt. It is not easy to reverse degradation where the poor depend almost wholly on trees as a major source of energy. The mode of agriculture in village lands exposes land to excessive erosion and hence to degradation. The same goes with grazing in cases of excessive stock beyond the carrying capacity of the land. It is not expected that this objective will be judged otherwise in the foreseeable future without a concerted effort from all other sectors particularly, forest and energy sectors.

5.2.7 Promoting the Use of Land Information

Land information can be thematic such as information on land tenure and use or framework such as geo-spatial for geo-referencing features and other attributes of the landscape. Over 80% respondents rated positively the objective on the way that the use is being promoted. There is even a small group at 5% that is of the opinion that the objective has been attained by ranking it "excellent". This seems to say that the records offices and registries are accessible by most of the population.

5.3 Assessment of the Effectiveness of Policy Instruments in Attaining Each of the Objectives of the National Land Policy

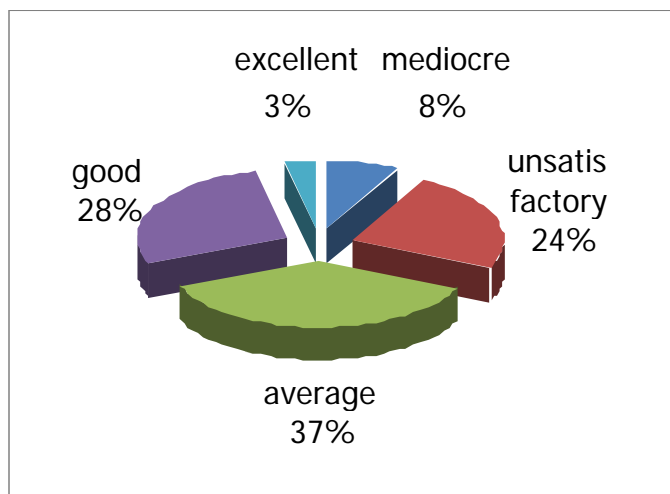
A formulated policy may call for an assessment of laws that may lead to reviews, harmonisations and even repeals and enactment of new laws. The assessment of the lands sector laws resulted in a repeal of the Land Ordinance of 1923, among others, and enactment of the Land Act and Village Land Act in 1999 as a first step. However it is emphasized that a formulated public policy can only be implemented through strategies that define, among others, the implementation indicators or outputs and activities against each objective. Strategies most often lead to programmes of implementation and projects. Monitoring and evaluation of the policy implementation should lead to re-assessment of plans and probably to policy reviews.

The land policy formulation cycle has been acknowledged for the participatory methodology that included the various interest groups in the country down to

grassroots level. The evaluation of the effectiveness of the national land policy of 1995 being reported here does not evaluate policy formulation methodology but will dwell on the contributions of the legal, strategic and operational frameworks and that of advocacy and dissemination.

It is important to evaluate the contribution of the various instruments in the policy cycle to the general conclusions of stakeholders discussed above and also possibly examine analyses of each of the land policy objectives to obtain further contributions and conclusions for future policy reviews. This research therefore proceeded to report on the extent at which four frameworks are supportive of NLP implementation and attainment of the policy objectives. The four are; legal, operational, strategy and advocacy frameworks. Respondents provided their general observations along these lines.

5.3.1 Assessment of the Effectiveness of the Legal Framework in Attaining the Objectives of the National Land Policy



About 60% of informants on this topic think that the contribution of the lands sector's Legal Framework in attaining the objectives of the national land policy is ranked at average and below average and 40% is above average. This is an interesting scenario as Tanzania lands sector has always been governed by laws and not policies. The now repealed laws were laws

supportive of land being public and vested in the president, rights of occupancy as the mode of land tenure, etc, all of which have been upheld in the new laws. The land disputes courts are not much new as these were always mainstreamed with other courts. The Village Land Act is new in the sense that it ushered in the concept of customary tenure which is a form of freehold tenure in village lands. Are these issues that undermine attainment of the objectives in general? Of course the new legal framework has not been harmonized with the old laws in the sector but how serious is harmonization with respect to the objectives?

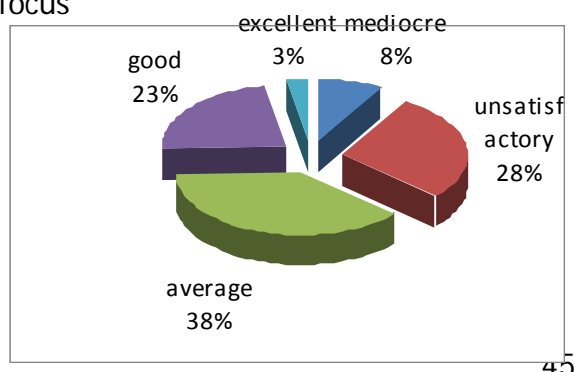
The contribution of the *legal framework* to the attainment of policy objectives has been judged by stakeholders to be below average. This may be partly due to the fact that the framework consisting of laws and corresponding regulations have often been abrogated without consequence. Examples may, here, be sighted as conflicts over land, in both rural and urban areas, for not enforcing articles on trespass, etc but also leading to property demolitions and dislocations. The sector and law enforcement agencies are seen in the eyes of the public as not acting at preventing occurrence of such mishaps. Development control which is a major function of town planning agencies is not effective at preventing damages to developers. The sector should work at land delivery prior to development in general lands and speed up certification in village lands. Law enforcement agencies must act to prevent criminal trespass upon call by owner.

Satisfaction, at two thirds of informants, is a very good indication of moving on the right track towards meeting the objectives. Recent pilot projects in land delivery has brought back hope to land users. However, the lands sector does not have a sector strategy. Though well crafted to be as far reaching in sector issues as possible, SPILL addresses implementation of land laws and falls short of certain issues in the NLP. It is noted also that about twenty statements in the NLP have not been attempted in the 15 years of the policy. Also the sector is poorly financed and not active enough at drawing up implementable programmes and seeking finance

5.3.1 Assessment of the Effectiveness of the Sector Strategic Focus in Attaining the Objectives of the National Land Policy

Overall only 29% of respondents are dissatisfied with the contribution of the sector strategies in supporting the attainment of the objectives of the NLP of 1995. It is to be recalled that the implementation of any policy comes by way of strategies. What the respondents are saying is that the policy is being implemented in a satisfactory way. There are activities under way that focus

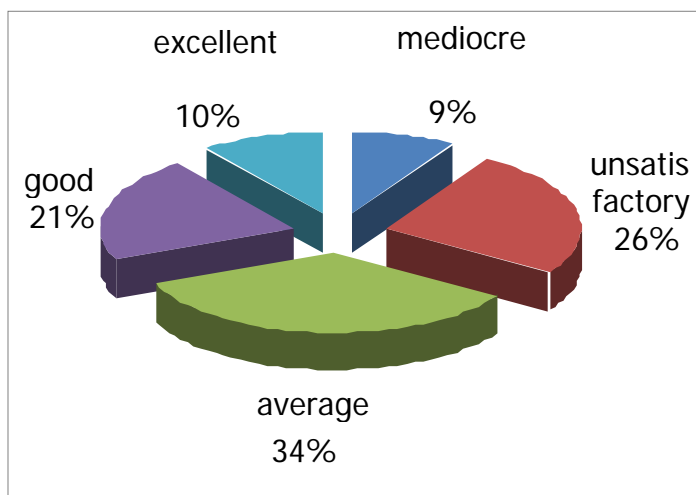
on the policy objectives. The past five years has seen real changes in financed projects in the sector and for the first time since the 1969, there has been resource flow to the sector particularly



from the World Bank through the Lands Component of the Private Sector Competitiveness Project.

Closer analysis has however shown that the sector has not explored financing avenues advocated in the strategic plan for the implementation of the land laws and even finance from the World Bank has been suggested to the sector rather than sought by it. This problem could also be associated with weakness in human capacity at policy analysis and project design levels in the sector.

5.3.2 Assessing Effectiveness of Advocacy and Dissemination in Attaining the Objectives of the National Land Policy



The respondents are slightly skewed about the centre point with 27% pros and 34% cons with regard to advocacy and dissemination. Sector reports show that there have been substantial advocacy in villages but probably confined to villages where activities have been financed. Such villages are not many. Apart from sending translated copies of the VLA and

SPILL executive summaries to over 10 thousand registered villages, most of the work has been restricted to the 15 pilot Districts. The sector needs to use the media, particularly radio, to reach the majority land owners in villages mindful of the fact that land rights in Tanzania have been subjugated for a long time and more effort needs to be taken to reverse the tide.

Advocacy and dissemination has been rated average and above average by two thirds of the population. This indicates its positive contribution to the conclusions regarding effectiveness of the policy in general. It however reflects what the MDAs have done rather what the land users have benefited from sensitization.

5.3.3 Assessment of the Effectiveness of the Operational Framework in Attaining the Objectives of the National Land Policy

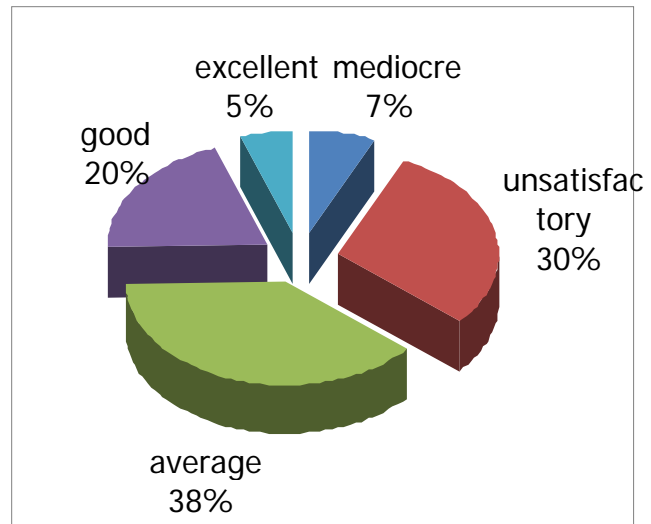
Only 27% of the respondents think the operational framework has assisted the attainment of the objectives of the NLP whilst the remaining 72% think otherwise. Issues to consider in the rather negative assessment include; low capacity levels, poor sector financing, SPILL implementation still at pilot levels, absence of programme of implementing SPILL, bureaucracy and corruption levels, insensitivity to sector needs and under-performance, etc. Low capacity has been an issue for many years. Box No. 2 outlines some of the problems.

The operational framework has been judged above average by only 25 percent and at average by 38 percent of the respondents. The remaining 37 percent are not satisfied that the operational framework is contributing to the attainment of the objectives of the NLP.

What could be some of the reasons for this rather positive reaction? Firstly, the sector has been visibly active in the last five years, but, with pilot programmes. It is therefore difficult to show high appreciation for something so little in so short a period. In addition, the on-going activities that have been pulled out of SPILL address only two out of nine key result areas (KRA).

There are about 75% of the activities are yet to be addressed. Secondly, the media has been inundated with reports on issues of ethics, including bureaucracy and corruption, which do not auger well with performance evaluation. It is still unbelievable that it can take over a year to obtain a certificate of occupancy for a land parcel.

Also some 32 percent of respondents think that the operational framework is a liability in the process of achieving effectiveness in the implementation of the national land policy of 1995. Conversely, 41 and 28 percent are of the opinion that the contribution of the operational framework is average and



above average respectively. The operational framework is just evolving out of a slow (almost negligible) rate of land delivery and poorest of service delivery (Lugoe, 2007). The pre-NLP period and a decade there after was a period of concentration of services in certain areas only. For example; (i) land-use planning was concentrated in parts of urban areas; (ii) recent township maps were not available for all towns, (iii) urban maps were updated more often than rural maps and many of which are still out of stock in the latter category; (iv) land registries were located at Zonal offices; (v) most professional private practitioners are concentrated in the cities; (vi) the practice remains that cadastral surveys, valuation reports and TP Drawings must be approved in Dar Es Salaam and professionals must travel to the Dar Es Salaam to get such work finalised. Further, the level of bureaucracy and unethical practices including corruption has been on the high side enough for the sector to be mentioned in the Warioba Report of 1997 on Corruption in Tanzania. The negative assessment is therefore well founded.

However, the services are slowly being decentralised, land delivery is picking up though not in response to big demand, customary tenure is now a reality with certification and title registration for lands in villages, tribunals are operating, disadvantaged groups are protected, residential licenses are issued for properties in informal settlements, etc.

CHAPTER SIX: CONCLUSIONS

6.1 Major Findings

The major findings of this study are the following:

- (i) Results of studies on land policy effectiveness as provided in this report are biased, as it has not been possible to evaluate the roles and contributions of other policies (both old and new) with which land is closely linked. Policies guiding land zoning, law enforcement, the environment and climate change, investment promotion, customs and religious beliefs, traditions, conservation, technology, devolution by decentralisation, villagization, pastoralism, agriculture, migrations, water, forests, etc are among those adversely affecting land policy effectiveness and their effects should be known. Recommendations and way forward on this finding are addressed in the main (synthesized) report.
- (ii) The policy implementation process of the past fifteen years of land policy history is dismal compared to the over-arching and cross-cutting importance of the policy in such sectors as agriculture, which is the lifeline of Tanzania. Most activities undertaken have not been a response of a strategy designed to implement the NLP.
- (iii) The national land policy cycle is neither half way through nor moving in the desirable direction towards completeness. Serious problems include absence of a NLP-specific strategy and programme(s) of implementation. Many formulated strategies in the lands sector are not specifically focused at meeting policy objectives. Some strategies but have been short term, addressing selected areas and issues and are without requisite funding.
- (iv) Evaluations made on sector performance are mostly internal to the sector and are not guided by a sector programme on M&E (could independent evaluation be better?). It is not clear whether or not they monitor and evaluate the NLP of 1995.
- (v) The MLHHSD that oversees the policy has not focused on some 20 policy statements. It seems that these are left out of consideration of

implementation at the time being, for unknown reasons. In this list is the most important consideration of making land a constitutional category.

- (vi) There is no strategy that covers the whole of the land policy – a sector strategic plan to take on board all issues addressed in the NLP of 1995. The existing strategic plan for the implementation of the land laws (SPILL) is focused on laws but, is also impaired for not having a corresponding programme of implementation and M&E mechanism.
- (vii) The pilot programmes and projects being undertaken under the private sector competitiveness project (PSCP) with funding from the World Bank address only two out of nine key result areas (KRA) of SPILL. It is not known when the other seven will be brought on board for implementation. The intervention needs speeding up.
- (viii) There is no information as to whether or not the SPILL investment plan has been examined in detail with a view of implementing some of the recommendations on sources of funding the activities embedded in SPILL.
- (ix) The MLHSD may not be aware of the amount of work requiring implementation in such areas as land access in urban areas, village land titling, etc and hence does not have milestones and implementation targets (partly because of lack of sector strategy and programme).
- (x) Land tenure and land use conflicts are on the rise because of regressive mind sets and lack of enforcement of clauses on criminal trespass by law enforcement agencies.
- (xi) Land use planning does not cover the whole territory and would not be undertaken for lack of appropriate land tools, such as medium scale topographical maps and land suitability maps. The country does not know which land is specifically best suitable for which uses.

6.2 Recommendations Based on Major Findings in 6.1

The recommendations to address the major findings are as follows:

- (i) Take stock of what needs to be done in making land delivery responsive to the demand of land users both in urban and rural areas and hold public

consultations as to what should be done to build capacity and finance for projects that could pave way to smooth access to land.

- (ii) Formulate a long term strategy for the lands sector beyond the existing one, which focuses on implementation of the land laws and, immediately follow up with a programme of implementation of such a strategy. In other words, develop a strategy that operationalizes the NLP of 1995 in its totality.
- (iii) Make M&E a permanent system in the sector Ministry and local government authorities. The system should involve most stakeholders both in government and private sector
- (iv) The 20 policy statements that have been provided in this report as awaiting implementation should be worked upon. It would help greatly if these were to be included in the long term strategy if they are not covered in SPILL
- (v) Develop a programme of implementation for SPILL and a thorough Monitoring and Evaluation mechanism as per recommendations in the SPILL document. The structure of the M&E for SPILL is embedded in it.
- (vi) Start immediately working on the 7 KRA of SPILL that are yet to be operationalized and seek financing for their implementation as have been done for the first two. It is not conceivable that sufficient funding for SPILL can come by way of MTEF.
- (vii) Examined the SPILL investment plan in detail, with a view of implementing some of the recommendations on sources of funding for the various activities therein so as to address the over 80 SMART SPILL indicators.
- (viii) Make an analysis of what activities are required for the lands sector. Reports on two completed studies namely, "SPILL and Plan of Action" and the "Needs Assessment and Costing of the Lands Sector Study for the Implementation of MDGs of 2006 (see ref.19 in bibliography)" could be a good starting point.
- (ix) Government should get tough on land law enforcement generally, but also should ensure that land administration personnel serve the public by adhering to the 15 principals of the NLP and Land Laws.

- (x) One would like to see the preparation of medium scale topographical maps as an aid to physical planning and the mapping of land suitability in preparation for land zoning into various land uses and good land management

6.3 The Way Forward

- (i) As underscored in SPILL, land has value and should finance itself. This is the sustainable roadmap to financing activities under any strategy drawn up for implementing the national land policy. The starting point for the roadmap is provided in the investment plan for SPILL and should be studied carefully and implemented.
- (ii) Capacity building in the lands sector is a key factor in a successful implementation of the plan. Many experts have ranked it the lowest in government sectors. The sector was prejudiced since independence for lack of local degree programmes for the most part of independent Tanzania. There should be drawn up a master plan for capacity building in the sector with much emphasis on higher degree programmes and studies in policy analysis and project management.
- (iii) The land policy cycle should be completed within the shortest time possibly say, in a couple of years to make the policy implementable. Delays could mean reviewing the policy first. The cycle should include a comprehensive monitoring and evaluation process as recommended in SPILL.
- (iv) Give priority to medium scale topographical mapping of the landscape and land suitability mapping as an aid to the assessment of the value and appropriate use of Tanzania's land and sound national land use planning (see objective No. 4 of the NLP).
- (v) Make studies as to how the implementation (or lack of it) of the national land policy is affected by, and also affects, other sector policies since it links with all sectors operating on the land. The outcome of such studies should feed into decisions on its real effectiveness and the strengthening of related sector strategies and programmes.

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Annex 1: The Fundamental Principles of the NLP, 1995

The NLP and new land laws expect that all persons exercising powers in land allocation, tenure arrangements and the use of land are to have regard to the fundamental principles of the policy and laws. The set of fifteen statements are:

- a. To recognize that all land in Tanzania is public land vested in the President as trustee on behalf of all citizens;
- b. To ensure that existing rights in and recognized long standing occupation or use of land are clarified and secured by the law;
- c. To facilitate an equitable distribution of and access to land by all citizen;
- d. To regulate the amount of land that any one person or corporate body may occupy or use;
- e. To ensure that land is used productively and that any such use complies with the principles of sustainable development;
- f. To take into account that an interest in land has value and that value is taken into consideration in any transaction affecting that interest,
- g. To pay full, fair and prompt compensation to any person whose right of occupancy or recognized long-standing occupation or customary use of land is revoked or otherwise interfered with to their detriment by the State under this Act or is acquired under the Land Acquisition Act; provided that in assessing compensation land acquired in the manner provided for in this Act, the concept of opportunity shall be based on the following: -
 - (i) market value of the real property; (ii)disturbance allowance; (iii)transport allowance; (iv)loss of profits or accommodation; cost of acquiring or getting the subject land; (v) any other cost, loss or a capital expenditure incurred to the development of the subject land: and interest at market rate will be charged.
- h. To provide for an efficient, effective, economical and transparent system of land administration
- i. To enable all citizens to participate in decision making on matters connected with their occupation or use of land
- j. To facilitate the operation of a market in land;
- k. To regulate the operation a market in land so as to ensure that rural and urban small-holders and pastoralists are not disadvantaged;
- l. To set out rules of land law accessibly and in a manner which can be readily understood by all citizen;
- m. To establish an independent, expeditious and just system for the adjudication of land disputes which will hear and determine cases without undue delay;
- n. To encourage the dissemination of information about land administration and land law as provided for by this Act through programmes of public awareness and adult education, using all forms of media.
- o. The right of every woman to: acquire, hold, use, deal with, land shall to the same extent and subject to the same restrictions be treated as a right of any adult man.

Annex 2: The 88 Key Sector Performance Indicators (OUTPUTS)

KEY RESULT AREAS	STRATEGIC OBJECTIVES	KEY PERFORMANCE INDICATORS (OUTPUTS)
KRA 1: LAND TENURE, ACCESS AND LAND RIGHTS	<p>To increase the number of surveyed registered villages, issue certificates of village land (CVL) and deliver certificates of customary right of occupancy (CCRO) to villagers – extending the Mbozi Experiment.</p> <p>To undertake more cadastral surveys and introduce land services in urban centres whilst addressing the question of landed property development in unplanned areas.</p> <p>To decentralise all land administration support services (LASS) of the MLHHSD to the District level and hive-off non-regulatory services to local government authorities (LGA)</p> <p>To abolish discrimination against vulnerable groups in land access and land administration, through affirmative action at all levels.</p>	<ol style="list-style-type: none"> 1. Approved Village Boundary Survey Plans 2. Issuing Certificates of Village Lands, CVL 3. Village Land Holdings Adjudicated 4. CCROs Issued in Villages 5. DCF Established and Seed Money Provided 6. Township Development Schemes Developed and Approved 7. TP Drawings designed and Approved 7. SCP established 8 Land Assets for Compensation Valued and Compensations paid 10 50,000 Plots Surveyed and Allocated Annually 11 Services in the 50T Plots surveyed annually Provided 12. Decentralisation Plan of LASS to Districts Approved, 13 Decentralisation manager appointed and facilitated 14. Land Offices in Districts Built, Furnished and Equipped with Digital Dbases 15 LGAs Assisted 15. More Land Allocated to Women 16 CCROs issued to Women jointly with spouses
KRA 2: TENURE SECURITY, LAW AND ORDER, AND JUSTICE,	<p>To contain sources of explosive land conflicts on village lands by addressing ill-effects with regard to three issues, namely: disregarding and violating land rights, nomadic cultures and excessive stock holdings.</p> <p>To set up Village Land Councils (VLC) and other Land Courts</p> <p>To amend legislation to provide for DLBs, the LAIF, NVRS, harmony in sector laws, an expanded and facilitated NCPS and stiffen fines for violators of land rights.</p>	<ol style="list-style-type: none"> 1. Communities empowered 2. Tribunals strengthened 3. Stock in Villages reduced to under carrying capacity of land 4. Laws on criminal trespass and others enforced 5. Village land councils established 6. Committee for Harmonisation of Laws established and facilitated 7. New legislations to fill gaps drafted and adopted 8. Amendments Agreed and drafted into law 9. Amendments & Legislation

KEY RESULT AREAS	STRATEGIC OBJECTIVES	KEY PERFORMANCE INDICATORS (OUTPUTS)
		forwarded to Parliament
KRA 3. PERFORMANCE OF THE LAND ADMINISTRATION INFRASTRUCTURE (LAI),	<p>To provide national framework data (geodetic network) for geo-referencing SPILL and other geo-spatial activities</p> <p>To provide thematic geo-data through topographical, land cover mapping and map revision to feed into land use planning and land development projects, among others.</p> <p>To institute a culture of using credible maps for all significant land uses in urban and rural areas</p> <p>To develop a modern land administration infrastructure (LAI) in both MLHSD and PO-RALG and establish District Land Boards (DLB) that are autonomous from District Councils, empowered with the implementation of the land policy and SPILL.</p> <p>To regularise tenure and introduce land and social services in informal urban settlements and in villages that are on the transition to 'small towns' status as a step in facilitating the Human Settlements Policy (HSP).</p> <p>To impress upon other sectors benefiting from Land sector services the market need for paying for such services at this stage of economic development</p> <p>To introduce LIS/GIS and MIS in lands sector MDA offices</p>	<p>1. Geodetic Networks designed & established</p> <p>4. Gaps in Y742 Map Series filled and old sheets revised</p> <p>5. New National Mapping at 1:10,000 done</p> <p>6. Township mapping done</p> <p>7. Satellite images acquired and used</p> <p>8. ICT Institutions for hosting Lands sector information systems identified</p> <p>9. LIS/GIS & MIS established</p> <p>10. Existing Hard Copy Records digitized</p> <p>11. Dbases created and shared with stakeholders</p> <p>12. LAI stock taking in MDAs done</p> <p>13. Old LAI Modernised, New LAI installed and launched</p> <p>16. Regularisation Areas in urban centres identified</p> <p>17. Specific Regularisation areas delimited</p> <p>18. Property Registers for regularisation areas created</p> <p>19. Service Lines in regularisation Areas Identified, determined</p> <p>20 Land and Social Services in regularisation areas introduced</p> <p>21. Residential Licences and/or COs offered in regularised areas</p>
KRA 4: LAND ADMINISTRATION FINANCE, RESOURCE MOBILIZATION AND FINANCIAL MANAGEMENT	<p>To establish Compensation Funds (DCF) in all Districts and agree on sources of funds for each</p> <p>To establish land administration infrastructure fund (LAIF)</p> <p>To increase funding from MTEF processes to the sector</p> <p>To facilitate growth of SACCOS and other forms of micro-finance in land sector development to help smallholders</p> <p>To institute, from any programme inception, all the requirements under the new national reforms in Financial Management and to keep all records clean and up to date for audits and other uses</p> <p>To fight for higher retentions in revenue sharing</p>	<p>1. DCF established legally and trustees appointed</p> <p>2. Authority to set up LAIF Obtained and LAIF trustees appointed</p> <p>3. Microfinance institutions in villages established</p> <p>4. Small holders access microfinance services</p> <p>5. Revenue base broadened and lands sector budget increased</p> <p>6. Sector Financial Discipline enhanced</p>

KEY RESULT AREAS	STRATEGIC OBJECTIVES	KEY PERFORMANCE INDICATORS (OUTPUTS)
	with Treasury, while at the same time calling for more avenues to be under financial controls of the sector	
KRA 5: LAND AS A RESOURCE, LAND MARKETS, AND PUBLIC-PRIVATE SECTOR OPERATIONS	<p>To institute lower or minimum limits on land holdings (acreages per household) to facilitate the reduction of poverty and reduce conflicts in villages.</p> <p>To conceive and introduce a national village resettlement scheme (NVRs) to address the land needs of landless people.</p> <p>To publicize the Land Bank initiative to the prospective large investors to enhance understanding of the potential of land assets in investment</p> <p>To provide for a periodic review of the sector revenue base through strengthening records in land delivery and in revenue collection mechanisms</p>	<ol style="list-style-type: none"> 1. Land-use Framework Plans prepared 2. Areas suitable for resettlement identified 3. Minimum village land holdings per household agreed and instituted 4. People registered for new settlements, empowered and resettled 5. Land parcels annually added to the Land Bank 6. Review of sector revenue base reviewed annually
KRA 6: LAND MANAGEMENT, THE ENVIRONMENT, AND COMMUNITY-BASED PARTICIPATORY DECISION MAKING AND FACILITATION	<p>To examine boundaries of conservation areas, game reserves and national parks with a view to re-delineate the same and resolve misgivings harboured by adjoining villages on tenure insecurity for their lands.</p> <p>To produce participatory village and other land use plans to guide physical planning, land use and investment processes.</p> <p>To organize periodic Investors Forums in the sector involving key stakeholders and other close sectors</p> <p>To provide for a system that encourages local investors in land-based economic ventures, with incentive schemes for cooperative and CBO initiatives</p>	<ol style="list-style-type: none"> 1. Conservation areas delimited, New Boundaries Demarcated and Survey Plans of Conservation areas approved 2. GIS unit in NLUPC established 3. VLUAC prepared 4. Data for Integrated Framework LUP assembled 5. Integrated District Regional and National FLUP prepared 6. Land Banks prepared and operational 7. Local Investors assisted in accessing land
KRA 7: CAPACITY BUILDING	<p>To challenge and influence the Institutions of Higher Learning in the country to mount joint programmes in land administration related sciences in addition to short courses that are tailor made to address weaknesses in land tenure practices.</p> <p>To expand, empower and facilitate the National Council of Professional Surveyors (NCPS), to link together and regulate professionals in the lands sector.</p> <p>To Train personnel for their tasks within new dispensation</p> <p>To provide for a time honoured programme to periodically review the logic and content of training institutions in the sector</p> <p>To encourage the formation of policy analysis centres for land sector issues</p>	<ol style="list-style-type: none"> 1. Seminars with IHL conducted 2. New Programmes in land administration agreed and launched 3. Curricula reviewed 4. Training programmes reviewed 5. Act No. 2 of 1977 Reviewed and Amended 6. NCPS Secretariat appointed and facilitated 7. Technologists trained 8. Research and Policy Analysis Centres and established

KEY RESULT AREAS	STRATEGIC OBJECTIVES	KEY PERFORMANCE INDICATORS (OUTPUTS)
KRA 8: PUBLIC EDUCATION, AWARENESS CREATION AND ENHANCEMENT	<p>To provide public education on fundamental principles of land policy and land laws aimed at changing both leaders' and land-users' mindset on land tenure and land administration.</p> <p>To provide for permanent public education programmes on land matters and related laws</p> <p>To provide for a permanent forum for exchange of ideas so that learning from 'good practices' on land issues can become the culture of awareness generation</p>	<p>1. Programme for PEACE approved</p> <p>2. PEACE roles agreed</p> <p>3. Public Education through the media and other for a provided</p> <p>4. PEACE programme for schools agreed</p> <p>5. Trainers trained</p> <p>6. DLO personnel trained</p> <p>7. Villagers Trained</p>
KRA 9: PERFORMANCE MONITORING, REGULATION, SUPERVISION AND EVALUATION	<p>To form the National Land Advisory Council (NLAC) as a cross sector organ of land user ministries and organisations (LUMO) and expand its function to include the determination of national priorities.</p> <p>Undertake implementation, supervision and monitoring of SPILL</p> <p>To provide management information on the performance of sector in light of SPILL</p> <p>To Establish a forum for the interaction of the public and private sectors on land matters in order to establish a partnership for growth and development of the lands sector.</p> <p>To keep a permanent working forum between PRS, the PMS and SPILL operations to influence implementation of sector initiatives meant for PRS.</p> <p>To keep a framework that links actors within the sector, and those in related sectors, addressing specific assignments in monitoring and evaluation</p>	<p>1. Amendments made for a cross-sector NLAC</p> <p>2. NLAC expanded and members appointed</p> <p>3. Management information for M&E collected</p> <p>4. Technical information for M&E collected</p> <p>5. SPILL performance assessed</p> <p>6. PPP forum established, its constitution agreed</p> <p>7. SPILL reviewed by PPP in context of Poverty Reduction in Tanzania</p> <p>8. Cross-sector M&E committee established and empowered</p>

Source: SPILL

Annex 3: LIST OF PARTICIPANTS IN CONSULTATIVE MEETINGS AND RESPONDENTS TO QUESTIONAIRES

Inception meeting with Permanent Secretary Public Service Management:

In Attendance:

- (i) Hon. George Yambessi, Permanent Secretary, PO-PSM
- (ii) Mr. Mathias Kabunduguru, Director
- (iii) Daniel Kobb, Advisor
- (iv) Mr. Ngwalo, Procurement Officer
- (v) Mr. D. Mndeme, A/Director, Policy Formulation
- (vi) Dr F. Lugoe, Team leader/Researcher
- (vii) Prof. H. Amani, Researcher
- (viii) Dr. H. Semboja, Researcher
- (ix) Dr. D. Kaino, ESRF representative
- (x) Mr S. Buberwa, Researcher
- (xi) Mrs Vivian Kazi-Mateng'e, Head Commissioned Studies

Meeting No. 2: Ilala Municipal Council

- 1. Melania Kasese, Mchumi, IUC
- 2. Dr. Severine Assenga, Kilimo/Mifugo
- 3. Meena D. Njau, Mikutano
- 4. Jacob M. Ngowi, Afisa Ardhi
- 5. Robin Wambura, Afisa Ardhi
- 6. E. P. Mwasabwiki, Mkuu wa Idara MUJ
- 7. Phebbby A. Mwaseba, Afisa Utumishi
- 8. Charles Wambura, Afisa Usafishaji
- 9. Dennis Mrema, Afisa Biashara
- 10. Jackson Mwangonge, Mkuu wa Idara, Makazi, Ardhi na Mazingira

Meeting No.3: 18th February, 2020. Ministry of Livestock and Fisheries

- 1. W. Mleche, DUS
- 2. Valeria E. Mushi, PFSD 1
- 3. J. Kaijage, PLRO 1
- 4. Peter M. Kingu, DPO
- 5. S. B. Meena, DRTE
- 6. Kajutanus Osewe, Aquaculture
- 7. Da Silva D. Mlai, Statistician, DPP
- 8. Furaha Kabuje, Economist
- 9. M. M. bahari, DIR
- 10. T. P. Mlelwa, RVC

Meeting No. 4: Ministry of Agriculture and Food Security

- 1. Eliezer Chuma, MAFSC
- 2. Evangeline C. Kizwalo
- 3. Liberatus M. Lyimo
- 4. Firmat M. Banzi

Meeting No. 5: Ministry of Lands, Housing and Human Settlement Development

- 1. Alphayo J. Kidata, DPP

2. Cosmas Qaware, Asst. Registrar, DLHT
3. Bahati Mlote, Registrar, DLHT
4. Ndeny F. Ulomi, Ag. CoL
5. Calister C. Lekule, PLO
6. Subira Sinda, RoT
7. Anna Mdemu, Assist. CoL
8. Sarah A. Kyessi, Assist. Director
9. Samuel S. Katambi, Assist. Director
10. Ramadhani Mtama, Ag i/c Land Rent
11. Gerald Mwakipesile, Planning Officer, NLUPC
12. N. Bigage, PMU
13. Blasias A. Kibano, PLO
14. E. Kayega, PTP
15. Linus Shao,
16. S. Kajuna, PTP
17. Marco S. K. Shilinde, PLS
18. Jayson M. Kanui, DLCCP-NLUPC
19. Dr. Selassie D. Mayunga, ag DSM
20. Remarua A. S. Mondosha, PLS
21. Hapiness M., A/C
22. Johnson Sanga, HRO
23. John A. Msemwa, Assist. Director
24. H. L. Lugalla, Assist. Director
25. Justo N. Lyamuya, Assist. Director
26. Matthew S. Mazanda, Business Support Manager, NHBRA
27. Dr. G. M. Kawiche, DG, NHBRA
28. C. M. Mafuru, ADHF
29. G. G. Kanza, CPU
30. A. B. Burra, Dir. RTP
31. M. X. Mhagama, ADDR
32. J. T. Klerruo AGCV
33. E. G. Mwaipaja, CA
34. S. S. Makanda, CIA
35. E. Nyabusani, DMIS
36. A. Mwagofi, DAP

**MEETING No. 6 WITH THE CHIEF SECRETARY, STATE HOUSE HELD ON 5th MARCH
2010, AT THE STATE HOUSE DAR ES SALAAM.**

ESRF/CONSULTING Team:

1. Dr F. Lugoe, The Team leader/Researcher
2. Prof. H. Amani, Researcher
3. Dr. H. Semboja, Researcher
4. Dr. D. Kaino, ESRF representative
5. Mr S. Buberwa, Researcher
6. Mr F. Maro, ESRF representative
7. Ms A. Ishengoma, Research Assistant
8. Ms H. Mushi, Research Assistant
9. Ms D. Semkwiji, Research Assistant/ Recorder

STATE HOUSE TEAM:

- (i) Mr. Philemon Luhanjo, Chief Secretary, State House
- (ii) Mr. Mkwizu, Secretary, Cabinet secretariat
- (iii) Mr. Yonazi, Katibu Msaidizi Cabinet Secretariat
- (iv) Mr. Isaka, Ag Katibu Cabinet secretariat
- (v) Ms. Chilimbala, Cabinet secretariat - ulinzi na usalama
- (vi) Mr. Mwambegele, Cabinet Under secretary
- (vii) Mr. Mwaipaja, Coordinator

Meeting No. 7: MEETING IN PRIME MINISTER'S OFFICE on 15th March 2010

1. Mr. Basil Kaunga, Director of Policy and Planning
2. Mr. Harle Pallangyo, Director of Coordination of Government Business
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