



THE UNITED REPUBLIC OF TANZANIA
NATIONAL LAND POLICY

MINISTRY OF LANDS AND HUMAN SETTLEMENTS DEVELOPMENT
DAR ES SALAAM TANZANIA

NATIONAL LAND POLICY

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PREFACE

The new national land policy which is hereby introduced is the result of extensive consultation and deliberation. It incorporates the position of the Government on the report of the Presidential Commission of Inquiry into Land Matters reached by the Cabinet on December 22, 1994, the recommendations and observations of the National Workshop on Land Policy held at Arusha on January 16 - 18, 1995 and comments and suggestions from the public and mass media. The government is convinced that implementation of these proposals offers the best opportunity to bring about, in a responsible and orderly fashion, a land dispensation which is economically sound and compatible with the aspirations of Tanzania.

This policy represents a new turning-point in the development of Tanzania. The present system of land tenure accepted since independence, and further developed over three decades is a product of the past. Colonial history, conflicting statutory measures, broad socioeconomic patterns and demographic trends all to some extent played a role. All these factors and many others contributed to current problems that exist concerning land tenure and land use. These problems cannot be solved merely by piecemeal legislation or by policy directives. 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.

The policy guidelines set out in this document, together with the legislation proposed in support, will give substance to this government's development objectives. At the same time it is being ensured that the tried and tested juridical basis on which existing land rights and existing patterns of community order are regulated will remain intact.

The Ministry of Lands, Housing and Urban Development ~~wishes to~~ thank the Cabinet, officials of other line ministries, interest groups and others who, by their efforts, made this end-product possible.

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Minister for Lands, Housing and Urban Development

DEFINITIONS:

1. "Public land" means all land in Tanzania whether granted, customary or unoccupied.
2. "Depreciated replacement cost" means the cost of putting up an equivalent structure as the one existing at the time of valuation and making allowance for age, state of repair and economic obsolescence.
3. "Opportunity cost" refers to the principle of equivalence or substitution, i.e., the cost a rational buyer will incur (pay) for acquiring an equally desirable alternative.
4. An "Environmental Impact Assessment" (EIA) which is a decision-making tool, and entails the following aspects:-
 - (i) The study of effects of a proposed action/project/activity on the environment.
 - (ii) A comparison of various alternatives by which a desired objective may be realized(achieved) and seeks to identify which one represents the best combination of economic and environmental costs and benefits.
 - (iii) Prediction of changes in environmental quality that would result from the proposed action.
 - (iv) Attempts to weigh environmental effects on a common basis with economic costs and benefits.
5. "Tanzania" in this policy means Tanzania Mainland.
6. "The Minister" means the minister for the time being responsible for Lands.
7. "The Commissioner" means the Commissioner for Lands.

8. "Prime area" means property located in an area that yields a maximum profit to developers after all other factors of development and use have been satisfied.
9. "Market value" means the most probable selling price or the value most often sought by buyers and sellers. It assumes buyers and sellers have reasonable knowledge, act competitively and rationally, are motivated by self interest to maximize satisfaction and both act independently and without collusion, fraud or misrepresentation.
10. "Urban authority" means a city council, a municipal council or a town council.
11. "Village" means a village registered as such under the Local Government (District Authorities) Act No. 25, 1982.
12. "Reproduction cost" means the cost of site plus cost of land, labour, and materials to replicate improvements.

1.0 INTRODUCTION:

1.1 Need for a Land Policy:

Since Tanzania attained political independence in 1961, there has been the need to have a comprehensive land policy that would govern land tenure, land use management and administration. In particular, the following developments have made it imperative to have a new National Land Policy:-

- (i) Changes in land use and the increase in human population over the last two and half decades, have increased the demand for land and competition for plots especially in and around major urban centres.
- (ii) Growth in the already large livestock population has raised the demand for grazing land (including that now under cultivation) and has also created serious soil erosion problems in some areas like Nzega, Dodoma and Kondoa districts, Shinyanga and Mwanza Regions where the effects of overgrazing on the ecosystem are most visible.
- (iii) On the other hand, population increases mentioned in (i) and (ii) above and government policies since 1967 favouring agriculture have resulted in the extension of cultivation to marginal land areas. Such encroachments have resulted in a reduction of areas available for pastoralists and transhumants particularly in Mwanza, Shinyanga, Tabora, Arusha and Singida regions.
- (iv) The increased movement of large herds of livestock from traditional livestock keeping areas to low livestock population areas such as Mbeya, Iringa, Morogoro, Rukwa and Ruvuma Regions, is creating land use conflicts in the receiving areas.
- (v) Increased urbanization requiring more land for settlements, industries and commerce etc., on one hand, and the need to preserve valuable agricultural land on the other, have

intensified competition for land in and around urban centres over the last 30 years.

- (vi) The recent upsurge of prospective investors wishing to acquire large pieces of land in various parts of the country in response to the country's investment promotion policy has increased competition for arable land and increased conflicts with villagers in some districts.
- (vii) Creation, relocation and expansion of villages under the 1971 to 1976 villagization programme (Operation Vijiji) affected customary land tenure in many rural areas making it sometimes difficult to determine with certainty the kind of land tenure system now operational in these areas.
- (viii) Increasing awareness amongst the population of the value of land and property (buildings) also cause land conflicts in both rural and urban areas, especially as more people compete for the limited number of demarcated plots each year or for land acquired through purchase, inheritance, or allocation by the local leadership
- (ix) Land markets are developing in and around urban centres and require recognition and regulation to enable the government to capture gains from land market transactions.
- (x) Within villages and fringes of major urban centres and depending on their proximity to urban areas and the communication networks, land transactions have been taking place with prices reflecting locational advantages and land quality although the present land laws do not allow transactions such that there is a need to have a clear policy on land markets and transactions.
- (xi) The evolution of customary tenure towards more individualized ownership has been accompanied by the development of land markets especially in areas with high agricultural potential. As a result areas such as Kilimanjaro Region, Bukoba and Rungwe, Arusha and Aru-meru

Districts where land is scarce and cash crops like coffee, tea and wheat are grown mainly on individual holdings calls for pragmatic land policies to accommodate the aspirations of the people and the needs of the economy.

- (xii) Adoption of political pluralism, new economic and social policies and uncertainty in land rights calls for a different approach for protecting land rights of individuals and organisations to ensure continuity.
- (xiii) Finally, Recent Court of Appeal decisions affirming customary tenure rights in areas affected by villagization provided guidance for addressing such land tenure problems in a fashion compatible with the basic values and ideals of the nation.

These factors call for a comprehensive policy which would not only guide the allocation, ownership and use of land but also help resolve any recurring land conflicts. However, this policy reiterates and retains the four central land tenure tenets in a modified form that land is publicly owned and vested in the President as a trustee on behalf of the citizens; speculation in land will be controlled; rights of occupancy whether statutory or customary are and will continue to be the only recognized types of land tenure; and rights and title to land under any consolidated or new land law will continue to be based mainly on use and occupation.

1.2 Major Geographical Features and Land Uses

Tanzania has an area of about 942,600 square kilometers and an estimated population of about 28 million people in 1994. The land surface of Tanzania is some 888,200 square kilometers. Although the population density per square kilometre is generally low, there are some parts of the country like Ukerewe, Rungwe, Lushoto, Moshi, Arumeru and Bukoba districts with high population densities of 230 persons or more per square kilometre. With the exception of a few mountains, most of the country forms a plateau lying 1020 to 1650 meters above sea level.

It has been estimated that about 75 percent of the land area is either uninhabited or difficult to manage because of either difficult relief, tsetse flies or unreliable rainfall, national parks, game and forest reserves which are scattered throughout the country, include mountains and inland waters notably lakes and rivers etc. About 407,578 square kilometres or 46 percent of the total land area are forests and woodland, while 40 percent is permanent pasture. Although Tanzania has about 48,710,000 hectares or 487,100 square kilometres of arable land, 1992 statistics from the Ministry of Agriculture shows that only about 10.1 percent of the country's total land area is under cultivation. Of this area, nearly 93.4 percent (46 thousand square kilometers) is used for small-scale farming by land holders who cultivate the land mainly under customary tenure. The remaining 6.6 percent is under large scale farming under granted rights of occupancy. Furthermore, 611,238 square kilometres or 69 percent of the total land area is pasture or grazing land, of which only 438,790 square kilometres or 71.8 percent is actually used. This policy aims at enhancing these positive features as will be spelt out under the following section on objectives, and in other subsequent sections of this policy document.

2.0 OBJECTIVES

The overall aim of a National Land Policy is to promote and ensure a secure land tenure system, to encourage the optimal use of land resources, and to facilitate broad-based social and economic development without upsetting or endangering the ecological balance of the environment. The specific objectives of this National Land Policy are to:-

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

3.0 EVOLUTION OF LAND TENURE IN TANZANIA

Before Tanzania was colonized by the Germans and then the British, the general structure of landholding was based on traditional law and culture of each respective tribe in an area. The individual as a member of a family, clan or tribe acquired rights of use in the arable land he and his family could clear, cultivate and manage. However, when the land showed signs of exhaustion, then shifting cultivation was practiced. In many of these areas, there was and there is still communal land for grazing and forest lands for cutting firewood. This type of extensive cultivation was acceptable and viable under conditions of low population densities, abundance of land and subsistence agriculture.

Initially each tribe had Chiefs and elders or Headmen who controlled and allocated land to individuals (i.e., members of that tribe) on behalf of the tribe in a fiduciary capacity. This system was continued even during German and British Colonial rule of Tanzania. However, following the abolition of Chieftaincy by the African Chiefs Ordinance (Repeal) Act. No. 13 of 1963 (Cap. 51) after Tanzania obtained independence in 1961, the controlling power of Chiefs over land which was one of their traditional functions was rendered obsolete. When land was held under family tenure, each member or heir of that family had a definite share in that property. Each member of the family could not dispose of his share without either getting the consent of other family members and a right of preemption to other heirs. Similarly, where land was held in a clan, the owner could not dispose of it to a non-clan member without first getting the permission of the clan elders.

The introduction and promotion of plantation agriculture under German administration introduced a different land tenure system in the country whereby land mainly prime agricultural land was allocated in freeholds, mostly to settlers. Alienation of land, save that which was in private ownership or possessed by Chiefs or indigenous communities, was facilitated by the passing of the Imperial Decree "Regarding Creation, Acquisition and Conveyance of Crown Land" in 1895 which declared all land as Crown land vested in the German Empire. This was indeed the beginning of nationalization of land. Transfer of crown land could only be effected through the Governor either by conveyance of ownership or lease. However, in order to protect the land rights of

natives, although in practice it failed to stop land grabbing, the Decree stated that transfer of ownership or lease of township land of more than one hectare, and of all other lands, by natives to non-natives for a period exceeding fifteen years, could not take place without the consent of the Governor.

Under the British Administration, the system of land holding continued to change. Following the enactment of the Land Tenure Ordinance Number 3 of 1923 (which is called Land Ordinance Chapter 113), all land in Tanzania whether occupied or unoccupied was declared to be public land. This Ordinance introduced the concept of "rights of occupancy" in the country. Under this new land tenure system, rights over or in land were placed under the control of the Governor to be held, used or disposed of as rights of occupancy for the benefit of the indigenous people of Tanzania. In an attempt to protect native rights in land, in 1928, a right of occupancy was redefined to include the "title of a native community lawfully using or occupying land in accordance with customary law". The word native was defined to mean any "native of Africa not being of European or Asiatic origin or descent and includes a Swahili but not a Somali". However, this Ordinance and its definitions failed to protect native rights in their land because it could not prevent compulsory acquisition of native lands by the Colonial government for the benefit of immigrants.

In order to avoid the creation of a small landed class after the attainment of independence in 1961, Freehold Titles were converted into leaseholds under the "Freehold Titles (Conversion) and Government Lease Act (Cap. 523) of 1963 and were later changed into Rights of Occupancy under the Government Leaseholds (Conversion of Right of Occupancy) Act No. 44 of 1969.

The following are the main Characteristics of freehold titles which gave the government little control over such land:-

- (i) A freehold entails the exclusive possession of land rights in perpetuity.
- (ii) Under a freehold title, there is no term on the holding of land imposed to the owner.

- (iii) The Owner has the right to subdivide or lease the land etc. so long as these actions do not violate land use policies as stipulated by zoning regulations and local by-laws.**
- (iv) There are no development conditions imposed on the title of the Owner.**
- (v) The Government has no right to interfere with the legal occupation and use of that right or land.**

The Government retained the Right of Occupancy type of land tenure which has the following characteristics:-

- (i) There is a definite term for the occupation and use of the land granted.**
- (ii) Development conditions are imposed on the holder of that land.**
- (iii) The holder of that land has no right to subdivide, transfer or mortgage the same without the consent of the Commissioner for Lands.**
- (iv) The holder has to pay rent to the Government.**
- (v) The President of the United Republic of Tanzania may revoke the Right of Occupancy of the landholder.**

4.0 LAND TENURE AND ADMINISTRATION

4.1.0. LAND TENURE:

The existing land tenure system which is described in Section 3 above is fundamentally sound. However there are some areas especially on land administration where shortcomings in the system hinder development and has raised concerns from the public. Thus while retaining the virtues of the existing tenure system, there is need for modifications to suit the present social and economic situation in Tanzania.

4.1.1. Policy Statements:

- (i) Land will be graded as a constitutional category. In particular the following four basic land policy tenets will be entrenched in the Constitution to ensure continuity:
 - (a) All land in Tanzania is public land vested in the President as trustee on behalf of all citizens.
 - (b) Land has value.
 - (c) The rights and interests of citizens in land shall not be taken without due process of law.
 - (d) Full, fair and prompt compensation shall be paid when land is acquired.
- (ii) The power of the Executive with respect to land administration will be subject to limitations embedded in the laws and procedures.
- (iii) Village Councils will administer village lands and their powers will be subject to limitations embedded in the laws and procedures.
- (iv) Consultation and consent of a Village Council will be required whenever alienation of Village lands is necessary.

- (vi) Allocation of land for residential and institutional uses whenever possible will be on a cost recovery basis.
- (vii) Prime residential, commercial and industrial land will be allocated in a transparent manner such as open tender or auction.
- (viii) All grants of land shall be done after the subject land has been fully surveyed and approved by the Director of Surveys and Mapping.

4.2.5. WOMEN ACCESS TO LAND

Under customary land law, women generally have inferior land rights relative to men, and their access to land is indirect and insecure. Traditional provisions which used to protect women's land use rights have been eroded. In allocating land village councils have been guided by custom and have continued to discriminate against women by allocating land to heads of household who are usually men.

4.2.6. Policy Statement:

- (i) In order to enhance and guarantee women's access to land and security of tenure, Women will be entitled to acquire land in their own right not only through purchase but also through allocations. However, inheritance of clan land will continue to be governed by custom and tradition provided such custom and tradition is not contrary to the Constitution and is not repugnant to principles of natural justice.
- (ii) Ownership of land between husband and wife shall not be the subject of legislation.

4.2.7. LAND UTILIZATION

At present big parcels of land are being allocated to individuals, private firms including foreign investors regardless of their proven ability to develop them. As a result, large areas of land remain undeveloped or are held for speculative purposes for several years. For instance, some

private investors have applied and secured large tracks of land of 4,000 to 8,000 hectares in Arusha Region and 5,000 hectares in Dar es Salaam Region. If due care is not taken villagers in the high potential areas and peripheral areas of urban centres will find themselves without any or adequate land at all when all the land or the best land is taken up by new comers.

4.2.8. Policy Statements:

- (i) Special Areas for various investments will be identified and set aside for allocation to investors by the Government.**
- (ii) Land will be allocated to investors according to their ability to develop it and that interests of citizens over their land shall be safeguarded.**
- (iii) 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.**
- (iv) Land hoarding will be discouraged by strict enforcement of development conditions and by the use of local by-laws, planning and land use regulations.**

4.2.9. PROTECTION OF SENSITIVE AREAS

Over the last ten years a tendency of allocating sensitive areas like small islands to individuals has developed. This practice has caused destruction to these sensitive areas. Even beaches are being privatized without due regard to environmental implication.

4.2.10 Policy Statements:

- (i) Mechanisms for protecting sensitive areas will be created. Sensitive areas include water catchment areas, small islands, border areas, beaches, mountains, forests, national parks, rivers, river basins and banks, seasonal migration routes of wildlife, national heritage and areas of biodiversity. These areas or parts of them should not be allocated to individuals.**

- (ii) All beaches will be public and waterfront development shall be regulated.
- (iii) Marginal land areas will be defined as a **tenure category** requiring special development conditions and punitive charges will be levied for incompatible use and illegal development.

4.2.11. DISPOSITION

There is a tendency of some landholders to speculate or dispose of land before meeting development conditions. This greatly interferes with planned systematic development and fair access to and distribution of land. There is a need to control this tendency. It is a common practice to change ownership of properties, including land, by the sale of shares of a registered company. In this way land allocated to citizens through a local company may be transferred to non-citizens or foreign companies. The policy that only citizens should have preferential access to land can thus be eroded and citizens can be used by foreigners to get land without going through the Investment Promotion Centre and without having to pay land rent and other charges applicable to non-citizens in foreign currency.

4.2.12. Policy Statements

- (i) Though land has value a landholder can only transfer the Right of Occupancy. Special taxes will be imposed to deter land speculation.
- (ii) No disposition will be allowed unless all development conditions have been complied with. However, dispositions in the form of sale and mortgages will be allowed to transfer the obligation to meet prescribed development conditions.
- (iii) Regulations will be drafted to protect risk groups such as displaced persons, children and lower income people.

- (iv) No disposition of land under statutory Right of Occupancy other than land acquired through customary tenure and Operation Vijiji will be allowed within the first three (3) years of its acquisition.
- (v) The consent of the Minister or his appointed land officers is not necessary for market transfer to take place.
- (vi) When majority shares in a local company changes from citizens to foreigners the minister shall convert the right of occupancy to a leasehold.

4.2.13. REVOCATION

In normal circumstances any party granted a Right of Occupancy over a piece of land, is guaranteed free enjoyment of the same during all the term of the said Right of Occupancy, provided that the landholder fulfills all the conditions implied and stipulated in the Certificate. However, land is frequently not developed according to the conditions stipulated in the certificate of occupancy. The land law also empowers the President to revoke Rights of Occupancy in the public interest. However, Public interest is not defined under the law. As a result some land administrators have misused these powers.

4.2.14 Policy Statements:

- (i) An Allocating Authority shall initiate the process of revocation if development conditions contained in the Certificate of Occupancy are not met. The President shall retain the power of revocation.
- (ii) Conditions and procedures for revocation of rights to village land will be defined by the Village Assemblies.

4.2.15. ACQUISITION

Statutory law gives power to the President to acquire land for public purposes or for redevelopment. This is necessary for the Government to be able to get land for development projects. However, no clear legal

definition of public interest exists under current law and the aggrieved party cannot appeal against the acquisition.

4.2.16 Policy Statements:

- (i) The President's powers to acquire land for public interest will be maintained. However reasons for acquisition must be clearly spelt out.
- (ii) A clear legal definition of "public interest" will be established by law.
- (iii) Acquisition of land in the public interest may be challenged in a court of law.
- (iv) Compensation for land acquired in the public interest will be based on the principle of "opportunity cost."

4.2.17. LAND VALUES

The notion or belief that land has no value has been a hinderance to offering land as a share during negotiations to create joint ventures in various projects and for developing appropriate procedures for determining land rent and land based taxes. This notion is wrong because land has scarcity value and that is why land markets have evolved in urbanizing areas and in densely populated regions throughout Tanzania.

4.2.18 Policy Statements

Henceforth land has value and land values will be recognized in all transactions involving land and in the assessment of land rent. When land is offered as a share and contribution to joint ventures or investment projects, value will be assessed depending on the use and location of the land and the intrinsic quality of the land in question.

- (i) Land rent payable annually for any allocated land shall be based on the economic value of the land in question. Land rent for land leased to non-citizens shall be payable in convertible foreign currency.

- (ii) All land transactions shall be subject to taxation.
- (iii) All land transactions shall be registered with the Registrar of Land Titles before taking legal effect.

4.2.19. COMPENSATION

The existing law provisions on compensation exclude certain items or qualities in the assessment of compensation. As a result, complaints on compensation are centred on inadequate rates and disregard for alternative assessment techniques. Delays in paying compensation is also a main concern of many people.

Presently in assessing the value of land and unexhausted improvements for compensation purposes, the law emphasizes that value should be determined by the price which the unexhausted improvements can fetch if sold in the open market. But this price, in normal circumstances is lower than the replacement value but higher than the initial construction cost of the said improvements.

4.2.20 Policy Statements

To reduce these problems, compensation for land acquired in the public interest will be based on the concept of opportunity cost and will include:-

- (i) market value of the real property.
- (ii) disturbance allowance;
- (iii) transport allowance;
- (iv) loss of profits or accommodation;
- (v) cost of acquiring or getting the subject land;
- (vi) any other costs or capital expenditure incurred to the development of the subject land; and

- (v) Village Councils shall report to their respective Village Assemblies all land allocations in their respective villages.
- (vi) A dual system of tenure which recognizes both customary and statutory rights of occupancy as equal in law will be established.
- (vii) Right of Occupancy shall include all rights over land acquired through direct grants, relevant customary procedures and alienation by legally designated allocating authorities.
- (viii) The term of tenure for statutory Right of Occupancy shall not exceed 99 years. Customary Rights of Occupancy shall have no term limit.
- (ix) A Right of Occupancy as a title to the use and occupation of land shall be confirmed by a Certificate of Title for the Statutory Right of Occupancy. Customary Right of Occupancy will be confirmed by Hati ya Ardhi ya Mili which will be issued by the Village Council and registered at the corresponding District Land Registry.

4.2.0 LAND ADMINISTRATION

4.2.1 ALLOCATION

The absence of clearly defined institutional hierarchy for land administration has resulted in multiple land allocations which in turn lead to complicated land disputes. Hence government agencies responsible for land matters have been and are spending a lot of time dealing with disputes instead of doing proper land management and planning work.

4.2.2. Policy Statements

- (i) The Commissioner for Lands shall be the sole authority responsible for land administration.

- (ii) The Commissioner will appoint officers who will have authority to administer land other than village land at the appropriate levels of government.
- (iii) Village Councils shall administer village lands but will be required to report all decisions on land allocation to the Village Assemblies.
- (iv) The procedures and powers of the appointed officers will be defined by the Minister and shall include the execution of decisions made by Village Councils with respect to village land administration.

4.2.3. ACCESS TO LAND

Under the present land laws, there are no restrictions on access to land in this country. Any person, citizen or foreigner, can apply and be allocated land for any type of use. This has facilitated acquisition of land for speculative purposes, especially in prime agricultural, industrial, commercial and residential areas.

4.2.4 Policy Statements:

- (i) All citizens shall have equal and equitable access to land.
- (ii) In the case of local companies, priority shall be given to those whose majority share holders are citizens.
- (iii) Non-citizens shall not be granted land unless it is for investment purposes under the Investment Promotion Act.
- (iv) Non-citizens and foreign companies will not be allowed to acquire land through transfer or purchase of customary land.
- (v) Non-citizens and foreign companies can only acquire land in accordance with the law. The transfer of customary land rights by citizens to non-citizens will be prohibited.

- (vii) compensation should be paid promptly, and if not paid in time, interest at market rate will be charged.

4.2.21. LAND REGISTRATION:

Land is a limited resource. Therefore in order to ensure proper management, it is necessary to maintain a good land information system. It is important to know how much land is occupied by whom and for what purposes and how much land is still left out for further development. This is important for planning purposes and for the protection of the existing Rights. For the time being records are poor because of the following reasons:

- (i) Most land occupied under customary laws and under Operation Vijiji is not recorded or registered.
- (ii) Statutory allocations for example National Parks, Forest Reserves etc. are not registered and as a result many such areas are encroached upon and alienated.
- (iii) Government allocations (for example land under government buildings etc) are never registered. Therefore encroachment of these areas is very common.
- (iv) Because of the slow process in the preparation of Certificates of Right of Occupancy many alienated areas remain un-registered for many years and because of this a number of double allocations occur resulting in many land disputes.

4.2.22 Policy Statements:

For control, and maintenance of a proper land information system and for the elimination of the present problems, the Government will do the following:

- (i) For granted Right of Occupancy the Government will ensure that the grantee gets his copy of the Certificate of

Title within 180 days from the date he gets the letter of offer of the land in question.

Otherwise after the expiration of that period the said grantee will be allowed to register the Letter of Offer with the Registrar of Titles as notice of impending ownership.

- (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.
- (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.
- (iv) Registration of customary interests in land be compulsory to safeguard the interest of the villagers.
- (v) There shall be a mechanism whereby a copy of land records registered at all corresponding Zonal Registries will be stored at the Central Registry as a national archive for land records.
- (vi) Village land will be demarcated and specific common property resources titled to the village.
- (vii) Land Registry offices will remain under the Ministry of Lands and village land registries be consolidated in the Central Land Registry.
- (viii) Land Registry offices will be gradually decentralized.
- (ix) All land should be demarcated and titled upon request by an individual village. The individual/village should bear the cost. However where the government feels there is urgent need for systematic demarcation and titling, the exercise should be paid for by the government.

4.2.23. SETTLEMENTS ON ALIENATED LANDS

There are a number of tenurial problems in areas that were alienated to settlers or companies during the colonial period. However, with the nationalizations resulting from the Arusha Declaration of 1967, many of the occupiers abandoned the farms and left the country. But no legal steps were taken to divest such lands from the registered owners. With the introduction of Vijiji vya Ujamaa and Operation Vijiji, most of these lands (farms) were invaded and settled upon by villagers and institutions who are now developing the lands. Because of the existence of the old titles the villagers acquire no tenurial rights other than squatters rights. Individuals cannot obtain titles necessary as securities for their investments, because of the existence of the old titles. Villages and villagers cannot obtain their certificates of occupancy because of the same reason. With the liberalization of trade the former occupiers have come back and villagers are unilaterally evicted from these farms. All these result in land disputes and discontent among the people.

4.2.24 Policy Statement:

Before people are resettled in alienated or abandoned farms, legal steps will be taken to extinguish the existing rights through revocation and acquisition procedures. It is only after these procedures have been completed that land can legally be redistributed among eligible citizens.

4.2.25. DISPUTE SETTLEMENT MACHINERY

Efficiency in Land Administration in the country has declined and now land has become a source of frequent disputes. There is no formal hierarchical arrangement among these different institutions involved in dispute settlement. Most of the disputes result from multiple allocating institutions, poor records keeping, lack of, or failure to follow laid down procedures in both allocations, revocations and acquisitions.

Since the Ministry of Lands is involved in the land delivery system and might be involved in one way or another in these disputes, it would be improper for the Ministry to deal with dispute settlement. The Courts would be ideal for the job, but due to their work-load, most of

the courts are loaded with other disputes and very little time is given to land disputes. Disputes remain in courts unsettled for more than 20 years

4.2.26 Policy Statement:

There is need to have a well established land dispute settlement machinery. Therefore existing quasi-judicial bodies should be strengthened to deal with such disputes. Such bodies shall start from Mabaraza ya Wazee ya Ardhi to quasi-judicial bodies at the district, regional and national levels with appeals to the High Court on points of law.

4.2.27 VILLAGE TITLING

In order to control land in villages and to protect it from alienation to foreign investors, Village Councils will be given documents indicating boundaries of their land but this will not amount to village titling. Village Titling has more disadvantages than advantages. The only advantage of village titling is the protection of village land, which could be attained even through a document showing the village boundaries (Certificate of Village Land) and giving village assemblies a hand in land administration. Village Titles are not negotiable and therefore cannot be used as a collateral. Instead, such titles will be impediments to individuals who need to invest through mortgages as they cannot get titles for their lands.

4.2.28 Policy Statement

Individuals should be allowed to obtain individual titles within an area not designated for communal uses, land conservation and other specified village or community projects. These areas need protection against encroachment by outsiders and individual villagers. Villagers through their village assemblies will therefore be allowed to survey such lands and get separate Certificates of Village Land.

5.0 SURVEYS AND MAPPING

5.1 SURVEYS

At present, cadastral surveying (surveying of plots and farms) is done mainly by the government. The private surveyors are involved to a very small extent in cadastral surveying because they lack physical and financial resources. 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 1989/90 the national demand for new plots was estimated to be 157,000 while in the same year only 11,146 plots were surveyed.

5.1.1 Policy Statements:

In order to be able to survey the land to meet the ever increasing demand the Government will do the following:-

- (i) undertake all basic and control surveys (topographical, geodetic, hydrographic, triangulation). Government certified private Land Surveyors will be encouraged to play a bigger role in the execution of cadastral surveys.
- (ii) supervise, check and approve all cadastral surveys in accordance with the laid down laws and regulations.
- (iii) devise a mechanism which will ensure that all survey costs are met by the beneficiaries. Appropriate cross-subsidization for schemes meant to benefit the low-income families will be established.
- (iv) Where the government feels that there is an urgent need for compulsory and systematic demarcation (surveying), the government should pay for the cost.

5.2.0 VILLAGE DEMARCATION

During Operation Vijiji which involved resettlement of people in new areas, some of those boundaries underwent changes to accommodate the operation. After Operation Vijiji, more than 7,000 villages were registered under the Villages and Ujamaa Villages (Registration, Designation, Administration) Act No. 21 of 1975. Village boundary surveys and titling necessitated the physical demarcation of boundaries. This exercise increased people's awareness of the value of land and the implications of those boundaries on natural resource use.

5.2.1 Policy Statements:

- (i) In order to protect the villagers' land rights and promote better and sustainable use of the natural resources within those villages, the Government will continue to provide guidance on village boundary demarcation. However, in order to speed up the village boundary demarcation the method of using General Boundaries will be employed. The use of General Boundaries method does not preclude the use of fixed boundaries method where appropriate.
- (ii) Village boundary disputes will be settled by the relevant dispute settlement machinery. In order to avoid unnecessary delays in settling village boundaries disputes, fixed periods will be set within which solutions must be reached.

5.3.0 MAPPING:

The Government is at present involved in the preparation of all types of maps. It is also involved in the revision of these maps. Given the high costs of map.-making and revision and the limited resources at the disposal of the government, the government has not been able to produce and or revise these maps needed for various purposes especially for the execution of development projects.

5.3.1 Policy Statement:

In order to meet the increased demand for maps, the government will concentrate on the preparation of basic maps such as topographical maps of the scale 1:50,000, 1:2,500, etc. Preparation of other types of maps such as tourist maps, special areas maps etc., will be left to the private sector and other organizations. However, the Government will ensure that these other agencies operate in accordance with the laid down laws and regulations.

5.4.0 LAND INFORMATION SYSTEM

An accurate and complete data base on land is essential for proper and efficient land management. At present information and data on the following aspects is scanty and scattered (i) location of various parcels of land (ii) size or acreage of these parcels (iii) size and shape of those parcels (iv) names and addresses of occupiers (v) use of those parcels, (vi) annual rent of those parcels of land, and (vii) dates when such rents are to be paid and or reviewed. The volume of data has also substantially increased thus making it difficult to be handled by the existing manual system.

5.4.1. Policy Statements:

- (i) In order to build up an accurate and complete land information system with up-to-date data, the Government will change the technology of storing information and data by computerizing the records.
- (ii) The staff will be trained so as to be able to handle the new technology.

6.0 URBAN AND RURAL LAND USE PLANNING

6.1.0 URBAN GROWTH

For the past three decades, Tanzania has been experiencing rapid urbanization. The population growth rate for most towns has persistently been high, averaging 6 to 10 per cent per year. The urbanization which is taking place is mainly a result of rural to urban migration and natural population increase. Due to the rapid urbanization, existing towns have grown extensively and new towns have been formed as more rural settlements expand and transform themselves into townships.

6.1.1 Urbanization is an integral feature of all modern societies and the attendant physical expansion of towns is expected to continue for the foreseeable future. Urban areas will therefore become the future permanent settlements for the majority of Tanzanians. While urbanization is inevitable and desirable for the development of Tanzania, the impacts of uncontrolled expansion of towns, particularly the encroachment upon productive rural agricultural and pasture lands are not desirable.

6.1.2. Policy Statements:

- (i) The Government will institute measures to limit the loss of agricultural land to urban growth by controlling lateral expansion of all towns. In addition to minimizing the demand for urban building land, both compact development and vertical extension of buildings will (a) reduce the costs of installing, operating and repair of infrastructure facilities and utilities, and (b) shorten intra-urban distances. Both the nation and individuals will save on the time and costs of travel between different areas of towns.
- (ii) Urban land use and development plans will aim at more intensive use of urban land.

To achieve these objectives the Government will undertake the following:-

- (a) revise all space and planning standards, including standards for provision of infrastructure to promote more compact form of buildings in all urban areas.
- (b) zone out more areas of towns for vertical development so that whenever it is socially acceptable, and technically and economically feasible, more dwelling units will be accommodated in the residential plots. Within town centres and in the immediate surroundings of town centres, vertical extension will constitute the principal building form.

6.2.0 EXTENSIVE TOWNSHIP BOUNDARIES

Existing statutory boundaries of most towns in Tanzania are extensive. Most of them have been arbitrarily determined and bear no relationship with the existing size or future growth needs of the towns. Most urban authorities have tended to expand the areas under their jurisdiction in order to enclose large populations as a way of justifying their classification into the higher status of a municipality or city. Dar es Salaam City boundaries for example cover an area of 1,393 square kilometres enclosing 52 self-governing villages. Similarly Sumbawanga township with a much smaller population has a statutory boundary covering 1,329 square kilometres. On the other hand Moshi Municipal boundaries only cover 20 square kilometers though the Municipality has a higher urban population than Sumbawanga. The 20 regional towns cover a total area of 7,076 square kilometres which is about 0.8 per cent of the total land area in Tanzania mainland

This situation creates the following problems:-

- (i) uncertainty in the tenure and use of rural land which is enclosed within the urban boundaries.
- (ii) administrative conflicts between the urban authorities and Governments of the enclosed villages.
- (iii) the limited financial, material and technical resources for the provision of services by urban authorities are stretched

over large areas and their ability to effectively manage planned development and to provide services to the population in their areas of jurisdiction is thereby eroded.

6.2.1 Policy Statements:

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. Assessment and determination of new boundaries will be based on:-

- (i) the realistic need of additional land for growth;
- (ii) the rate of population increase of each town for a definite planning period;
- (iii) the financial, technical and organizational capacity of the urban authority to manage planned development of land and to provide services; and
- (iv) establish joint area planning committees for municipalities and district councils for planning of overlapping urbanizing areas.

6.3.0 CONFLICTS OF STATUTORY AND CUSTOMARY TENURE

Expansion of existing towns and establishment of new towns take place on land that is mainly held under customary land rights. Existing customary land rights are presumed extinct following declaration of planning areas. No legal procedures are instituted to formally extinguish the customary land rights before the land is reallocated for urban development. Consequently disputes arise due to the conflicts between statutory tenure and the unextinguished customary land rights.

6.3.1 Policy Statements:

The aim of the Government is to ensure that disputes and conflicts of interest on land are not created in the process of expansion or creation of towns. Declaration of planning areas does not automatically

extinguish customary rights. Therefore, upon declaration of planning areas, preparation of urban land use plans and development plans in new areas shall be preceded by the following procedures:

- (i) All interests on land including customary land rights that exist in the planning areas shall be identified and recorded.
- (ii) The due process of law will be instituted to extinguish formally existing land rights in the planning areas.
- (iii) The land rights of peri-urban dwellers will be fully recognized and Right of Occupancy issued.
- (iv) In the case of planning areas being developed for residential purposes, existing residents will be allocated plots of land for their use and occupation only, to be developed in accordance with provisions of the plan. In all other cases, fair compensation will be promptly paid.

6.4.0 UNPLANNED URBAN SETTLEMENTS

More than fifty percent of urban residents in Tanzania live in poor conditions in unplanned settlements. They have no access to sanitary and other basic services. They also have no security of tenure. Existing unplanned settlements contain a considerable stock of houses and other buildings which must be preserved. The aim of the Government is to ensure that all urban residents are provided with basic services that are essential to human health.

6.4.1 Policy Statements:

The efforts of the Government will be directed towards arresting the growth of unplanned settlements by:-

- (i) timely planning all the potential areas for urban development in the periphery of all towns;

- (ii) designating special areas for low income housing with simplified building regulations and affordable level of services;
- (iii) existing areas will not be cleared but will be upgraded and provided with facilities for adequate sanitation and other basic services except for unplanned housing in hazardous area; and
- (iv) upgrading plans will be prepared and implemented by local authorities with the participation of residents and their local community organizations. Local resources will be mobilized to finance the plans through appropriate cost recovery systems.

6.5.0 RENEWAL OF INNER TOWN/CITY AND BLIGHTED AREAS

The centres of towns constitute prime areas of supreme economic importance and should be intensively developed. At present, the centres of most towns in Tanzania are underutilized. The pressure for office and commercial space in the centres of towns causes high land values. Current owners of prime urban land areas appropriate excess value due to their location and publicly funded investment in urban infrastructure and services. The excess value which accrue to current owners of town centre buildings is a reflection of the high value of serviced urban land. Part of the value so appropriated should accrue to the Government. It is the intention of the Government to ensure that all central areas and other dilapidated areas of towns are properly redeveloped.

6.5.1. Policy Statements:

- (i) Urban renewal plans will continue to be prepared for such areas in all cities, municipalities and in all towns.
- (ii) When reallocation is necessary, public properties in areas of urban renewal shall be sold in a transparent manner including by tender. Private properties shall be sold at market value and betterment value shall be shared by Government to recover costs of infrastructure and services.

Appropriate measures will be devised to safeguard the interests of displaced tenants.

6.6.0 PROTECTION OF PUBLIC OPEN SPACES AND OTHER URBAN LAND FOR PUBLIC USE

Sites set aside in urban areas for public activities including open spaces, sites for schools, public utility easements and other community facilities are often abused or invaded by private developers to the disadvantage of the general public.

6.6.1 Policy Statements:

- (i) The Government will ensure that all sites that are set aside for public activities in urban areas are protected from encroachment by developers and that they are used for their intended purpose only.
- (ii) Public open spaces and other sites for public uses will be surveyed to determine their boundaries. All sites for public activities in towns shall be licensed to appropriate authorities including local Community Based Organizations, NGO's and others who will be required to develop and maintain the sites for prescribed public use. Where necessary user charges will be levied to recover the costs of installation and operation.

6.7.0 URBAN AGRICULTURE

Agriculture is not a principal function of towns but when properly organized, urban agriculture has the potential to provide employment, income, and is a supplementary source of food supply. In their present form agricultural activities often conflict with the proper planning of urban land uses. In some cases agricultural activities are conducted in fragile environments or hazardous areas of towns resulting in land degradation and water pollution. In other cases agricultural activities are carried out in areas that are affected by industrial pollution. The keeping

of livestock in urban residential, commercial and institutional areas for example is hazardous to the health and safety of urban residents.

6.7.1 Policy Statement :

The Government will continue to regulate the conduct of urban agriculture and will ensure that it does not disrupt planned urban development.

6.8.0 EFFECTIVE PLANNING FOR URBAN DEVELOPMENT

Planning for urban development has been based on comprehensive Master Plans. By definition a master plan is primarily a blue-print plan for the physical, social and economic development of a town over a long time period of usually 20 years. The planning process prescribes a fixed physical structure as a basis for social and economic activities. Master plans are therefore inflexible and cannot be easily adapted to constantly changing circumstances.

6.8.1 Policy Statements:

Considering the rapid urbanization now taking place and the paucity of public resources that can be set aside for planning and development, the Government will adopt less costly methods to prepare and execute urban plans including the following:

- (i) strategic planning and rapid appraisal for the identification of key planning issues in land and environmental management, and in the provision of housing, infrastructure and services;
- (ii) preparation of detailed land use plans for land development;
- (iii) identifying resources and mobilization of local resources for implementing urban development programmes and projects; and
- (iv) promoting local community participation in planning, integrating, and coordinating the actions and resources of

various sectoral implementing agencies including those in the private and popular sectors.

6.9.0. DEVELOPMENT OF INTERMEDIATE SETTLEMENTS

Planning attention has in the recent past focussed on village settlements and the designated urban centres. At the intermediate level, there are several settlements which are growing very fast. At present these settlements have been largely neglected in the planning process and they are likely to grow into unplanned urban centres in the near future.

6.9.1. Policy Statement:

District councils will prepare General Planning Schemes for all intermediate settlements within their areas of jurisdiction. The schemes shall contain simple land use development proposals and detailed land subdivision plans to ensure orderly development.

6.10.0 VILLAGE LAND USE PLANNING

Progress in village land use planning has been very slow and without adequate participation of the users. The land use plans consist of rigid land use zoning which is sometimes not suitable for proper management of rural land resources.

6.10.1 Policy Statements:

The village land use planning process will be simplified for speedy execution. Village land use planning will be based on the following criteria:

- (i) Local land use plans will be developed by District Councils in collaboration with Village Councils.
- (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.

- (iii) Village land use plans will be used as a tool for implementing policies for better land use and management. Furthermore, village land use plans will provide a basis for guiding extension service packages including techniques in agriculture, livestock, forestry, wildlife, fisheries and environmental conservation.

6.11.0 AREAS OF POPULATION PRESSURE AND RESETTLEMENT

Although Tanzania is favoured with abundant arable land, fast population growth has created high population densities and land scarcity in some parts of the country. The Government's policy has been to encourage resettlement of population from the land scarcity areas to areas of low population density. Resettlement is however done without assessing the land use patterns and land carrying capacity in the resettlement areas.

6.11.1 Policy Statements:

In 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 land to support additional population and livestock. In addition to resettlement of populations from land scarcity areas the following measures will also be taken:-

- (i) Large scale investments in agriculture and similar activities which require large tracts of land will be directed to the areas which have underutilized potential on the basis of the regional and district land use plans.
- (ii) Strategic land use plans will be prepared to cope with crisis situations such as resettlement of refugees or people displaced by natural disasters.

7.0 LAND USE MANAGEMENT

7.1.0 COORDINATION OF LAND USE:

Land is the platform of all human activities Therefore whatever is done in any sector of the economy has an impact on land. At present licenses, rights, and claims such as for mining , water rights, hunting rights/leases and timber harvesting licenses are issued without regard to existing land tenure rights. This creates land use conflicts and disputes between the allocatees of land and other users. For example hunting rights in Ngorongoro and Kiteto districts, mining in Ifakara and Chunya districts, timber harvesting licenses in Tanga and Lindi regions, have caused serious land use conflicts.

7.1.1 Policy Statements:

- (i) Before user rights such as for mining, timber harvesting, hunting, etc. are considered, existing land tenure rights should be recognized.
- (ii) An Interministerial Committee should be formed by the relevant ministries to ensure consultation between the issuing authorities and the Ministry responsible for Lands.
- (iii) The government will ensure that permits, licenses, claims and rights for exploitation of natural resources are issued in line with land use policies, and environment conservation policies and programmes.

7.2.0 AGRICULTURAL LAND USE:

There are growing conflicts between agriculture and other land uses as both human and animal populations increase. This has resulted in the encroachment of forest, woodland, wildlife and rangelands.

7.2.1 Policy Statements:

- (i) Multiple land use techniques will be encouraged in areas of conflicting land use.

- (ii) Community involvement in resource management, land use planning and conflict resolution will be necessary.
- (iii) Agricultural land will be identified, set aside for agricultural use and protected against encroachment by pastoralists.
- (iv) Resource sharing will be promoted.

7.3.0 RANGELANDS AND LIVESTOCK KEEPING:

There are growing social conflicts, environmental concerns and land use conflicts due to haphazard alienation of rangeland for large scale agriculture. These extensive alienations frequently disown pastoralists of their grazing lands.

7.3.1 Policy Statements:

- (i) Security of tenure for pastoralists in pastoral land areas will be guaranteed by appropriate measures including gazetting to protect grazing land from encroachment.
- (ii) Certificates of Village Land will be issued to protect common property regimes.
- (iii) Underutilized or neglected former pasture land will be reclaimed and restored to pastoralists, when not in conflict with national interests.
- (iv) When any activity other than pastoralism ceases in rangelands (eg. abandoned ranch) that land will revert to its original land use.

7.3.2. The free movement of pastoralists with their cattle bring about land ownership and land use conflicts with settled communities. Unregulated movement of livestock causes land degradation in areas through which they pass.

7.3.3 Policy Statements :

- (i) Shifting agriculture and nomadism will be prohibited.
- (ii) Incentives to proper pastoral land stewardship including the provision of infrastructure like water supply and cattle dips should be provided and modern transhumantic pastoralism will be encouraged.
- (iii) Cattle movement will be regulated through coordinated planning and the provision of stock routes and other mechanisms.
- (iv) Pastoralists and Agriculturalists/peasants will be educated on good land management and utilization.

7.4.0 OVERLAPPING LAND USE AREAS

Overlapping land uses in game controlled areas occupy most of the land in Kiteto, Monduli, Ngorongoro and other districts. - An overlapping land use allows other activities like agriculture, settlements, and ranching to take place simultaneously. Some of the game controlled areas are critical habitats for wildlife in a given season. They also form wildlife migration routes during the seasonal rhythms brought about by climatic changes. Those areas have serious land use conflicts and disputes. So far overlapping land uses like game controlled areas can only be mixed or combined with livestock keeping.

7.4.1. Policy Statement :

Game controlled areas shall be buffer zones between national parks or game reserves and settlements/agriculture. Game controlled areas not bordering Wildlife conservation areas will either be upgraded or be turned to land for resettlement. Before upgrading or turning game controlled areas to resettlement land, detailed studies will be made to determine the wildlife ecosystems in the game controlled areas.

7.5.0. LARGE SCALE FARMS

The large scale farms and ranches allocated in Loliondo, Kiteto, Monduli and other districts with wildlife have blocked and will continue to block Wildlife migration routes. Wildlife migration routes are very important for the maintenance of the wildlife ecosystem. The blocking of migration routes may lead to extinction of certain species of wildlife which respond to seasonal changes.

7.5.1. Policy Statement:

Wildlife migration routes will be protected. All titles to farms and ranches blocking migration routes shall be revoked and added to protected public lands.

7.6.0 WETLANDS:

Wetlands are considered as wastelands and are thought as being not useful for social and economic development.

7.6.1 Policy Statement:

Wetlands will be properly studied and proper land uses shall be determined. Wetlands will be allocated to appropriate users.

7.7.0 COASTLINE:

Beaches, coastlines and islands are attractive lands for the location of hotels, private homes etc. The utilization of such lands is done without due regard to environmental implications.

7.7.1 Policy Statements:

Mechanisms for protecting beaches, coastlines, and islands will be created such as:-

- (i) Construction of tourist hotels, residential buildings and recreational activities along the coastline/islands shall be

regulated to prevent coastline erosion and ensure public access.

- (ii) Coastline land development shall be done after an environmental impact assessment (EIA) study has been carried out.
- (iii) A Coastal Zone Integrated Development and Management Programme will be prepared for conservation of both land and aquatic environments.

7.8.0 FISHERIES

Traditional fishing has concentrated on the sea, lakes and rivers. Most of the rural people cannot depend on traditional fishing. There is a big potential for some investors to establish fish farms, however potential areas for this activity have not been identified.

7.8.1 Policy Statements:

- (i) Land suitable for terrestrial fishing will be identified in the normal land use planning process and conserved to promote fish farming.
- (ii) Allocation of land for large scale fish farming will be based on realistic requirements.

7.9.0 PROTECTION OF HAZARD LANDS

There is increasing encroachment on hazard lands for housing and other developments in towns. Such areas including river valleys, areas of steep slopes, mangrove swamps, marshlands are being intensively developed. Apart from the dangers that they pose to life and property, such developments contribute to land degradation, pollution and other forms of environmental destruction.

7.9.1 Policy Statement:

Measures will be taken to prevent building on hazard lands and on all fragile environments. Hazard lands should be developed for public uses benefiting the local community.

8.0 INSTITUTIONAL FRAMEWORK

8.1.0 Prior to the enactment of the Decentralization Act in 1972, there was only one institution that was responsible for land matters at all levels of operation. Even after decentralization, the system remained the same and continued to operate without major problems. However, problems in land administration began to surface in 1978 when local government authorities were reinstated. At that time, the local authorities were provided with land experts in the hope that they will work for the local authorities while observing professional standards and existing laws. The local authorities were to act and are still expected to act as agents of the central government. Contrary to the expectations and for reasons that may be a result of conflicting laws, local authorities managed land but in an uncoordinated manner. The involvement of many institutions in land matters has had the following effects:-

- (i) it has given room to various mal-practices;
- (ii) accountability has been defused especially where and when problems arise;
- (iii) efficiency has been eroded; and
- (iv) decision making and issuance of directives by higher organs to lower levels of government for implementation has sometimes complicated or created more land problems.

8.1.1 Policy Statements:

- (i) In order to reduce conflicts and malpractices in land administration, the Minister responsible for lands shall be the sole authority responsible for land matters. Where delegation of authority is required there shall be a clear and hierarchical system of accountability.
- (ii) All existing laws dealing with land matters shall be rationalized and consolidated.

8.2.0 IMPLEMENTATION

Implementation of a National Land Policy will require the participation of many actors.

8.2.1 Policy Statements:

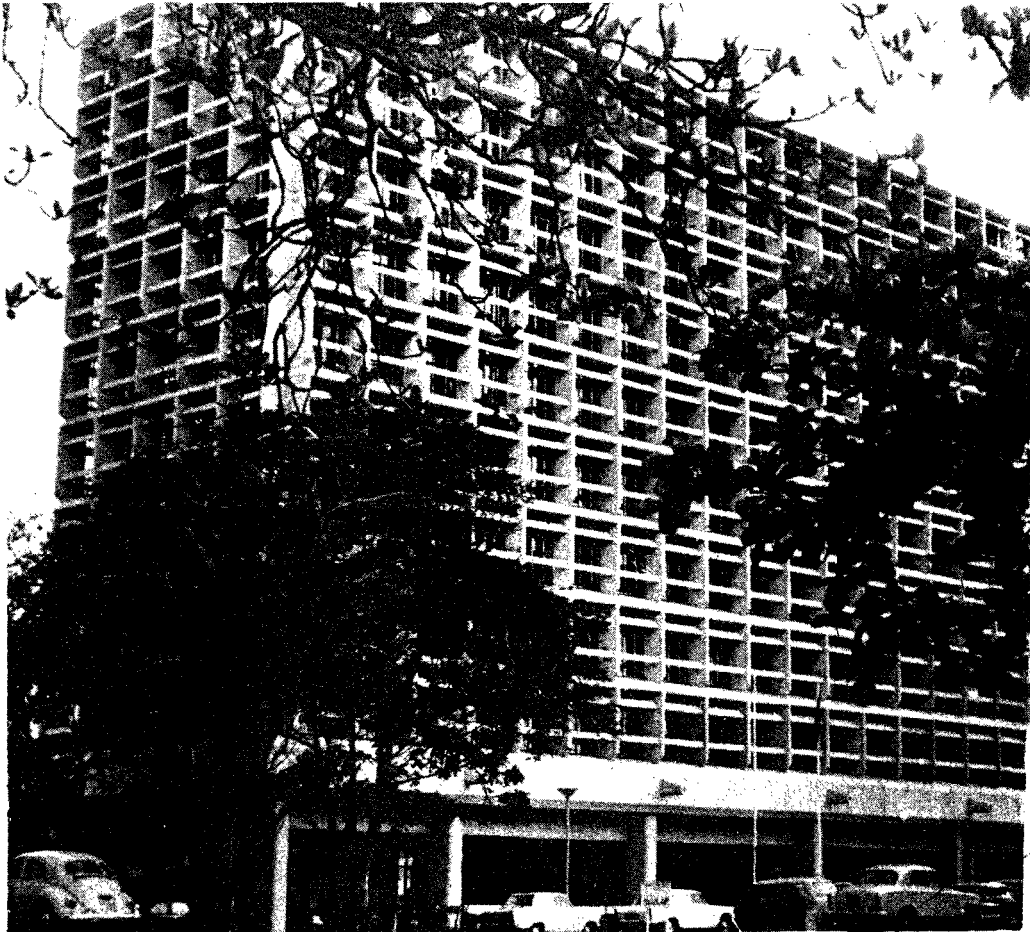
- (i) All ministries, public and private institutions whose functions are associated with land development will work together with the Minister responsible for lands to ensure efficient implementation of the national land policy.
- (ii) Local Authorities shall work together with the Minister responsible for lands to ensure proper land administration in their respective areas of jurisdiction.
- (iii) Non-governmental and community based development organizations, etc., will be encouraged to participate in effective utilization of land.

9.0 CONCLUSION

Since land is one of the four pillars of Tanzania's development philosophy which are people, land, good policies and good leadership, concerted implementation of the above policy statements will promote the best use of land so that land as an investment resource can make the maximum contribution to the country's development process. Secondly, implementation of this policy will help ensure that land is held and used effectively and efficiently and not hoarded for speculative motives. Likewise by creating an efficient institutional framework or structure for land administration which is also transparent, this policy should help streamline and simplify the procedures for getting land rather than make them cumbersome as they are at present thus reduce public complaints on land administration.

Forth, Tanzania's sound land tenure system has played a big role in promoting peace and national unity which are essential to development. Therefore, implementation of this policy which has retained the positive virtues of the existing land tenure system will further enhance peace and national unity. Finally by ensuring and promoting an equitable distribution of and access to land by all citizens, this policy and its accompanying legislation and implementation strategies to be formulated, will play a big role in shaping the type and nature of the Tanzania society this country wants to build in future. Tanzania is a country made up largely of small peasants, pastoralists and a few big farmers. Concerted implementation of this policy will make sure that the numerous small peasants and pastoralists who constitute the majority of the country's population are not made landless.

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