

Land Peace

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A plain language guide to the
Strategic Plan for the Implementation
of the Land Laws

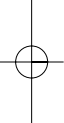
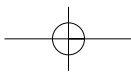
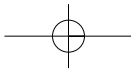
SPILL

PEACE =
Public Education,
Awareness Creation and
Enhancement



Produced by Hakikazi Catalyst in Collaboration with Experts from the
Ministry of Lands, Housing and Human Settlement Development

July 2006



PREFACE

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Several years have passed since the publication of the National Land Policy and the new land laws but they are not yet having the desired impact on economic growth and the reduction of poverty. Constraints include, amongst other things:

At the central level – (a) lack of vertical and horizontal linkage and policy harmonization and (b) under-resourcing of the Land Administration Infrastructure which means that Land Administration Support Services are less effective than they could be.

At the local level - (a) insecurity about land tenure and thus more conflicts and disputes than the Courts can handle and (b) lack of clarity about the respective roles of government officials as a result of the decentralisation policy.

The Strategic Plan for the Implementation of the Land Laws (SPILL) was created to tackle these constraints. It is a planning tool with a ten year time frame which outlines a way of implementing the existing laws. It is estimated to cost around 300 billion Tanzanian shillings over the next ten years (2005/06 to 2014/15).

The SPILL has been designed so that (a) it involves a large and systematic process of consultation and participation to make sure that it meets the needs and concerns of all stakeholders and (b) it harmonises well with other development initiatives which include, amongst many others, the National Strategy for Growth and the Reduction of Poverty (MKUKUTA), the Local Government Reform Programme (LGRP), the Rural Development Strategy (RDS), the Agriculture Sector Development Strategy and Programme (ASDS and ASDP), and the Property and Business Formalisation Programme¹ (MKURABITA).

Essence of SPILL

The main thrust of the SPILL is captured in three lists –

- 9 Key Results Areas (pg 9-12.)
- 24 Action Areas (pg 12-17.)
- 15 Fundamental Principles (26)

A key feature of the SPILL is the public education, awareness creation and enhancement (PEACE) initiative. This will make sure that all the stakeholders (i.e. land users and the various other people who support implementation) know about, and are committed to, the developments which are outlined in the SPILL.

This plain language guide is an important part of the PEACE initiative. The guide outlines the main ideas of the SPILL in a user friendly way and offers footnotes, endnotes, internet links and a glossary so that readers can dig deeper into the topics that interest them the most.

Everybody is invited to digest the contents of this guide and to dig deeper where it matters so that, together as a nation, we create a deep rooted and abiding LAND PEACE.

¹ this ongoing programme will lead to streamlining of documentation and registration

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INTRODUCTION

INTRODUCTION

The Ministry of Lands and Human Settlements Development (MLHSD) published its “Strategic Plan for the Implementation of the Land Laws” (SPILL) in April 2005.

The new land laws are rooted in the National Land Policy of 1995 and include

- The **Land Act**, 1999 - An Act to provide for the basic law in relation to land other than the village land, the management of land, settlement of disputes and related matters.
- The **Village Land Act**, 1999 - An Act to provide for the management and administration of land in villages, and for related matters.
- The **Courts (Land Disputes Settlements) Act**, 2002 - (Act No. 2) - An Act to provide for the establishment of Land dispute settlement machinery and for matters incidental thereto.

It was decided to produce the SPILL because the National Land Policy and the new land laws were not having the impact that was intended. Wide ranging consultations identified a series of problems which the SPILL seeks to address.

One of the Key Results Areas in the SPILL is that there should be “Public Education, Awareness Creation and Enhancement”(PEACE). This plain language guide will hopefully help with this.

The guide is in two parts:

The **first part** asks and answers four questions. The first answer explains briefly why the SPILL is needed and lists its main aims. The second answer outlines how the wide-ranging consultation process was designed and what its main findings were.

The third answer lists the main recommendations of the SPILL. This includes 9 Key Results Areas and 39 strategic principles. An Action Plan is also included: it has sections dealing with village, general, reserve and all lands and also with capacity building and with monitoring & evaluation. This is followed by a section which describes what five of the main process recommendations will involve.

The fourth answer offers some brief thoughts about the future. Amongst other things this (a) notes the intention to develop a detailed Programme for the Implementation of the Land Laws (PILL) and (b) considers how ordinary land users might get involved with the overall process.

The **second part** of the guide offers a set of useful references. The first four notes provide a more in depth look at some of the ideas that are mentioned in the first part. This is followed by a list of internet links so that you can (a) download your own copies of the original documents and (b) reach out to international sources for more in depth understanding of the issues relating to land administration. Then there is a mini dictionary explaining what the big words mean and a list of abbreviations.

Note that the back cover gives contact details of where you can get further information.

Q1 - Why do we need a Strategic Plan for the Implementation of the Land Laws (SPILL)?

The National Land Policy (NLP) came into effect in 1995 and the new land laws in 1999 and 2002 but they are still not having a significant impact. This means that the many contributions that proper land use and management could make to national development and poverty reduction are not being realised.

The present situation is less than ideal². Of the many issues raised in the consultations and addressed in SPILL, the following are worthy of note.

At the local level most land users do not know about the NLP and the new land laws and they therefore feel insecure about their land rights. This leads to more conflicts and disputes than the judicial system can adequately cope with.

The Land Administration Infrastructure (LAI)³ has suffered from under-investment in recent times. It is also in a period of transition as a result of the government policy of decentralisation. This means that essential land information and land delivery systems are not as effective as they need to be and this has resulted in a lot of unplanned development taking place.

At the central policy level there has been a lack of horizontal and vertical linkage between and within the various land-using sectors. This means that many land users receive conflicting messages about their land rights and obligations. There is an urgent need for harmonisation of policies across sectors.

It was therefore felt necessary to develop a Strategic Plan for the Implementation of the Lands Laws (SPILL). Amongst other things the plan aims: to lay the foundation for a Land Administration system that:

- respects the Fundamental Principles⁴ of the NLP
- encourages the best possible use of land and its resources
- does not threaten the nation's natural environment
- encourages investment and improves productivity, and
- maximises the contribution of the Lands Sector and the Land Laws to the Government's priority sectors and policy goals (especially poverty reduction)
- to address emerging land tenure issues (including changing conditions of land use and tenure insecurity) and thus return the confidence of land owners and users to the official legal system
- to streamline land administration and land delivery through developing an efficient and effective Institutional Framework and Land Administration Infrastructure (LAI)
- to facilitate ownership of the plan by land users and to facilitate its internalisation and thus sustainability by the government

As we will see in the next section the SPILL process involved a large amount of consultation which allowed a carefully selected and wide range of land actors to have their say. These inputs formed the basis of the Key Results Areas and Action Plans which are outlined in Question 3.

“Land is the place of all shelter, in the city, the town the village and the home. It is the source of food, of materials for construction and manufacture, of coal, gas and oil, of springs and rivers and other essentials for life.

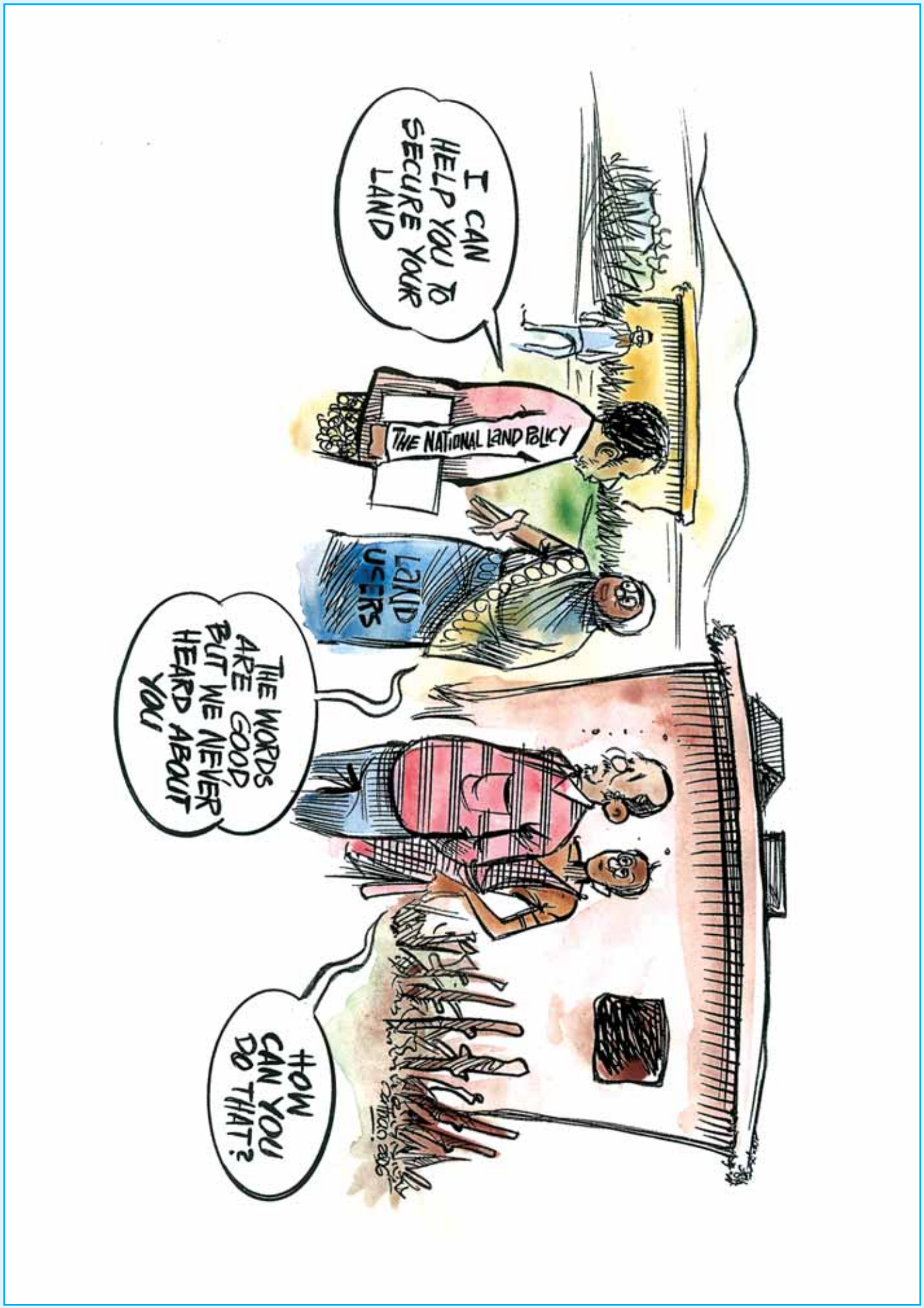
Indestructible, immovable, it is the foundation of all human activity. Houses and factories, forests and farms, rivers, roads and railways, mines, quarries and reservoirs are all fashioned from the land.

It offers endless opportunities for development and discovery. It is the ultimate source of wealth.”

² See Note 2 for four clusters of problems

³ See Note 4

⁴ See Note 1



Q2 Who was involved in designing the SPILL?

The SPILL was designed using a highly participatory and consultative process. The idea was that the principles and strategic objectives of SPILL should be rooted in the views of a balanced sample of rural and urban land user communities and their representatives.

In this section we look first at how the SPILL consultation was organised. This is followed by a brief look at the sampling system and we finish with two tables which summarise the inputs.

How was the consultation organised?

The sample of people chosen to be consulted was carefully designed to capture the range of social, economic, cultural, occupational and administrative conditions in different parts of the country.

The consultations took several forms but they all made it possible for people to (a) review the extent to which the Fundamental Principles of the Land Laws were being implemented⁵ and (b) highlight questions and ambiguities concerning land and its administration.

The SPILL design process included a review of earlier consultation-based studies. These included:

- for the Public Expenditure Review (PER) process, a SWOT analysis which generated a list of 15 strengths and opportunities⁶ and 26 weaknesses and threats⁷.
- for the MLHSD, a land sector environmental scan of stakeholders. This included five groups of stakeholders⁸ and noted (a) their expectations, (b) the potential impact of not meeting the expectations and (c) the priority that should be given to the different issues⁹.

The SPILL design process also included a review of (a) related national, sectoral and cross sector policies and research results and (b) international literature which highlights best practice.

Who was consulted?

There are well over 30 million people in Tanzania scattered over 21 Regions, 117 Districts, 2570 Wards and about 12,000 villages. We cannot consult them all. We therefore need a way of consulting a well balanced sample.

The SPILL team consulted various earlier sampling exercises and used various official poverty measures to categorise different parts of the country¹⁰. This resulted in a sampling system which covered:

- All agro-ecological zones (coastal, arid and semi arid, plateau and highlands)
- The range of agricultural areas (from large scale commercial through to subsistence and commercial smallholders)
- Mainly agricultural areas and largely livestock areas
- Remote and non-remote areas
- Large and small urban centres
- Villages (including those in transition to 'small town' status)
- Rich, average and poor areas

5 For a summary of the outputs see SPILL (2005) Appendix V on p85-90

6 For details see SPILL (2005) Appendix viii (p 99) "Opportunities in the sector and their manifestation"

7 For details see SPILL (2005) Appendix vii (p 94) "Sector constraints, their manifestations and remedies"

8 Governments, diplomatic missions and other institutions; Local Government Authorities; Individuals; Private sector; Investors

9 For details see SPILL (2005) Table 1 on pp 10-11

10 For details see SPILL (2005) Appendix I (p78-80)

This resulted in consultations with over 1500 people in 14 Regions, 15 Districts, 15 Wards, and 66 Villages¹¹. In each District one Ward was picked as the 'venue' for all the selected villages in the Ward. The District Administrative Secretary and the District Management Teams were asked to pick the Wards and Villages to be included in the sample. All members of the selected Village Governments were invited to participate in workshops.

The level of consultation was extended in two other ways. An invitation to contribute was issued to the general public by means of advertisements in newspapers. There was also a set of 60 meetings with over 2600 participants in Dar es Salaam. Participants included representatives from Ministries, Departments and Agencies; Local Government Authorities; Non government Organisations; Civil Society Organisations and Community Based Organisations¹².

What did people have to say?

The following table offers a summary of the consolidated inputs from the consultation process. These have all been built into the design of the SPILL

A topic of great concern to the participants in the Dar es Salaam round of consultations is outlined in the following table.

Table No.1: Consolidated inputs from consultations and written submissions¹³

1	Land should help to improve livelihoods for poor people. This should be by (a) ensuring that existing land rights are recognised and (b) upholding and defending security of tenure for all (including vulnerable groups)
2	Land resources should be put to sustainable and productive use. This should help to alleviate poverty at the grass roots level
3	Easily accessible and accountable land administration institutions should be established and maintained for the decentralised delivery of land services
4	A sector financing system that draws out of the land should be established. This should ensure sustainable land administration and land tenure activities which include implementation of the land laws
5	Land has value. Full, fair and prompt compensation should be paid to any person whose land rights are revoked or otherwise interfered with
6	Proper land administration institutions should be created at the District level. And there should be inter-sectoral dialogue on land matters
7	Land disputes should be settled through a just, independent and speedy system of courts
8	Land information is needed for the planning and implementation of land delivery services. It should be made more available, accessible and affordable
9	People should be made aware of, and be informed about, the land tenure system and land administration. Relevant Higher Education Programmes should be re-modelled to meet the needs of the sector
10	The private sector should be invited to participate in the delivery of land services
11	Every woman should have the right to acquire, hold, use and deal with land. This should be to the same extent and subject to the same restrictions as of any man
12	A personal identification system (Identity (ID)- cards) should be introduced

11 See details in SPILL (2005) Appendix x (p 103-104)

12 See details of outputs in SPILL (2005) Appendix v p 90-92 where inputs are in three groups – (a) Constraints/ Threats/ Risks. (b) Issues of Global Concern and (c) Legal provisions of the New Land Laws

13 For details see SPILL (2005) p15-25.

A topic of great concern to the participants in the Dar es Salaam round of consultations is outlined in the following table.

Table No.2: Critical Concerns of Stakeholders in the DSM round of consultations		
	The sector has been called upon to note with great concern that:	
1	Pastoral production has very low productivity levels	Meaning that it only marginally addresses poverty reduction policy
2	Pastoralism degrades large masses of land	Meaning that it is not environmentally friendly
3	Pastoralism invades established farms and ranches, forests, wildlife conservation areas and agricultural farms	Meaning that it violates security of tenure
4	At the moment it is impossible to control livestock diseases, thus making it difficult to export meat, milk and livestock due to international demands on livestock health and products free of infectious agents	Meaning that it gives only marginal support to export-led economic development
5	Pastoralists have to be given land and told to settle	Meaning that the nomadic tradition must stop

Q3 – What are the main recommendations of the SPILL?

The recommendations contained in the SPILL follow naturally from the design process. The idea is that the plan should address the various stakeholder concerns as these were expressed during the consultations.

The recommendations are of two main types – (a) those that deal directly with issues related to land and (b) those that deal more with the leadership, management and administration processes that are essential to addressing the land issues.

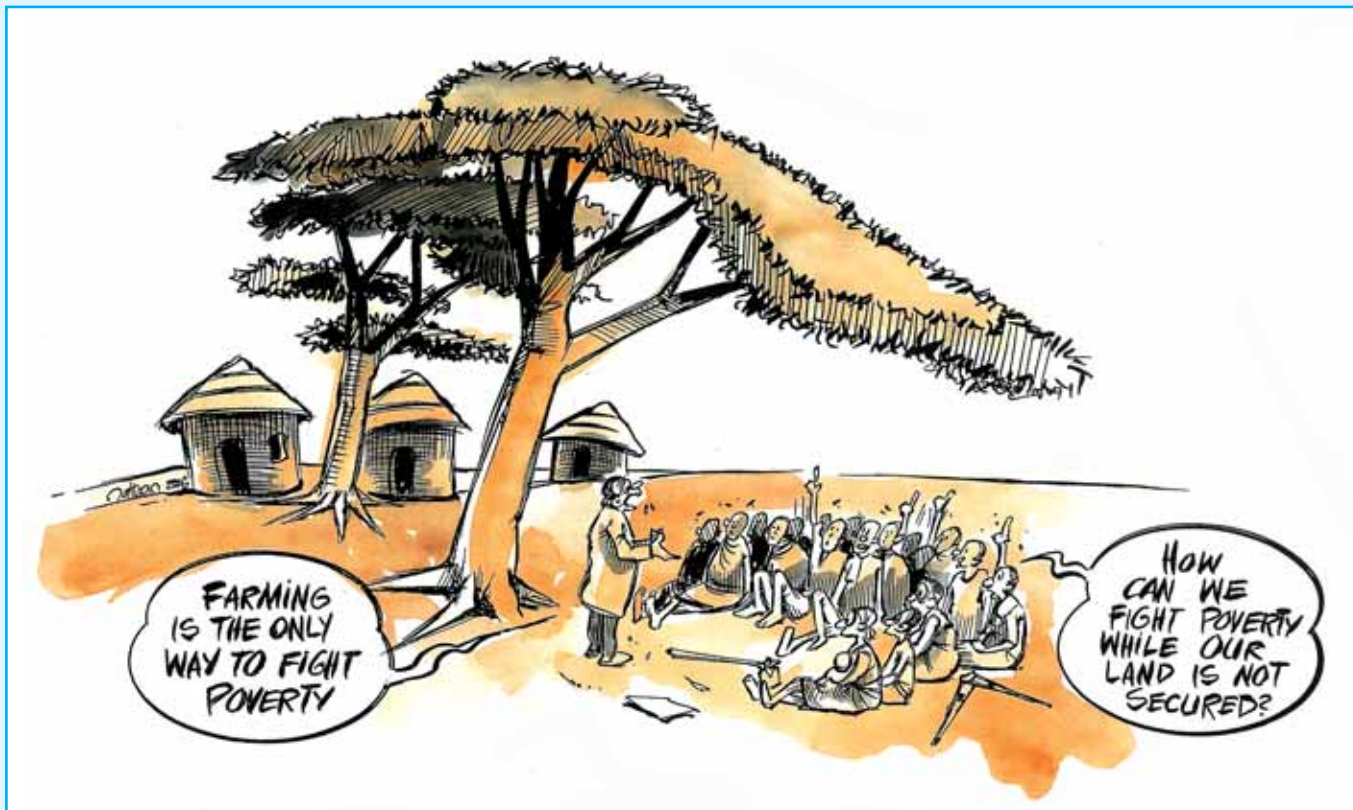
This section is divided into three sub sections. We look first at the nine Key Results Areas (KRA) that have been identified and then at the Action Plan which deals in turn with Village, General, Reserve, and All Lands, and then with Capacity Building and Monitoring & Evaluation. Following this we look briefly at what will be involved in dealing with five key process issues – Land Administration Infrastructure; Financial Sustainability; Capacity Building; Public education, awareness creation and enhancement (PEACE); and Monitoring and Evaluation.

Key Results Areas and Strategic Principles

SPILL recognises 9 Key Result Areas and 39 Strategic Principles. Between them these cover most of the issues raised by stakeholders during the consultation process. The nine areas are listed here and the strategic principles are listed in the tables which follow

1. Land tenure, Access and Land Rights
2. Tenure Security, Law and Order, Justice
3. Performance of the Land Administration Infrastructure (LAI)
4. Land Administration Financial Resource Mobilisation and Financial Management
5. Land as a Resource, Land Markets, and Public-Private Sector Operations
6. Land Management, the Environment, and Community-based, participatory decision making and facilitation
7. Capacity Building
8. Public Education, Awareness Creation and Enhancement (PEACE)
9. Performance Monitoring, Regulation, Supervision and Evaluation

KRA1	Land tenure, Access and Land Rights
1.1	Land is public and the President is trustee
1.2	Discrimination of land access to vulnerable groups is a violation of human rights
1.3	Long standing occupation of land leads to legally accepted land rights
1.4	Land Rights are affirmed by meeting land development conditions to tenure



KRA2	Tenure Security, Law and Order, Justice
2.1	Any land dispute infringes on land rights and security of tenure
2.2	Disputes, in a democracy, are settled in a system of just and independent courts and tribunals
2.3	Land administration must always respect the Fundamental Principles of the National Land Policy (NLP) (see Note 1)
2.4	Sustainable ownership of land rights requires land users to settle down and discourages nomadism
2.5	All institutions in SPILL need to be legalised



KRA3	Performance of the Land Administration Infrastructure (LAI)
3.1	Land Administration Infrastructure (LAI) is a necessary tool for an effective land administration system
3.2	A system of Land Delivery is a necessary pre-condition for sustainable land development and land management
3.3	Information and Communication Technology (ICT) tools facilitate effective and efficient land administration and land management
3.4	A dynamic 'progressive titling' approach for Certificate of Customary Rights of Occupancy (CCRO) delivery enhances the adjudication method
3.5	Land Records form an uninterrupted string of land information for effective land administration
3.6	Irregular settlements are not a design of human settlements by all standards
3.7	An honoured and phased plan of action for (a) surveying, (b) mapping the whole country in appropriate scales, and (c) physical planning, is a pre-requisite to good land administration and management
3.8	Land use plans and declarations on planning areas should always be in place before any land development

KRA4	Land Administration Financial Resource Mobilisation and Financial Management
4.1	Sustainable land sector finance draws out of the land
4.2	It is essential to have a framework and forum to deal with funding of the sector operations in a permanent way. This should link both public and private sectors
4.3	Financing through the Medium Term Economic Framework (MTEF) process is to be enhanced
4.4	Built-in systems for financial control and materials management in all sector programmes shall be enhanced as shall periodic financial and material audits

KRA5	Land as a Resource, Land Markets, and Public-Private Sector Operations
5.1	Land is the ultimate resource for human-kind. It is a valuable national asset and a cross cutting sector of the national economy
5.2	Equitable land distribution facilitates equitable distribution of land resources
5.3	Land Laws capture the productive capacity of the land
5.4	The credibility of Certificates of Occupancy (CO) and Certificates of Customary Rights of Occupancy (CCRO) shall not be questionable
5.5	Land holdings should have a legal upper and lower acreage limit

KRA6	Land Management, the Environment, and Community-based, participatory decision making and facilitation
6.1	Secure land rights instil a sense of belonging and facilitate soil conservation and good custody of the environment
6.2	Resettlement schemes offer safety valves to the economically landless rural people

KRA7	Capacity Building
7.1	Institutes of Higher Learning are a needed resource for capacity enhancement
7.2	Professional Associations facilitate ethical performance
7.3	The National Council of Professional Surveyors (NCPS) shall accommodate all professions mainstreamed in the lands sector
7.4	Professionalism shall prevail at all levels of service delivery
7.5	A framework for the logic, role and content of training programmes and institutions in the sector must be developed

KRA8	Public Education, Awareness Creation and Enhancement (PEACE)
8.1	People's mind-sets on land matters must be tuned-up in order to accept the new ideas which are included in the Land Laws.
8.2	Grass-roots land administration and land management are participatory processes
8.3	The public will remain informed of and educated about Land Rights together with their corresponding obligations as land users.

KRA9	Performance Monitoring, Regulation, Supervision and Evaluation
9.1	Performance monitoring includes (a) identifying monitoring indicators, instruments and targets and (b) agreeing on evaluation and review processes.
9.2	A close link will be maintained between (a) the key indicators of performance being monitored in SPILL and (b) those that are periodically evaluated in this sector within the National Strategy for Growth and the Reduction of Poverty (MKUKUTA).
9.3	In this exercise it is essential to use a Logical Framework (log-frame) which includes objectives and activities, objectively verifiable indicators and means of verification

The Action Plan

The ten year Action Plan covers the period from 2005/06 till 2014/15. It is presented here in a simplified version which draws from two separate plans in the SPILL¹⁴. There are sections on each of Village, General, Reserve and All lands, and then for capacity building and for monitoring & evaluation. For each main action area there is an associated list of activities and an indication of priority (high (H), medium (M) or low (L) - 'high' refers to those activities which are most important and urgent and should therefore be dealt with first. Note that different types of land actors (ie land users and implementers) will have different ideas about what is most important. These can be carefully noted and used to guide the process of changing SPILL to PILL (see Question 4 for details of the process).

The 24 action areas and 92 activities are not systematically linked to the Key Result Areas (KRA) that were listed above but it is obvious that they are closely related.

¹⁴ The Scheduled Plan of Action (pages 51-54) lists the action areas alongside a time frame and a list of key actors for each area. The Investment Plan (pages 54-62) List the actions areas alongside associated activities, cost per activity, source of funds, priority and comments.

A - Village Lands			
Action Area		Activities	Priority
A1	Reduce sources of explosive land conflicts on village lands by addressing ill-effects with regard to three issues – (a) disregarding and violating land rights, (b) nomadic cultures and (c) excessive stock holdings	<ol style="list-style-type: none"> 1. Ensure respect for individual land rights (empower communities, offer public education) 2. Reduce stock (offer public education, create livestock markets and exchange centres) 	H
A2	Institute lower or minimum limits on land holding acreages per household to facilitate the reduction of poverty and reduce conflicts in villages	<ol style="list-style-type: none"> 3. Prepare National Land Use Plan Framework 4. Prepare Integrated District Land Use Plan Frameworks 5. Prepare Integrated Regional Land Use Plan Frameworks 6. Identify areas suitable for Agricultural and Pastoral Village Settlements 7. Determine and agree on minimum acreages for reduction of income poverty 8. Register people for resettlement into new villages 	H
A3	Increase the number of surveyed, registered villages and deliver certificates of customary right to tenure (CCRO) to villagers – extending the Mbozi Experiment	<ol style="list-style-type: none"> 9. Decide on a funding mechanism for village boundary survey works 10. Carry out rigorous village surveys 11. Adjudicate individual holdings 12. Issue CCROs 	H
A4	Design and introduce a National Village Resettlement Scheme (NVRS) to address the land needs of landless people	<ol style="list-style-type: none"> 13. Search for funding to design a project on NVRS 14. Design and agree on a comprehensive NVRS using international best practice and a consultative approach 	M
A5	Set up Village Land Councils (VLC) and other Land Courts	<ol style="list-style-type: none"> 15. District LGA to visit villages on this mission and assist to establish VLCs 16. Strengthen Ward and District Tribunals 	H

B - General Lands		
Action Area	Activities	Priority
B1	Regularise tenure and introduce social services in urban settlements and in villages that are on the transition to 'small town' status as a step in facilitating the Human Settlements Policy (HSP)	M L
B2	Undertake more serviced and planned cadastral surveys in urban centres while addressing the question of landed property development in unplanned areas	M

C - Reserve Lands		
Action Area	Activities	Priority
C1	Examine boundaries of conservation areas, game reserves and national parks with a view to re-delineating them and resolving misgivings amongst adjoining villages on tenure security for their lands	M



D - All Lands			
Action Area		Activities	Priority
D1	Remove discrimination of vulnerable groups in land access and land administration through affirmative action at all levels	37. Draw up a village education programme that dwells, amongst other things, on equity 38. Enforce laws and bylaws on gender and discrimination of vulnerable groups	H
D2	Develop Land Information Systems (LIS), Geographic Information Systems (GIS) and Management Information Systems (MIS) in District land offices so as to enhance data manipulation, information flow and record keeping.	39. Identify host institutions for Land Sector information systems 40. Acquire appropriate hardware and software 41. Digitise existing records and create databases	M
D3	Expand, empower and facilitate the National Council of Professional Surveyors (NCPS) to link together and regulate professionals in the lands sector	42. Review Act No.2 of 1977 to include all lands sector professions 43. Facilitate and empower the NCPS with a budget, office and full time secretariat	H
D4	Provide public education on fundamental principles of land policy and land laws aimed at changing both leaders and land users' mindsets on land tenure and land administration	44. Draw up a programme for public education 45. Divide up roles between public and private sectors 46. Prepare leaflets on the Basic Principles of the Land Laws 47. Follow up the programmes and provide education to the public and to schools	H M
D5	Provide national mapping infrastructure and undertake topographical mapping, land cover data and map revision to feed into land use planning and land development projects, amongst others	48. Design geodetic networks 49. Establish the Horizontal Geodetic Framework 50. Establish the Vertical Geodetic Framework 51. Complete and revise the Y742 maps 52. Undertake Country Mapping at scale 1:10,000 53. Undertake Township Mapping at scale 1:2,500 54. Acquire high resolution satellite imagery	H M
D6	Produce participatory village and other land use plans to guide physical planning and land use processes	55. Set up, facilitate and empower a GIS unit at the NLUPC 56. Collect data and digitise maps for District Framework Land Use Plans 57. Prepare 15,000 Village Land Use Action Plans	H M
D7	Develop a modern Land Administration Infrastructure (LAI) in both MLHSD and PMO-RALG and establish District Land Boards (DLB) which are (a) autonomous from District Councils and (b) empowered with the implementation of the land policy and SPILL	58. Enlighten Divisions and Departments on this key role through seminars on Land Administration 59. Amend legislation to allow for DLBs 60. Modernise the LAI in each Division and Department	H M

D8	Challenge and influence the institutions of Higher Learning to mount joint programmes in land administration related sciences in addition to short courses tailor-made to address weaknesses in land tenure practices	61. Relay the concern to relevant institutions in a seminar 62. Review of curricula in relevant departments 63. Develop new syllabi and programmes	M
D9	Decentralise all Land Administration Support Services (LASS) within MLHSD to the District level and hive-off non-regulatory services to LGAs	64. Prepare a phased decentralisation plan of LASS to all Districts 65. Set up offices in each District 66. Furnish the offices 67. Introduce technology and links to Surveys & Mapping Division (SMD) and other databases 68. Assist the LGAs to manage local land delivery systems 69. Implement and manage the phased decentralisation plan	H M
D10	Amend legislation to (a) provide for District Land Boards (DLB), the Land Administration Infrastructure Fund (LAIF) and the National Village Resettlement Scheme (NVRS), (b) ensure harmony in sector laws, (c) expand and facilitate the National Council of Professional Surveyors (NCPS) and (d) stiffen fines for violators of land laws	70. Establish a committee to deal with harmony in sector laws 71. Draft and agree on new legislation 72. Draft and agree on amendments to stiffen penalties 73. Submit the above to parliament	H M
D11	Form the National Land Advisory Council (NLAC) as a cross sector organ comprised of Land User Ministries and Organisations (LUMO) and expand its functions to include the determination of national priorities in their funding and implementation	74. Amend provision in land law to expand NLAC functions 75. Select names of members from LUMO 76. Appoint Councillors and Secretary 77. Conduct initial sessions	H
D12	Establish District Compensation Funds (DCF) and agree on sources of funds for each	78. Amend the law to establish DCFs in Districts 79. Select and appoint trustees	M L
D13	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	80. Work out the modalities for establishing such a forum 81. Call a meeting 82. Agree on a constitution, appoint the executive, and publicise the forum	M L
D14	Enforce Land Development conditions embedded in COs and CCROs	83. Re-instate Land Rangers 84. Carry out routine inspections	



E – Capacity Building			
Action Area		Activities	Priority
E1	Capacity Building	85. Training of 150 trainers for implementation of the strategy (3,000 man days) 86. Training 1000 District Land Office Personnel on Land Administration (20,000 man days) 87. Training Village Land committee members on Village Titling (60,000 2 week courses) 88. Training 600 LASS and 600 LGA technologists (LIS/ GIS technicians, dbase managers) – 6 month courses	H

F – Monitoring and Evaluation			
Action Area		Activities	Priority
F1	Monitoring and Evaluation	89. Gather management information and feed into SPILL coordination system 90. Collect technical information and assess achievements 91. Measure contributions to other government initiatives and assess performance of strategy 92. Assess impact of allocated resources to implementation procedures.	H

Some central concepts:

This section provides details about some of the key process concepts of SPILL. These are:

- “Land Administration Infrastructure” (LAI) - including NLAC, LASS and DLBs;
- “Financial sustainability” – including approximate costs and possible sources of funding - especially the LAIF;
- “Capacity Building” – to ensure professional standards;
- “Public Education, Awareness Creation and Enhancement” (PEACE) – to ensure that everybody knows what is going on and is thus able to benefit; and finally
- “Monitoring and Evaluation” – to make sure that we are on track, and to take remedial action if we are not.

Land Administration Infrastructure

Land administration is the process of determining, recording and disseminating information about ownership, value and use of land, when implementing land management policies.

This process is made possible through a Land Administration Infrastructure (LAI) which includes the institutions, standards, processes and information technologies that are used for land delivery¹⁵ and its control systems.

Three Phases

We can think of Tanzania’s land administration infrastructure in three historical phases.

1. Before the National Land Policy of 1995 the MLHSD had its own officers at Regional level. They offered services in Land Development, Surveys and Mapping, and Human Settlements Development. The land delivery system was centred on the Commissioner of Lands who occasionally delegated powers to lower levels.

2. The 10 years since the development of the National Land Policy has seen the development of the new land laws. It has also seen the roll out of the Regional Restructuring Programmes which, amongst other things, has led to PMO-RALG taking over land delivery and control at the local level. Some weaknesses in this system have become apparent. These are rooted in a lack of clear division of responsibilities in an administrative system that is spread across two Ministries. Associated weaknesses include (a) lack of vertical and horizontal linkages within and between sectors, (b) under-investment in the sector and (c) the fact that the police and the courts system are lukewarm to security of tenure issues.

3. The beginnings of the third historical phase are marked by the SPILL with its far reaching recommendations about the institutional framework and Land Administration Infrastructure (LAI) which is needed to support the administration of the lands sector. The essential idea is to re-engineer the system to encourage better horizontal and vertical linkages between the main land actors.

Two Levels

Land Administration can be thought of as having two operational levels – national and local. The idea is that the MLHSD will deal with the national level and LGAs will deal with the local level.

To ensure vertical and horizontal linkages at the central level a National Land Advisory Council (NLAC) will be set up. This will include representatives of all Land User Ministries and Organisations (LUMO). Its tasks will include (a) setting land sector priorities for funding and implementation and (b) monitoring and evaluation of progress.

The Land Administration Infrastructure (**LAI**) deals with:

(a) standards, processes, information gathering and dissemination systems, and

(b) technologies needed to support their allocation, transfer, and use.

This includes dealing with the institutions associated with revenue collection, surveys, mapping, property valuations, land allocation and transmission, land and title registration, record keeping, dispute settlements, title adjudication etc.

¹⁵ ‘Land Delivery’ involves bringing land to the market and making it available to those who may be in need of it. It also includes planning and servicing of this land, securing tenure, managing land transfer, overseeing land development and settling

At the national level the MLHSD deals with the overall sector management framework including policy, regulatory and support roles. It also deals with national functions that cannot be split up - for example parts of national mapping, land-use planning and record keeping.

At the local level the LGAs interact directly with land users and provide much of the Land Administration Infrastructure (LAI) through a system of decentralised Land Administration Support Services (LASS).

District Land Boards

A key feature of the LAI and its associated decentralised LASS is the setting up of District Land Offices (DLO) and District Land Boards (DLB) in every District. These will be strengthened and empowered through a range of capacity building measures¹⁶.

The District Land Boards (DLB) will oversee all land matters, including the implementation of SPILL, at the District Level¹⁷. This will include (a) examining and assessing recommendations of the District Land Offices, (b) giving directives for the proper implementation of the new land laws, (c) taking on the function of other committees on land matters (e.g. the Land Allocation Committee (LAC), (d) managing the District Compensation Fund (DCF) and (e) seeking funding through the LAIF or from other sources to help the development of LAI in the Districts. The DLBs will be autonomous from District Councils. It is expected that both the MLHSD and the Regional Administration will participate in appointments to these boards

LGAs through the District Land Offices (DLO) will be responsible for physical planning, surveying, valuation, land registration, land delivery and title adjudication. LIS, GIS and MIS, systems will be developed in District Land Offices so as to improve data manipulation, information flows and record keeping.

Setting up this institutional framework will obviously take time¹⁸ and will include (a) building the knowledge and skills of the many people who will be involved and (b) ensuring that they have the tools to do their jobs.

Responsibilities of Land Administration Support Services (LASS) include:

- Examining and approving master plans, town planning drawings, cadastral surveys, valuation reports and other professional services
- Signing certificates of title
- Undertaking title verifications, adjudications, transfers and transmissions
- Keeping copies of land records, land-use plans and approved layout designs for specific Districts in a well-developed and maintained land information system (LIS)

Financial Sustainability

In this section we look first at how much it will cost to implement SPILL over the next ten years and then at where the funds might come from

It has been calculated that, over the next ten years, SPILL will cost over 300 billion Tanzania shillings. Of this only about 3 billion will come from the government budget through the MTEF system. The remaining 297 billion will have to come from outside the government budget.

Lack of investment and funding have led to a near freeze on topographical mapping and land use planning services, a stagnant cadastral survey system, incomplete village boundary surveys, a run down land administration infrastructure, proliferation of irregular settlements and poorly facilitated law enforcement institutions. SPILL (2005)

¹⁶ For details see Action Areas: B2, D2, D7, D9, D10, D12, E1

¹⁷ "The regulatory and advisory role shall remain with the Divisions of the MLHSD to provide the land administration support services (LASS) including the custody of original land records, copies of which will likewise be decentralised down to the Districts as part of the MLHSD land administration machinery and not as part of LGAs." SPILL (2005) P74

¹⁸ A ten year phased programme is recommended

SPILL contains a detailed breakdown of how this money will be spent¹⁹. The following two tables offer a summary. The first table shows how much will go to each of the eight main action areas and the second table shows how much goes to the seven most costly activities.

Table No.3: SPILL indicative levels of investment (next 10 years)

Action Area		Tshs (millions)*	% of total spend
A	Village Lands	14,182	4.7
B	General Lands	51,051	17.1
C	Reserve Lands	5,300	1.7
D	All Lands	192,589	64.4
E	Capacity Building	23,076	7.7
F	Monitoring and Evaluation	14,027	4.7

* from both MTEF and Non MTEF sources

In any given year the share of the government budget that goes to the Lands Sector is rarely more than 0.5%. This will provide only three billion of the three hundred billion shillings that SPILL will need over the next ten years.



Other potential sources of funding include Donor Partners, Public Private Partnerships (PPP), local and foreign direct investment and, significantly, a new Land Administration Infrastructure Fund (LAIF)²⁰. The idea of the LAIF is that the land has value and should fund its own administration. Users should pay for services received. The Land Delivery system would thus pay for itself and not become a burden on the economy. This offers a sustainable solution to the problem of funding sector activities.

¹⁹ See SPILL (2005) Matrix Table 2: Analysis of Indicative Investment for the Medium and for the Longer term (Pages 55-62)

²⁰ Note that as of June 2006 the World Bank has made a loan of 30 billion Tanzanian shilling available. This will be used for (a) Public awareness raising, (b) Surveying villages' boundaries and providing land titles (right of occupancy) (c) Building land registries at the District & Village levels (including equipment for offices) (d) Identification and registration of properties in unplanned settlements (in the towns of Mbeya, Mwanza, Morogoro and DSM).

The LAIF would augment rather than compromise the logic of the MTEF. It would work in tandem with the government practice of setting up special funds for sectors that are too demanding to be met through MTEF funding²¹.

Action Area		Tshs (millions)*	% of total spend
D6	Produce participatory village and other land use plans to guide physical planning and land use processes	67,650	23%
D5	Provide national mapping infrastructure and undertake topographical mapping, land cover data and map revision to feed into land use planning and land development projects, amongst others	58,625	20%
B2	Undertake more serviced and planned cadastral surveys in urban centres while addressing the question of landed property development in unplanned areas	44,742	15%
D2	Develop Land Information Systems (LIS), Geographic Information Systems (GIS) and Management Information Systems (MIS) in District land offices so as to enhance data manipulation, information flow and record keeping	42,006	14%
E	Capacity Building	23,076	8%
D9	Decentralise all Land Administration Support Services (LASS) within MLHSD to the District level and hive-off non-regulatory services to LGAs	19,045	6%
F	Monitoring and Evaluation	14,027	5%
* from both MTEF and Non MTEF sources			

Details have yet to be worked out but the LAIF could draw income from (a) a land-user fee levied against each hectare of land granted, (b) charges for economic operations undertaken by the sector, (c) cross sector operations (especially in some government and donor funded projects) and (d) from international commitments which are normally 'financially rewarded'.

Capacity Building

The professional and technical learning needs of people working in land administration are changing all the time. This means that we need (a) an ongoing programme of in-service re-orientation and (b) a way of ensuring that initial training programmes remain relevant and up to date. This is true for both government employees and for members of professional associations.

Up until 2001 there were 2414 graduates from the Ardhi Institute in Dar es Salaam (ARIDA) and its successor the University College of Lands and Architectural Studies (UCLAS). 1300 technicians were trained by the Ardhi Institutes in Dar es Salaam, Morogoro and Tabora. About one fifth of the professionals and about one third of the technicians are employed by government. Of these, 66% are employed by PMO-RALG and 34% by the MLHSD.

Many graduates of UCLAS and the Ardhi Institutes are either employed out of the public sector or are unemployed. This suggests that the capacity needs of local government authorities in its Districts, Municipalities and Towns can be satisfied by the numbers of trained technicians in the country today. Institutions of higher learning must respond to the need for modern techniques and new procedures in land administration. Diploma and degree programmes should be built on a solid base of common courses that provide officers working in land administration with a broad education which will enable them to manage several functions. There is also a need for academic departments to design community outreach programmes with relevant and practical teaching aids. These will provide models to inform the general public.

²¹ The LAIF could take over the functions of the Plot Development Revolving Fund (PDRF) which has a narrow goal in the sector.

Note that there are five professional associations supporting the land administration process in Tanzania²². There is a need to coordinate the activities of these professional associations as they are a source of many benefits which include that they (a) lay down codes of conduct and standards of performance that are often supported internationally and (b) provide firm cross-sectoral linkages at all levels. The National Council of Professional Surveyors should be given support.

Local and central government might consider making professional appointments and advancements dependent on staff being members of relevant professional associations.

Public Education, awareness creation and enhancement (PEACE)

SPILL calls for a change in the existing climate within which land rights are regulated, delivered, controlled and defended. This in turn calls for a change in mindsets amongst all land actors not just the land users. It might be necessary to begin at the top and work down i.e. begin with the political and civic leadership and gradually reach out to individual land users. There is a need to build awareness about the contents of the National Land Policy, the new Land Laws and of SPILL.

The recommendation is to design, deliver and monitor a wide-ranging, awareness raising programme that includes seminars, workshops, radio and television sessions, and performing arts productions aimed at different categories of land users.

The issue is so important that school curricula should be adapted to include a 'land matters' component that covers the key results areas (KRA) outlined in SPILL.

Key land actors

- Land users
- Private sector
- NGOs (including Professional Associations)
- Local Government Authorities (LGAs)
- President's Office – Regional Administration and Local Government (PO-RALG)
- Ministry of Justice and Constitutional Affairs (MJCA)
- Judiciary
- Courts
- Ministry of Finance (MoF)
- Ministry of Lands and Human Settlements Development (MLHSD)
- National Land Use Planning Commission (NLUPC)



²² The Institution of Surveyors of Tanzania (IST), the Tanzania Institute of Valuers and Estate Agents (TIVEA), the Tanzania Association of Town Planners (TATP) and the Institute of Architects and Quantity Surveyors of Tanzania (IAQST)

Monitoring and Evaluation (M&E)

Monitoring and evaluation are vital components of SPILL as they (a) provide management information about implementation and (b) make it possible to assess the impact of the resource allocation to each Key Result Area (KRA).

The overall strategy is that each technical department will gather and analyse information and feed it into the coordination system at local through to central levels²³. At the local level this will involve the multi-sector District Land Boards (DLB) and, at the central level, it will involve the National Land Advisory Council (NLAC) which includes representatives from key ministries²⁴.

The components of the M&E system include instruments, processes and institutions which will deal with carefully selected targets, benchmarks and indicators²⁵.

The indicators will show, amongst other things, the impact that SPILL is having on (a) poverty reduction (by enhancing agricultural production), (b) good governance (by a reduced number of complaints to the authorities about land matters) and (c) peace and stability in neighbourhoods (by a reduced number of land tenure cases being dealt with by the police and courts).

The instruments used will include sector specific, routine data collection and reporting systems at district, regional and national level; baseline and follow-up studies on pilot schemes; and surveys dealing, amongst other things, with (a) public education and awareness, (b) land disputes and conflicts and (c) the accuracy of land records.

SPILL will be reviewed annually and there will be three formal evaluations at medium term, half way to long term, and at the end of the long term. The components of these are outlined below.

Table No. 5: Annual Reviews will:	Evaluations will:
<ul style="list-style-type: none"> • assess outputs • identify constraints to progress • review expenditure and identify funding gaps • agree on budgets • share successful experiences • agree on work plans and outputs for the following year 	<ul style="list-style-type: none"> • review progress on indicators for the period • identify successful approaches • identify weaknesses and suggest remedies (e.g. new indicators) • review the investment plan in terms of achievements • review costs and expenditures • assess the ongoing relevance of the strategy

Note that the periods of preparation of the reviews and evaluations are excellent advocacy points. Stakeholders with particular claims, concerns and issues should look on the periods as prime times to have their voices heard and thus to make a difference. There is also a need to check that the indicators on land issues from various other Ministries are in harmony with those in the MKUKUTA Monitoring Master Plan.

²³ The SPILL M&E work will be coordinated with the overall poverty monitoring system

²⁴ MLHSD, PO-RALG, MAFS, MNRT

²⁵ see SPILL (2005) Appendix IX page 101-102 for a list of indicators

Q4 Who will implement the SPILL and how?

In this short section we look first at the top level recommendations concerning the way forward. We then consider the idea of moving from the generalised Strategic Plan for the Implementation of the Land Laws (SPILL) towards a more detailed Programme for the Implementation of the Land Laws (PILL). The section finishes by outlining the many opportunities that exist for land users to get involved with the reform process.

The way forward

Inputs that were raised by stakeholders during consultations but not included in SPILL²⁶ should be given further consideration as this will help to create an enabling climate for meeting the strategic focus of the Plan. Other than that, the following recommendations are presented:

- The system of priorities set out in SPILL should be adopted.
- All activities that have high priority and are purely related to the lands sector should be acted on immediately. Those that require cross sectoral dialogue or higher level authorisation should be negotiated as soon as possible.
- Every effort should be made to coordinate cross sectoral issues. The establishment of a Forum²⁷ will be a key part of this.
- Sustainability depends critically on the financial framework and funding mechanisms being put in place as soon as possible. This can be facilitated by round table discussion with relevant stakeholders.

SPILL becomes PILL

SPILL provides a sense of direction but not always the level of detail needed for proper implementation. The task is thus for the sector, on behalf of government, to produce a more detailed "Programme for the Implementation of the Land Laws" (PILL).

The PILL will be rooted in the SPILL but sets of activities will be consolidated into programmes. These will set out resources and their sources, schedules etc in enough detail to be an effective guide to action, monitoring and evaluation.

The process of producing the PILL will be participatory and will involve consultation with all relevant stakeholders so as to ensure (a) coordination and linkage and (b) ownership and commitment.

Note that people cannot participate effectively if they are not well informed. It is therefore important that everybody makes full use of the opportunities presented by 'public education, awareness creation and enhancement' (PEACE) events. In this way they will get to know about the National Land Policy, about the Land Laws and about SPILL.

What can land users do?

Land users should take advantage of all the opportunities that are offered through public awareness campaigns, consultations and training courses. This will help to make them more effective in raising their own issues and having them addressed.

Local communities should also be willing to participate in the reform process by working with their local government contact points e.g. village and district land registry offices. Amongst other things, Land Users should participate in decision-making processes at the local level and in particular, they can be actively involved in (a) helping to establish the Land Administration Infrastructure in their local areas. (See Notes 3&4 for some ideas about what this might involve) and (b) assisting the process of demarcation of village land reserves and general lands.

SPILL 2006 Update

Government funds have been used to help set up one pilot village land registry and one pilot district land registry in each of four regions (Mbozi, Mbeya; Handeni, Tanga; Babati, Manyara; Iringa Rural, Iringa)

15 more district and 15 more village registries will be set up in the 2006/07 financial year.

A wide range of stakeholders are involved in the meetings to set up these pilot registries. The meetings provide an excellent opportunity for people to learn about SPILL and its implementation.

²⁶ Proceedings of all consultative meetings and the validated and consolidated stakeholder inputs are available on request for public consumption from the MLHSD.

²⁷ Action Area D13

Land users can also get involved in a more detailed and proactive way by following the procedures set out in Box No.5.

Table No.6: Engaging with the SPILL/PILL

Read carefully through the Key Results Areas (KRA) and Action Areas that are listed in this plain language guide and also in the original SPILL document²⁸. Your task is to note those items that deal with the issues that you think are most important.

You then have two courses of action:

<p>IF you are happy with what is being suggested</p>	<p>THEN think about how you might help make the good intention into an implementable programme and project. For example – (a) how can you contribute to the design of PILL, (b) how can you make sure that your District Land Office is created earlier rather than later in the 10yr roll out programme.</p>
<p>IF (a) you have problems with what is suggested OR (b) your issues are not addressed at all</p>	<p>THEN (a) take steps to ensure that you have clarified your issue and gathered evidence to support your case and (b) raise your issue with the appropriate authorities</p>

Notes:

The appropriate authorities at the local level might be your District Land Office or District Land Board. At the central level they might be MLHSD, PMO-RALG, the NLAC or other key land actors.

A good time to present your case will be while reviews and evaluations are being conducted.

As a Land User you have several more or less formal ‘channels of influence’ that you can use in order to make your voice heard²⁹. Note that the ‘Organisational Structure of a Typical District Council’ is presented as a diagram on 84 of SPILL (2005)



28 Note that SPILL (2005) Appendix VIII (page 99) offers a useful list of ‘Opportunities in the sector and their manifestation’.

29 See Hakikazi Catalyst (2006) Pastoralism in Tanzania's policy framework - a review of national, sectoral and cross sectoral policies and how to influence them. (booklet 1 of 3)

Note 1: Fundamental Principles of the National Land Policy and the New Land Laws

The following fifteen fundamental principles³⁰ of the National Land Policy have been built into the New Land Laws³¹.

Table No.7: Fifteen Fundamental Principles of the National Land Policy

1	To recognise that all land in Tanzania is public land vested in the President on behalf of all citizens
2	To ensure that existing rights in and recognised long standing occupation or use of land are clarified and secured by the law.
3	To facilitate an equitable distribution of, and access to, land by all citizens
4	To regulate the amount of land that any one person or corporate body may occupy of use
5	To ensure that land is used productively and that any such use complies with the principles of sustainable development
6	To take into account that an interest in land has value and that value is taken into consideration in any transaction affecting that interest
7	To pay full, fair and prompt compensation to any person whose right to occupancy or recognised long-standing occupation or customary use of land is cancelled or otherwise interfered with to their disadvantage 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 occupancy shall be based on the following: (a) market value of the real property, (b) disturbance allowance, (c) transport allowance, (d) loss of profits or accommodation, (e) cost of acquiring or getting the subject land, (f) any other cost loss or a capital expenditure incurred to the development of the subject land: and interest at market rate shall be paid.
8	To provide for an efficient, effective, economical and transparent system of land administration
9	To enable all citizens to participate in decision making on matters connected with their occupation of use of land
10	To facilitate the operation of a market in land
11	To regulate the operation of a market in land so as to ensure that rural and urban small-holders and pastoralists are not disadvantaged
12	To set out rules of land law accessibly and in a manner that can be readily understood by all citizens
13	To establish an independent, prompt and just system for the adjudication of land disputes which will judge cases without undue delay
14	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
15	To ensure the right of every woman to acquire, hold, use and deal with land to the same extent, and subject to the same restrictions, as any man

Note: SPILL (2005) Appendix V (p 85-90) gives a summary of the consolidated inputs from consultees about possible strategic objectives for each of the fundamental principles

³⁰ The Fundamental Principles were developed as a result of consultation for the Shivji Commission – (URT (1994), Report of the Presidential Commission of Inquiry into LandMatters (2 Volumes))

³¹ They appear as section 3(1) and 3(2) of the Land Act No.4 and Village Land Act No.5 of 1999

Note 2: Clusters of Problems in the Lands Sector

All has not been going well in the lands sector in the past 30 years. A study by the MLHSD has revealed four clusters of problems that must be addressed as part of the implementation of the new laws. They are:

Table No. 8: Clusters of Problems in the Lands Sector

Systemic:

Deep rooted problems that affect the whole of society rather than just part of it e.g. gender imbalance; poor enforcement of law and order; earlier policies on housing and urbanisation; and other past policies (e.g. villagisation in the 1970s) where the outcomes are difficult to reverse.

Exogenous Dynamics:

Problems rooted in forces beyond the control of the lands sector e.g. population movements (rural-urban migration, shift to the east); uncontrolled urbanisation; lagging urban infrastructure; the development of spontaneous settlements; and corruption.

Policy Derived:

Problems due to limited capacity for policy analysis and planning which have led to such things as stagnation and inefficiency in land delivery; poor enforcement of planning and building regulations; reductions in skilled manpower; financial indiscipline; unregulated land markets; non-institutionalisation of dispute settlement machinery; and weak enforcement of law and order.

Financial Resource Constraints:

Lack of funding has led to a near freeze on topographical mapping and land use planning services; a stagnant cadastral survey system; incomplete village boundary surveys; a run down land administration infrastructure; the spread of irregular settlements; and poorly facilitated law enforcement institutions.

Note 3: The sequence of technical services in land delivery

“Land Delivery” is a system that involves bringing land to the market and making it available to those who may be in need of it. The system includes mapping, planning and servicing of this land, providing infrastructure, securing tenure, managing land transfer, overseeing land development, keeping records and settling disputes³².

Table No.9: Sequence of technical services in land delivery	
Main activity	Example
Terrain Modelling	Developing a Geographical reference frame Mapping of topography and settlements
Land-use mapping	Developing a land use plan framework Preparing strategic urban development plans (SUDP) and village land use plans (VLUP)
Physical Planning	Preparing town plan drawings and designating areas of development
Land Acquisition	Property valuation and compensation
Cadastral processes (specialist maps)	Detailed surveying for unambiguous land parcel definition and registration
Infrastructure	Servicing the land with roads, water, electricity etc
Land Delivery	Issuing land allocation certificates and keeping records
Development control	Controlling development and settling land disputes
Notes: The first three activities can be developed into a Geographical Information System (GIS) The last four activities can be developed into a Land Information System (LIS)	

Definitions:

A **Geographic Information System (GIS)** is used for capturing, storing, checking, integrating, analysing and displaying spatially referenced data about the Earth. It is normally taken to include a spatially referenced database and appropriate applications software.

A **Land Information System (LIS)** is used for acquiring, processing, storing and distributing information about land.

Modern Geographic and Land Information Systems make heavy use of computers for storing and analysing data and for creating reports in the form of tables, charts, graphs and maps.

³² for more information on this topic see SPILL (2005) Figure 5 on page 41

Note 4: Land Administration Infrastructure

IF the new land laws and their regulations are to be implemented **THEN** we need an efficient and effective system to deal with land issues. This means that we need a well designed Land Administration Infrastructure (LAI).

The Land Administration Infrastructure (LAI) is concerned with transactions in land parcels and any properties that are on them. The LAI deals with (a) standards, processes, and information gathering and dissemination systems, and (b) with the technologies needed to support their allocation, transfer, and use. This includes dealing with the institutions associated with revenue collection, surveys, mapping, property valuations, land allocation and transmission, land and title registration, record keeping, dispute settlements, title adjudication etc.

An effective LAI will include the following elements:

- Standards and processes for land delivery and control
- Offices, design studios and laboratories that are adequately equipped to gather, store, display and disseminate information (see box)
- Computer systems to underpin the definition, allocation, transfer, use, and marketing of parcels of land and the properties that are on them
- Staff with the knowledge and skills needed to make the system work
- Programmes of public education and awareness creation and enhancement (PEACE)

The following table shows the four main functions of a well designed land administration system.

LAI Components:

- The national spatial data infrastructure (NSDI) and its component parts – land, geographic and management information systems
- Land-use maps and plans
- Master-plans and strategic urban development plans (SUDP)
- Geodetic and topographic (framework) data
- Base and land cover maps (thematic data)
- Cadastral survey data and plans
- Valuation and other operational manuals
- Facility for land allocation and land registration processes
- Settlement layout designs
- Property registers
- Adequate transport and communication systems

Table No.10: The Land Administration Functions	
Component	Activity
Regulation	The development and use of land through zoning and designation for special interests and particular purposes
Justice (legal)	Land delimitation, adjudication, demarcation, registration, granting of land rights, and resolving boundary and other land disputes
Fiscal (tax & fees)	The value of the land can be used to support production and Government revenue generation
Information management	Land information underpins all land administration functions e.g. in land delivery, valuation, taxation, planning and development control. Both Geographical Information Systems (GIS) and Land Information Systems (LIS) can be used as tools of a much wider National Spatial Data Infrastructure (NSDI)

Note 5: Useful Internet Links

Source documents

The documents on which the SPILL is based are all available for downloading:

The **National Land Policy** is at <http://www.tzonline.org/pdf/nationallandpolicy.pdf> . Note that links to other government policies are at <http://www.hakikazi.org/policies.htm>

The new land laws are at the parliament website.

The **Courts (Land Disputes Settlements) Act, 2002** - (Act No. 2) - An Act to provide for the establishment of Land dispute settlement machinery and for matters incidental thereto.
<http://www.parliament.go.tz/Polis/PAMS/Docs/2-2002.pdf>

The **Village Land Act, 1999** - An Act to provide for the management and administration of land in villages, and for related matters
<http://www.parliament.go.tz/Polis/PAMS/Docs/5-1999.pdf>

The **Land Act, 1999** - An Act to provide for the basic law in relation to land other than the village land, the management of land, settlement of disputes and related matters.
<http://www.parliament.go.tz/Polis/PAMS/Docs/4-1999.pdf>
Note that all other Acts and Bills are available from the 'documents' section of the bunge website
<http://www.parliament.go.tz/bunge/index.asp?menu=docs>

The **SPILL** of April 2005 is available at <http://www.xxx>
This plain language version is available from http://www.hakikazi.org/plain_language.htm
The National Strategy for Growth and Reduction of Poverty (2005) (**MKUKUTA**)
www.povertymonitoring.go.tz/downloads/new/nsgrptext.pdf
Property and Business Formalisation Programme (2006) **MKURABITA**
<http://www.tnrf.org/mtandao/downloads/Miscellaneous/MKURABITA%20Design%20Stage%2003-03-2006.pdf>
Local Government Reform Programme (**LGRP**) (1998)
<http://www.tzonline.org/pdf/policypaperonlocalgvtreform.pdf>

International perspectives

Here are a few particularly useful international websites dealing with land administration. You can find many others using the search engine at www.google.com

The **United Nations Economic Commission for Europe (UNECE)** has a useful Land Administration section with

- (a) an internationally recognised set of guidelines on land administration
<http://www.unece.org/hlm/wpla/documentation/lguidelines.html>
- (b) an interesting article on the social and economic benefits of good land administration
<http://www.unece.org/hlm/wpla/documentation/UNECE%20Statement%20-%20Final%20version.pdf>
- (c) a glossary <http://www.unece.org/hlm/wpla/documentation/laglossary.htm> and
- (d) Paul van der Molen (2003) presents "Some options for updating the Land Administration Guidelines with respect to institutional arrangements and financial matters"
http://www.itc.nl/library/Papers_2003/non_peer_conf/vandermolen_options.pdf

The **International Land Coalition** has many useful documents
<http://www.landcoalition.org>

The **World Bank** section of land policy and administration has sub sections on land administration, markets and reform. <http://www.worldbank.org/landpolicy>

The **Rural Development Institute (RDI)** is an international land law and policy group fighting one of the chief structural causes of global poverty - rural landlessness - with passion, professionalism and great effect
<http://www.rdiland.org/HOME/HomeOne.html>

The **Caledonia Centre for Social Development's** Land Programme holds a range of short articles with an international perspective <http://www.caledonia.org.uk/land/internat.htm>

The **New Internationalist** – "Land in whose hands? - the facts" <http://www.newint.org/issue177/facts.htm>

Note 6: What the big words mean

acquisition: a recently purchased asset

adjudication: the process whereby the ownership and rights in land are officially determined

cadastral map: a map showing land parcel boundaries. Cadastral maps may also show buildings

compensation: something awarded to make up for loss, suffering or injury

customary law: unwritten law established by long usage

customary use: where the authority over land use lies with traditional leaders of the group of land users

database : an easily accessible collection of information stored on a computer

delineation : to precisely trace the outlines of an area

demarcation: setting the boundaries or limits of an area

digitise: to make information readable by a computer

geodetic survey: the process of determining the exact spatial position of points on the Earth's surface. The geodetic network is a basis for topographic, environmental and cadastral surveying and mapping

geographic information system (GIS): a system for capturing, storing, checking, integrating, analysing and displaying data about the Earth that is spatially referenced. It is normally taken to include a spatially referenced database and appropriate applications software.

land : real property, real estate (and all that grows thereon), and the right to minerals underneath and the airspace over it. It may include improvements like buildings, but not necessarily. The owner of the land may give a long-term (like 99 years) lease to another with the right to build on it. The improvement is a "leasehold" for ownership of the right to use - without ownership of - the underlying land. The right to use the air above a parcel of land is subject to height limitations by local ordinance, state or federal law.

land administration: the process of determining, recording and disseminating information about ownership, value and use of land, when implementing land management policies. Land administration activity is not an end in itself - it facilitates the implementation of land management policies.

land delivery: A system that includes bringing land to the market and making it available to those who may be in need of it. It also includes mapping, planning and servicing of this land, providing infrastructure, securing tenure, managing land transfer, overseeing land development, keeping records and settling disputes.

land information system (LIS): a system for acquiring, processing, storing and distributing information about land.

land parcel: an area of land under homogeneous property rights and unique ownership

land records/ register: centrally held and detailed collection of information about land use - this includes deeds and title documents

land rights : land rights are those property rights that relate to land. Because land is a limited resource and property rights include the right to exclude others, land rights are a form of monopoly. Those without land rights must enter into land use agreements, since they must live somewhere. In western culture, land rights are derived from the sovereign; thus, a land value tax is sometimes referred to as rent. Land rights can also refer to restrictions on land rights proper; for example, the right of access. Land rights and related resource rights are of fundamental importance to the worlds' indigenous peoples since they form the basis of their economic livelihood and are the source of their spiritual and cultural identity. Dispossession of traditional lands is a major problem faced by indigenous peoples worldwide.

Secure access to land, water and related productive assets is basic to lasting solutions to hunger and poverty. It results in greater productivity, increased family income and sustainable land use. <http://www.landcoalition.org>

The housing stock in Dar es Salaam is 350,000 units out of which 327,000 are in unplanned areas. This means that over 90 percent of Dar es Salaam's residents live in unplanned areas.

Given that the 2002 census put the population of Dar es Salaam at around 2.5 million people, over 2.3 million of these live in unplanned areas where neo-customary practices offer access to land.

The 1990's have seen a renewed interest on the part of donors, governments and NGOs in pastoral development.

This long awaited turn-around has been sparked by results of (a) research and development efforts which show the sustainability and the appropriateness of mobile pastoral systems to the ecological realities of drylands, (b) by studies on the economic importance of extensive pastoral production in marginal lands, and (c) by the increasing social, economic and environmental costs of neglect.(UNSO 1996)

MTEF: the Medium Term Expenditure Framework is a key government financial document. It seeks to predict and guide desirable patterns of government revenue and expenditure over the medium term. It provides the framework into which sector and cross-sector budgets must be fitted on an annual basis. The MTEF is informed by the PER process

municipality: a town or city that has a local council and local officials to administer its internal affairs

neo-customary: transactions based upon traditional customs which provide land for housing poor people
www.ucl.ac.uk/DPU/research/housing/neo_customary.htm

PER: the Public Expenditure Review is carried out by a high-powered, multi-stakeholder committee which meets on a regular basis. It monitors and analyses patterns of government revenue and expenditure and the extent to which these support overall national, sectoral and cross-sectoral policies. The PER process informs the MTEF.

public land: all land in Tanzania whether granted, customary or unoccupied

revenue: money received by a company, organisation or government as a result of such things as sales, subscriptions, fees of taxes

sustainable development: balancing the need for development and growth against the need to protect the natural and built environment whilst meeting the needs of the present generation without compromising the needs and aspirations of future generations

tenure dualism: colonial powers imported systems of common and statute law for their own purposes, and operated them alongside the existing system(s) of customary law. Post colonial states initially maintained this legal dualism. Customary law prevailed in some areas of independent African countries' geographical and social space. Statute law and the imported common law prevailed in others.

More ..

terrain: the type of land in an area

title: the right to ownership of a property.

topography: the study and description of the physical features of a place - for example the hills, valleys and rivers

tribunal : a special court of committee appointed to pass judgement on a particular matter

verify: to make sure that something is true, accurate or justified

Development is fundamentally a process of change. Central to this is the increasing productivity and intensity of agriculture, of people shifting from farms to industry and services, and from the countryside to towns and cities.

Secure land tenure, especially for poor people and for women, whose land rights are very often ignored, is a key condition for this, as is the ability to exchange land rights at low-cost.

Nicholas Stern, Chief Economist,
The World Bank

Note 7: List of Abbreviations

CBO	Community Based Organisation
CCRO	Certificate of Customary Rights of Occupancy
CO	Certificate of Occupancy
DCF	District Compensation Fund
DLB	District Land Board
DLO	District Land Office
GIS	Geographic Information System
ICT	Information and Communications Technology
KRA	Key Results Area
LAI	Land Administration Infrastructure
LAIF	Land Administration Infrastructure Fund
LASS	Land Administration Support Services
LGA	Local Government Authority
LIS	Land Information System
LUMO	Land User Ministries and Organisations
M&E	Monitoring and Evaluation
MAFS	Ministry of Agriculture and Food Security (now the Ministry of Agriculture, Food Security and Co-operatives)
MIS	Management Information System
MJCA	Ministry of Justice and Constitutional Affairs
MLHSD	Ministry of Lands and Human Settlements Development (now Ministry of Lands, Housing and Human Settlements Development)
MNRT	Ministry of Natural Resources and Tourism
MoF	Ministry of Finance
MTEF	Medium Term Expenditure Framework
NCPS	National Council of Professional Surveyors
NGO	Non Government Organisation
NLAC	National Land Advisory Council
NLP	National Land Policy
NLUPC	National Land Use Planning Commission
NVRS	National Village Resettlement Scheme
PEACE	Public Education and Awareness Creation and Enhancement
PER	Public Expenditure Review
PILL	Programme for the Implementation of the Land Laws
PMO-RALG	Presidents Office – Regional Administration and Local Government
SPILL	Strategic Plan for the Implementation of the Land Laws
SWOT	Strengths, Weaknesses, Opportunities, Threats
UCLAS	University College of Lands and Architectural Studies
URT	United Republic of Tanzania
VLC	Village Land Council

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The guide itself results from the work of a wide range of individuals and institutions whose contributions are acknowledged here.

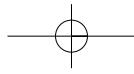
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*STRATEGIC PLAN FOR THE IMPLEMENTATION OF THE LAND LAWS



Editorial Team

- Nicodemus O. Marcus – Ministry of Natural Resources and Tourism
- Tommy kapinga – Ministry of Lands
- Chrysostom Mnyanga – Ministry of Lands
- Edward Porokwa – PINGOs Forum
- Kouteta Mutembe – LEAT
- Lelansi Mwakibibi – Ministry of Planning, Economy and Empowerment
- Prisca J. Ulomi – Ministry of planning, Economy and Empowerment
- Mark Waite – NPA Consultant
- Emmanuel Kallonga – Hakikazi Catalyst
- Anne Lema – Hakikazi Catalyst
- Phillip Connelly – Hakikazi Catalyst
- Jennifer Sleboda – Hakikazi Catalyst
- Adam lingson – Hakikazi Catalyst
- George Clark – Caledonia Centre for Social Development; Scotland

“Modern market economies generate growth because widespread formal property rights, registered in a system governed by legal rules, afford indisputable proof of ownership and protection from uncertainty and fraud so permitting massive low cost exchange, fostering specialisation and greater productivity.

It is law that defines the relationship of rights to people. Civilised living in market economies is not simply due to greater prosperity but to the order that formalised property rights bring.”

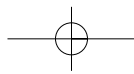
(Hernando de Soto 1993)

No country can sustain stability within its boundaries, or economic development within the wider world, unless it has a land rights policy that promotes internal confidence between its people, its commercial enterprises, and its government.

Recognising that land is the source of all wealth lies at the heart of good government and effective public administration. States that prosper promote widespread and secured private ownership of land as a foundation of social and economic policy.

(UNECE 2005)

Production of this Guide was facilitated by Hakikazi Catalyst
 Esso Road, Meru plaza Building, 2nd Floor,
 P.O. Box 781 Arusha,
 Tel +255 027 250 9860
 E-mail: Pepe hakikazi@cybernet .co.tz
 Website: www.hakikazi.org





Contact Information:
Ministry of Lands, Housing and Human Settlement Development
Ardhi House, Kivukoni Front
P.O. Box 9132 Dar es Salaam.
Tel: .255 22 .2122936 Fax: +255 22 2124576
E-mail: km@ardh.go.tz