

Twenty years of implementation of the Land Act and the Village Land Act: Success, challenges and the way forward

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Context

Tanzania is a country covering around a million square kilometers, with a population of 60 million people, 70% of them living in rural areas. Until 1999, land in Tanzania was administered according to the Land Ordinance that was enacted by the British colonial rule in 1923. In 1999 two complimenting Acts of parliament were passed: The Land Act No 4 of 1999 and The Village Land Act No. 5 of 1999. The two legislations were preceded by the formulation of the National Land Policy in 1995.

The innovations that followed the enactment of the two Acts are interesting. Until then, for example, preparation of land titles and subsequent recording of transactions for parcels of land in the country were done centrally at the ministry responsible for land administration. This system was inherited from the colonial administration. With increase of people and activities, needs for land administration service increased and gradually the procedures became cumbersome, lengthy and costly.

The implementation of the two land Acts started after formulation of the land regulations in 2001. This paper attempts to describe what has been achieved since the two land acts were enacted, the challenges which have been encountered and the way forward. The decentralization of land administration services is but one of the achievements.

The innovation and success in the Land Act and Village Land Act

a) Security of tenure

The two legislations provide for security of tenure and a procedure for grant, first registration as well as registration of subsequent transaction. The Government and stakeholders have used the provisions of the Acts to administer land including planning, surveying and titling land and registering subsequent transactions. Land holders are assured of tenure and most land related disputes that arise are solved using the provisions of these legislations.

b) Protection of customary land

The two Acts established a system through which land rights, registered or customarily held without documentary evidence, are secured and treated equally. For this purpose, land has been divided into three categories. The first category is village land. Every one of the Tanzania's twelve thousand (12,319)

village councils is authorized to administer land within that village. For a village to administer its land, its boundaries have to be surveyed and the village has to be provided with the village land certificate. To date, 10,762 villages have these certificates.

Except for the reserved land, such as National Parks, all land other than village land, is administered by local councils in each of the districts.



Fig 2: During the LTSP - Certificates of Customary Right of Occupancy (CCROs) are issued to members of a village

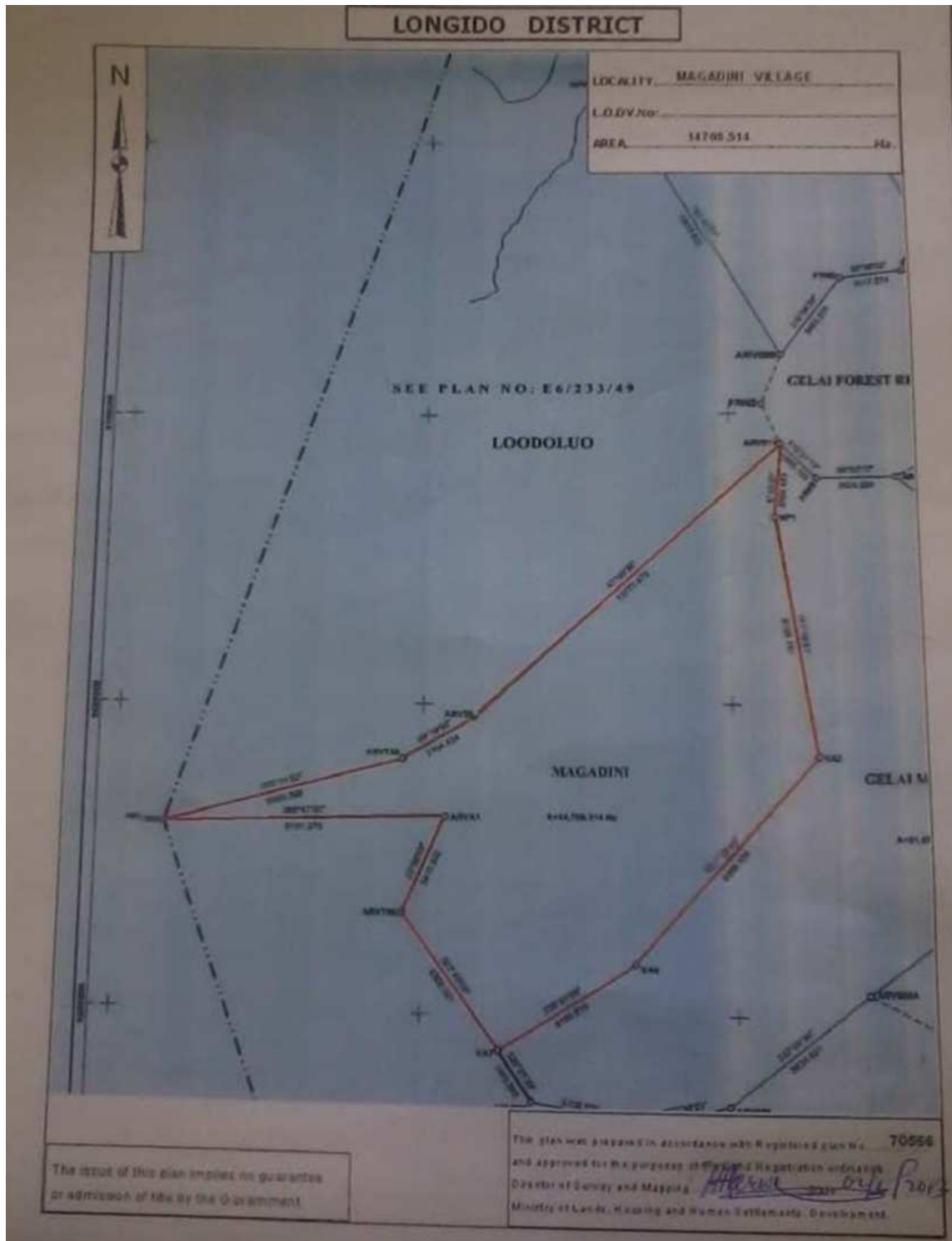


Fig 3: A map of the surveyed village boundary

c) Fit for purpose processes

Since the village land Act came into force, procedure has been established for registration of customary land by using methods that do not require accurate surveying needed for urban cadastral boundaries. Several projects for mass land titling using affordable, time effective and participatory fit for purpose methods have been conducted. These include the Land Tenure Support Programme (LTSP), The Land Tenure Assistance (LTA). In general, methodologies are in place for individual villages or districts to do mass and cheap land registration.

d) Regularization of unplanned urban settlements

One feature of the Land Act is the recognition of the fact that it is impracticable to conduct slum demolition of unplanned settlements in Tanzania urban areas. A procedure was put in place for regularization of these settlements and we now have many mitaa where the residents are organizing themselves and involving planners and surveyors in the regularization of their settlements.



Fig 1: Land surveying for regularisation of Unplanned Settlements at Kivule in Dar es salaam

e) Decentralization of customary and non customary land administration

What used to take place in Dar es salaam in the ministry was devolved to zones and now to all Regions of Tanzania. In every Region, we have executives making final decisions, that is we have the Assistant Commissioner for Lands dully authorized to finalise the Grant of the Rights of Occupancy, we have the Assistant Registrar of Titles for registration of land and subsequent transaction, the in-charge of approval and Registration of Surveys, the Valuer in Charge for approval of valuations and the Physical Planner in Charge for scrutiny and approval of urban and rural land use plans.

The decentralization of land administration services has brought services closer to people, reduced process time and cost and enhanced efficiency.

In short, Land administration has been decentralized. We have put in place policies, laws and regulations for the administration of land in a decentralized system. Levels of administration have been given

different powers. In rural areas, powers to administer land have been given to village councils. In the urban areas, the powers have been given to local government authorities (City, Municipal, Town and District councils). Other officers with administrative duties over land are the Commissioner for Lands, the Minister responsible for Lands and the President. The commissioner has also decentralized services to all regions in the country.

The machinery which deals with land disputes has also been decentralized and separated from the Tanzania's mainstream court system. Both decentralized administration and disputes settlement systems are fully operational.

f) Adoption of ICT in recording and registering land related information

Ministry of Lands Land Information System (MOLIS) and now Integrated Land Management Information System (ILMIS) are of enormous importance in simplifying land registration and keeping of land related information.

Challenges

The main challenge has been slow registration of land rights due to resource constrains, technological backwardness/ICT.

The way forward

a) Further decentralisation from Region to District level

Having noticed the benefits of bringing land administration services from the Ministry level to Region level, where transactions such as land transfers, mortgages etc take place, the ideal way forward is to devolve further services further down so that services currently accessed at regional level are accessed at the district level. The idea is to complete the already started, automation of land information systems.

b) Resource mobilization for further land registration

It is believed that benefits of investing in a comprehensive and countrywide land registration would bring great benefits both socially and economically. Economically, the registered land would immediately be able to access financing and in the case of social, the certainty of title would reduce land related disputes. The third National Development Plan for 2021/22 - 2025/26 and the CCM manifesto for 2020-2025 targets regularization, planning, surveying and titling 2.5 million parcels of general land and provision of 2.6 million customary rights of occupancy in the village land.

The way forward is therefore to mobilise resources for mass land registration countrywide.

c) Awareness

To achieve full benefits of the good land administration already established, currently there is required further public awareness of the laws and procedures for land related transactions. This can not only be done by the Government alone, rather with all key stakeholders who are advocating on land related activities essentially to rise more awareness and expedite the land delivery services countrywide.

