

A COMPREHENSIVE INVENTORY OF ACTIVITY NEEDS OF THE LANDS SECTOR IN TANZANIA

1. INTRODUCTION

This paper is about the comprehensive identification, quantification and valuation of activity needs of the Lands Sector in Tanzania. The process has been made possible by a thorough research through Government manuscripts prepared at different times in the past decade including recent reviews of the developments of the sector in fulfilling the sector's basic mission of providing every actor in Tanzania with ground for socio-economic activities. There is a long chronology of initiatives in the process and, by way of introduction; the core ones are summarized here to motivate the discussion. Almost all initiatives are as recent as from early 1990s to the first half of the first decade of the new millennium. The years 2004 to 2006 have been the most fruitful of all.

The first review of the sector was carried out by the Presidential Commission of Inquiry into Land Matters often cited as the Shivji Commission of 1992 (cf. Fimbo, 2004) as perhaps, the result of an utmost reaching of the consultative processes ever undertaken for the sector in Tanzania. It followed a period of much uncertainty as to the direction that land administration in the country was taking. The review report from the Commission was submitted to Cabinet in late 1994 and assessed in a national workshop held early the following year (MLHSD, 1994). This grand initiative culminated into the formulation and adoption of the National Land Policy (NLP) later that year, also after some wide deliberations and consultations among key stakeholders basing on the Commission and other related, but minor, studies and submissions (GoT, 1995). Four years later, in 1999, the Land Act No. 4 and the Village Land Act No. 5, respectively, were enacted (GoT, 1999). The second sections in the Acts, spell out that the respective law is to be understood as operationalizing the Fundamental Principles of NLP in its area of coverage, namely; village lands for the Village Land Act No.5 and general lands for the Land Act No. 4.

With Government's launch of the first Poverty Reduction Strategy in 2000 (URT, 2000), priority sectors were singled out for close annual budgetary scrutiny and Public Expenditure Reviews (PER) were undertaken for such sectors. The list initially covered Health, Education, Agriculture, Rural Roads, Water, and HIV/AIDS sectors only. Whereas initially the Lands sector was not one of the identified sectors for priority

category it was soon discovered with land lining up as a major means of production particularly for the majority 70% population residing in the villages, the decision was an oversight. Clearly if one was to seriously talk about poverty reduction in the context of Tanzania one would have to address Lands Sector issues with utmost seriousness. Immediately thereafter the sector was included in the PER processes (Mtatifikolo et al, 2001). Three PER studies of the Lands Sector conducted annually in the period 2001-2004 provide a deep analysis of the status of the sector, in light of key challenges, problems and their possible address and redress.

The current and second Poverty Reduction Strategy (PRS II) is coined as the National Strategy for Growth and Reduction of Poverty (NSGRP) (GoT, 2005), or *Mkakati wa Kukuza Uchumi na Kupunguza Umaskini Tanzania (MKUKUTA)* in Kiswahili. The NSGRP/MKUKUTA shifts focus away from priority sectors to priority outcomes, clustered around three broad areas, namely: (i) Growth and the Reduction of Income Poverty; (ii) Quality of Life and Social Wellbeing; and (iii) Governance and Accountability. The Lands Sector is closely linked to the first cluster, even as it is also conspicuous in the other two. The various activities of the sector and their needs in fulfilling its vision and mission are part and parcel of NSGRP/MKUKUTA.

This paper goes into the details of identifying each activity. Efforts done in the evaluation of sector activities, in the earlier years, were constrained by the low annual budgetary considerations, paucity of donor funded projects and departmental projects and strategies. A core initiative that stands in its own right with regard to the lands sector is the set of activities initiated in the year 2004/05, which led to the formulation of the Strategic Plan for the Implementation of Land Laws (SPILL). This strategy, (cf. Lugoe et al, 2005a) grew out of a grassroots and District consultative and validation processes covering the letter of the new land laws, and therefore, addressing the Fundamental Principles of the NLP. The PER study reports also fed into SPILL, in addition to other processes and studies. Noting the language of the two Land Acts, it is clear that SPILL was meant to implement the NLP, and so, save for some qualifications, it could be understood as a major sector strategic plan on the table at the time being.

In addition to these initiatives, which provide for benchmarking in the identification, quantification and valuation of activity needs, various studies commissioned by sub-sectors of the Lands Sector (see for example; Blachut (1988), TRD (1995), Shivji (1997), MLHSD (1999), Tanzania Sweden LMNRP (2000)) to address internal concerns on performance and strategic directions have also informed this exercise. Indeed, in critical areas as the real needs for professional work, one has had to rely on key departments dealing with Surveys and Mapping, Land Development Services and that of Housing and Human Settlements Development including the specialized agencies dealing with Capacity Building in the sector, Land-Use Planning, Building Research and others. Furthermore, some 'stand-alone' intra-ministerial projects are documented in the sector too, mainly resulting from special needs of the sector, and some resulting from other sectors' initiatives where the land component was significant (Mtatifikolo and Lugoe, 2006b).

In this latter case are:

- (i) programmes in Agriculture and of particular relevance is the Agricultural Sector Development Strategy (ASDS) and corresponding programme (ASDP);
- (ii) in Informal Sector Development such as the private sector competitiveness project and the property and business formalization programme, known in Kiswahili as Mpango wa Kurasimisha Raslimali na Biashara za Wanyonge Tanzania (MKURABITA); and
- (iii) in Mining and Livestock development, to mention but a few areas where land as a resource is a conspicuous ‘asset’ in their success.

The major contribution of this paper lies in being able to comprehensively compile and consolidate sector needs, as identified in all of the above initiatives, for the first time since mainland Tanzania became an independent nation. It links the sector activity needs to government priority policies and strategies and places a price tag on each and all of them. The paper is organized such that:

- (i) in section two below the Lands Sector in Tanzania is put in context;
- (ii) in section three is a discussion of the framework that obtains in the country for purpose of financing the sector through the annual and medium term budgetary processes in line with the NSGRP/MKUKUTA. The section is at the core of discussion on the role of the sector in the global framework and how such role is acknowledged and financed from the national resources. It also ties the lands sector to the Tanzania and lands sector Ministerial Development Vision 2025 (URT, 1999) being operationalized through the medium term programmes on growth and poverty alleviation;
- (iii) Section four is on recent visionary initiatives that bear heavily on intervention (and activity) requirements, providing the theme of this paper. It will be noted that this section also translates the designated Ministerial Vision and Mission, into specific sectoral ‘strategic frameworks’ whose core activities are then singled out and their needs specified in financial terms;
- (iv) Section five is a consolidation and discussion; and
- (v) the final section (section six) puts up a ‘small’ menu of ‘what needs to be done’ to enhance the role of the sector in national development.

2. TANZANIA LANDS SECTOR IN CONTEXT

2.1 Land Size, Zones and Uses:

In the broadest sense the land sector would involve the whole morphological landmass together with the activities carried out on it. It is a vast territory of diverse climates and ecosystems hosting the continent’s great lakes and yielding an enviable blend of vegetation and agricultural products.

Tanzania mainland occupies about 94 million hectares of landmass of which 88.9 million Ha. is land and the remainder is covered with water. Except for a few major mountains this landmass lies in the range of between 102 and 1650 m above sea level protruding out of the 1000 km long coastline to the tops of great mountain ranges.

Inventory of Activities

Estimates documented in the National Land Policy (cf. GoT, 1995), show that about 75 percent of the land area is either uninhabited or too 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, including mountains and inland waters, notably lakes and rivers. About 40.8 million Ha or 46 percent of the total land area are forests and woodland, while 40 percent is permanent pasture. Although Tanzania has about 48.7 million Ha of arable land, 1992 statistics from the Ministry of Agriculture show that only about 10.1 percent of the country's total land area is under cultivation. Of this area, nearly 93.4 percent (4.6million Ha) is used for small-scale farming by landholders who cultivate the land mainly under customary tenure. The remaining 6.6 percent is under large scale farming, under granted rights of occupancy. Furthermore, 61.1,238 million Ha or 69 percent of the total land area is made up of pasture.

The global picture of the early 1990s was said to be similar to that obtaining in the early 1980s. For instance, although reliable land-use statistics are not available, it was estimated that 46% of the total land area of Tanzania was forest and woodland, 40% permanent pasture, and only 6% was under cultivation. Of the cultivated 6%, one fifth was in large-scale commercial agriculture under granted rights of occupancy, and four-fifths or 5% of total land area was cultivated under customary tenure by small landholders. Only 72% of the pasturelands were actually used. Within this scenario nearly 25% of the country remained reserved for national parks, conservation areas, forests and game reserves.

Tanzania has five major urban centres, namely; Dar Es Salaam, Mwanza, Arusha, Mbeya and Tanga cities, and 16 Municipalities as Regional headquarters and 120 District headquarter towns. In all, the urban areas occupy 1% of the total geographical area even as they are now occupied by close to 15% of population. Rural areas are constituted of about 12,000 registered villages.

In terms of land-use in the rural areas there are notable contrasts among the ecological zones; for example: (i) perennial-crop mixed husbandry on high potential land in semi-humid climate; (ii) annual-crop cultivation on medium potential land in equatorial climate; (iii) dry land crop cultivation on marginal land in semi arid climate; and (iv) cattle/goat pastoral lands on low potential wet season grazing land in an arid climate. Appendix Table 1 shows the range of agro-ecological zones of the country and some representative areas, from the coast to the highlands. In areas with good access to markets suitable land and water resources for irrigation and rapid population growth, farmers have responded to new opportunities by expanding the areas they cultivate, shifting from fallow to permanent cultivation.

2.2 The Land Sector in National Accounts and Financial Nomenclature:

The summary objective of the Tanzania Development Vision 2025 is to awaken, coordinate and direct the people's efforts, minds and national resources towards those core sectors that will enable attainment of development goals and withstand the expected intensive economic competition. This summary objective (cf. URT, 1999) is decomposed into three components, namely:

- (i) Achieving quality and good life for all;
- (ii) Good governance and the rule of law; and,
- (iii) Building a strong and resilient economy that can effectively withstand global competition. The context of the Vision was the understanding that even with the on-going reforms that started since mid-1986 it was becoming increasingly apparent to the government and people that such socio-economic reforms were not adequately informed by national long-term development philosophy and direction.

Consistent with the National Development Vision, the Tanzania of 2025 should be a nation with five main attributes. These are:

- (i) High quality livelihood;
- (ii) Peace, stability and unity;
- (iii) Good governance;
- (iv) A well-educated and learning society; and
- (v) A competitive economy capable of producing sustainable growth and shared benefits.

In the context of the national vision each Ministry defines its vision and mission, decomposed down to the relevant divisions. The lands sector Ministry takes its place in the context of the national vision as a manager of one of the scarce resources, land. Land is the ultimate resource, and economic activities directly related to land resource utilization account for over 80% of the national GDP. It is also understood that land is the foundation of all market economy societies, to which Tanzania is increasingly and fast being integrated through globalization. All market economies have a formal system of land administration, which, besides guaranteeing land rights and security of tenure, provides the basis for land distribution and re-distribution, property taxation and the implementation of land reform policies. Efficient land administration systems also permit the integration of records of land ownership, land values and land use with economic data in support of overall economic planning.

The Lands Sector of Tanzania has subjectively been limited to those functions and activities implicitly or explicitly provided for under various legislations and under the authoritative custody of the Ministry of Lands, Housing and Human Settlement Development (MLHHS), although those of the Ministry responsible for regional administration and local government (called Prime Minister's Office - Regional Administration and Local Government – PMO-RALG) now feature prominently, as a result of regional restructuring policy and processes through decentralization by devolution of powers to the local authorities (Mtatikolo and Lugoe, 2002). National-level public financing of this sector is consequently limited to the vote and sub-votes under MLHHS.

Inventory of Activities

The Primary Government-mandated function in the Lands Sector is to provide all actors in the national economy with ground for their economic activities and livelihood. Specifically, the Government function is one of land administration (see for example; Larsson (1991), World Bank, 1992, Dale and McLaughlin (1999), & Fimbo (2004)), in the following ways: (i) Cadastral survey and parcellation of the territorial land and subsequent granting of land rights to the citizens, their institutions and businesses in accordance with the official land tenure system of Tanzania; (ii) Control of development conditions and addressing problems arising out of the enjoyment of granted land rights by the recipients; (iii) Facilitation with development of affordable housing programmes for the nation, and their implementation; and (iv) Facilitation through proactive policies, action plans and regulatory systems, for ‘credible’ human settlements development.

In terms of the main policies and legislation this sector has been characterized as that “public sector” of the economy that oversees and implements the two main Policies on Land and Land-related Matters; namely the National Land Policy of 1995 and the Human Settlements Policy of 2000, and the main Laws on land and corresponding subsidiary legislation, and is budgeted under Vote 48 by the Treasury. The sub-sectors will specifically be those defined in the mandate of MLHHS and for which legislation and/or official policy documents exist (ibid.).

The business context of the MLHHS outlined above could best be analyzed in terms of functional components of the Divisions of: Land Development Services; Survey and Mapping; and Housing and Human Settlements Development (sub-votes 2001, 2002 and 3001, respectively). In addition, those of supporting agencies of Building Research, Land Use Planning, and Dispute Settlement Services, are singled out. Furthermore, since the functions of the departments of Policy and Planning, Administration and Personnel, and Accounts are derived from the distinct functions of the Ministries of Planning, Economy and Empowerment (MPEE) and Finance (the Treasury) and President’s Office, Public Service Management (PO-PSM) respectively, it suffices to mention that the three departments are facilitators and coordinators of the core functions of the Ministry. The strategies to realize the ministerial Mission and Vision as specified by the major Divisions and Service Centres or semi-autonomous Agencies of the Ministry are summarized in all major annual documents.

3. SECTOR MTEFs AND THE POVERTY REDUCTION STRATEGY

The annual cycle of planning and budgeting (and the corresponding costing) centres around the Public Expenditure Review PER Studies and the Medium Term Expenditure Framework MTEF (see Table 1). The section below dwells on this framework for the lands sector as we proceed to, at a subsequent stage, identify activities and the corresponding needs. The objectives of the MTEF are sourced from the Ministerial Mission and Vision that reflects the objectives of the core Divisions of the lands sector Ministry and national objectives that cut across all sectors. The objectives are further decomposed into targets and activities to be undertaken to meet the targets.

It is clear from Table 1 that the key functions of the sector are conspicuously in the areas of: (i) land tenure security (ii) hydrographic surveying and mapping services, and (iii) sustainable human settlements. Worthy of note for the interested reader is that the other three KRA are replicated in all sector MTEFs for purpose of ensuring high quality public service delivery, efficient resource management and accountability, and to accommodate, at each sector level, the national scourge of AIDS which is listed among the greatest public enemies today. Again, for the interested reader, we hasten to confirm that the core functions have been the same three clusters for the whole past decade, and so in terms of coverage of core issues here it suffices to dwell on the most current one, MTEF Seven. The MTEF objectives summarize the Sector policies and corresponding strategies when they are decomposed into the Log-Frame format for costing purposes. MTEF Targets and activities to be undertaken to achieve the targets are detailed and tabulated in various documents. The reader is referred to these sources and will not be repeated here

Table 1: Objectives in MTEF 6, MTEF 7 and MKUKUTA KRAs

MTEF 6 OBJECTIVES	MTEF 7 OBJECTIVES	NSGRP/MKUKUTA KEY RESULT AREAS
Secure Land Tenure	To improve services and Reduces HIV/AIDS infections.	Growth and Reduction of Income Poverty
Efficient and Quality Hydrographical and Land Surveying and Mapping Services	A secure land Tenure	
Sustainable Human Settlements	Efficient and quality Hydrographical and Land Surveying and Mapping	Improvement of Quality of Life and Social Well Being
Efficient and Effective Quality Public Service Delivery	Sustainable Human Settlements	
Effective Resource Management and Accountability	Efficient and Effective quality Public Service Delivery	Governance and Accountability

Inventory of Activities

(Z) To Improve Services and Reduce HIV/AIDS Infection	Effective Resource Management and Accountability	
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3.1. Linking the three MKUKUTA Clusters with the three MTEF Objectives:

The preparation of sector budgets is based on the Medium Term Expenditure Framework (MTEF) that is in compliance with key national policies such as: the National Development Vision 2025 and the National Strategy for Growth and Reduction of Poverty (NSGRP). The latter policy facilitates implementation of other strategies such as the Agricultural Sector Development Strategy (ASDS), Rural Development Strategy (RDS), etc, through utilization of local resources and others from external sources such as Tanzania Assistance Strategy (TAS). It is worthwhile to briefly use the guiding definition of what characterize the key mandates of the Sector Ministry given in three MKUKUTA key result areas (KRAs) or MTEF objectives (Table 1), on Security of Land Tenure, Surveys and Mapping, and Housing and Human Settlements so as to link NSGRP/MKUKUTA to the sector framework (cf. Mtatifikolo and Lugoe, 2006a).

Firstly, the lands sector MKUKUTA framework addresses the national MKUKUTA framework cluster on “Growth and Income Poverty Reduction” through a of interventions and activities that are aimed at land delivery or land distribution and re-distribution for equitable land access. The land administration processes for land delivery include mapping, physical planning, cadastral surveying and land registration all undertaken so as to facilitate land access and guaranteeing the security of tenure of the recipients. Tanzania’s land delivery system is based on surveying and fixing land parcel boundaries (cadastral surveying), within the framework of the Land Survey Ordinance (CAP 390) and the Land Registration Ordinance (Cap 334).

This MKUKUTA cluster therefore links up well with the sector MTEF objectives of; “efficient and quality hydrographical, land surveying and mapping services” on one hand and of “a secure land tenure system” on the other. Security of tenure facilitates higher production and productivity on the land, as well as enabling landowners to use it as possible collateral in financial deals (agricultural and business loans, etc). It is thus argued that tenure security feeds into the growth and the reduction of income poverty MKUKUTA cluster.

Secondly, the aim of land delivery is to enable landowners to use the land productively as stated in the fundamental principles of the National Land Policy and the Land Laws. It also facilitates the upgrading of settlements including shelter. Men, women and children are able to access clean, affordable and safe water, and sanitation services in places where settlements are upgraded. More over, improved health and well being of all Tanzanians, with special emphasis on children and women, is also possible where shelter have been upgraded.

It is argued here that “sustainable human settlements” are therefore a reflection of “improved quality of life and social well being” that constitutes Cluster no. 2 in NSGRP/MKUKUTA. By the same token it is easy to argue the case that land tenure security also facilitates improvement in quality of life and social well-being.

Thirdly, the other MTEF objectives on: (i) efficient and effective quality public service delivery (ii) improved service and reduction in HIV/AIDS infection; (iii) effective resource management and accountability; (iv) promotion of ICT and e-Government; all feed well into the third NSGRP/MKUKUTA cluster on “governance and accountability” by supporting structures and systems of “Good Governance” as well as the rule of law in a democratic, participatory, representative, accountable and inclusive manner. Land disputes courts provide an avenue for people to resolve their grievances on land issues and thus promoting peace and harmony in neighbourhoods as a part of good governance.

However, it is also clear that a secure land tenure system is at the heart of controlling rampant corruption in land matters, which is blamed to be commonplace in Tanzania. This security of tenure is partly supported by a credible hydrographical land surveying and mapping framework that is efficient and effective, which would thus imply that the first two core functions of the Lands Sector Ministry also constitute a significant input to the creation of a system of good governance and accountability.

In conclusion it is clear that the mandates of the Lands Sector Ministry are indispensable for the National Strategy for Growth and Reduction of Poverty. Similar arguments had prevailed successfully under the first Poverty Reduction Strategy, 2000-2003, (URT, 2000), which had focussed on priority sectors. When it was discovered that exclusion of the Lands sector from the priority list was a ‘non-starter’ and the ‘priority list could not perform’ the Lands Sector was quickly ‘brought into the picture’ and included in annual PER/MTEF exercises.

4. RECENT GRAND INITIATIVES AND KEY INTERVENTIONS

We have remarked above that the sector has had four PER studies undertaken in 2001, 2002, 2004 and 2005, and that the current operative MTEF is the seventh. The first PER gave the sector the real, and first, opportunity to enhance its clout, role and status in the broad national agenda – Growth, Poverty Reduction and Equity. The PER study (cited as Mtatifikolo et al 2001) concluded that the lands sector had been “left out in the cold for too long”, and hence **depressed**, as many sectoral activities and services had been suspended for over thirty years, and the details in the PER report were to facilitate with the **awakening** of the sector. Initiatives that were to go parallel with subsequent PER studies, and especially from the fourth MTEF period, made it possible for the sector to **consolidate** itself in its mission and the mainstream of ‘heavy weights’ in the list of Tanzania economic sectors. The present state is the **drive to maturity** for a sustainable sector that plays a critical role in the national development vision. The three epochs under Awakening, Consolidation and Drive to Maturity and Sustainability are discussed in this section.

4.1 The Awakening Period: (PER 1 and 2 and Initial Operationalization of Land Laws)

The original and purported purpose of PER exercises was to strengthen the budgetary processes, informed by the current practice, with a view to guide the Medium Term Expenditure Framework (MTEF). The first such study for the lands sector was conducted in 2000/01. This study revealed a number of problems, which were then categorized into four groups (Mtatifikolo and Lugoe, 2002). These are:

- **Systemic:** Problems reflecting continual application of policies and regulations of the past in land administration practice. These include: (i) lingering dispensation for villagisation approaches of the 1970s; (ii) gender imbalance embedded in inheritance laws; (iii) poor enforcement of law and order; (iv) poor enforcement of land regulations and control of developments; and (v) some urbanization and housing policies of the past.
- **Exogenous Dynamics:** Forces originating outside of the capacity of the lands sector or not unique to it, including national and global forces. These include: (i) uncontrolled urbanization particularly in an inflationary and poverty stricken economy; (ii) , population movement and shift to the eastern coastal areas; (iii) rural-urban migration particularly to primate cities; (iv) urban sprawl and lagging urban infrastructure; (v) corruption; and (vi) the development of spontaneous settlements.
- **Policy Derived:** Problems of limited and weak capacity for policy analysis and planning capacity leading to weak, non comprehensive and non-sustainable planning. In this group are problems of: (i) inefficiency and stagnation in land delivery; (ii) poor enforcement of planning and building regulations; (iii) skilled manpower retrenchments; (iv) unregulated land markets; (v) incomplete empowerment of dispute settlement machinery; and (vi) the weak enforcement of law and order.
- **Financial Resource Constraints:** These are problems associated with gross under-funding of sector activities over a prolonged period in spite of the fact that the objectives are well known and understood. Included in this category are problems on the near freeze of: (i) topographical or base mapping and associated geo-referencing system; (ii) land use planning and urban design services; (iii) stagnation in cadastral survey systems; (iv) incomplete boundary survey and lot adjudications in villages; (v) a run-down land administration infrastructure institutions; (vi) proliferation of irregular settlements; and, (vii) poorly facilitated law enforcement institutions.

Other studies undertaken for the sector include three Lands Sector Development Plans and Strategies that were prepared immediately following the enactment of the Land Laws in 1999, and whose implementation were to run parallel with PER/MTEF processes until the middle of the decade. These are: (i) Ministry of Lands Action Plan for the Implementation of the New Land Laws No. 4 and No. 5 of 1999 formulated by the Ministerial Implementation Committee (MIC) in July 1999; (ii) The Land Resources Management Programme Project (2000 - 2010), which comprised of three major components: the Land Tenure Security Enhancement component, Land Markets Reform component and the Land Information Management component (MLHHSD,1999); and

(iii) The Modernization of Surveys and Mapping Division and Registrar of Titles Project (2000-2003), which was essentially a Land Information System (LIS) Strategic Management Plan with focus on Land Administration.

The three projects have been strategic in the following ways (cf. Mtatifikolo and Lugoe, 2002): (i) The Action Plan for the implementation of the Land Laws was to start with exercises such as translation of the Laws into the national language, preparation of Regulations for the Laws, and key aspects of sensitization and publicity of the Laws; all these pending the preparation of a lands sector Strategic Plan for such implementation. So initially such implementation would be in a series of annual sets of activities without any long term and comprehensive Strategic Plan. (ii) Secondly, the Land Resources Management Programme was conceived in 1999 to operationalise the land policy and the new land laws and to address specifically, the problems affecting the lands sector such as lack of security of tenure over land, conflicts in land uses, difficult access to planned and serviced urban plots, uncoordinated land information, bureaucratic land administration, etc. The programme was also designed to complement reforms undertaken in other sectors of the economy such as liberalization, privatisation and adoption of a market economy. The proposed programme had three components, namely; land tenure security enhancement; land markets reforms; and the land information management programme; and (iii) Finally, the last project had, as its long term objective, to “create a national land information system” in support of land administration, planning and development, including property boundaries, ownership, leases, mortgages and other related information.

Documentation on these three projects points to limited success for the Action Plan and for the Modernization project; and almost no-implementation of the LRMP (cf. Mtatifikolo and Lugoe, 2002), largely due to limited financial resources for sector activities. As said earlier the sector was in a depression and had no assistance from outside save for a careful expenditure of the little budget received annually. What followed in 2004 was an exercise that was to see the sector consolidating its framework of activities through the preparation and subsequent adoption of the Strategic Plan for the Implementation of Land Laws – SPILL. It was seen to accommodate all the important elements of the three projects above, and much, much more. It also ushered into the consolidation stage; and it incidentally was also facilitated by the design and launch of the current National Strategy for Growth and the Reduction of Poverty that has been discussed above.

4.2 The Strategic Plan for the Implementation of new Land Laws (SPILL)

The Preparation of a Strategic Plan for the Implementation of the Land Laws (SPILL) was a required Government action by March 2005 under the Performance Assessment Framework (PAF) for Poverty Reduction Budget Support (PRBS) and Poverty Reduction Support Credit (PRSC 3) from donors including, the World Bank and European Commission (EC).

To meet this obligation, the Ministry of Lands and Human Settlements Development hired consultants to prepare the strategic plan by identifying, through a consultative and validation methodology, all sector needs as identified by stakeholders. Consultative meetings were carried out in some sixty sessions, in 15 Districts of Tanzania, bringing together about 2,700 people comprised of villagers, NGOs/CSO advocates, officials in local and Central Governments and development partners. Results of the consultative workshops that served as inputs for the purpose of building the strategic plan are presented in Lugoe et al (2005) and discussed in Lugoe (2006). This was followed by a careful costing of interventions that had a direct bearing on the implementation of the land laws. A financial assessment of the identified needs for the medium and longer terms was also compiled as a co-document to SPILL known as the Investment Plan for SPILL (Lugoe et al, 2005b)

Box No. 1: Content of Action Plan and the Convergence of Issues:

The Strategic Plan – SPILL – is written out in a generic form with KRAs decomposed into strategic principles (SP), then down to strategic objectives (SO) for each SP. In the generic form the SOs are split into outputs, which are, in turn, broken down to activities for generating the relevant outputs. At the end is a brief on Rationale and Responsible Parties for each output.

The Plan of Action follows along the broad classification of land into the three categories of Village Land, General Land and Reserve Land. Major Action Areas are directly organized around these three categories of land, and around crosscutting areas that cover all land categories. In addition there are two other crosscutting areas namely; Capacity Building and Monitoring and Evaluation. The Plan of Action covers both the Medium Term (3-5 years)

4.2.1. Major Action Areas in SPILL:

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

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

Village lands are made up of farm and grazing lands to a large measure. A small part of such land is comprised of human settlements. Land tenure insecurity, in all settlements, is still rampant. Most affected are the cities and villages-on-the-fly to ‘small town’ category. A conflict in the latter case surrounds the cessation of provisions of the Village Land Act No.5 and the application of provisions of the Land Act No. 4. There are also actions, which are crosscutting to the three classifications. These form the fourth cluster in the plan of action. Priority Action Areas (in terms of land classifications) are listed in Appendix 3 (see also Box No.1).

4.2.2. The Strategic Plan's KRAs and Strategic Principles:

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

4.2.3. The Investment Plan for SPILL:

The Investment Plan (cf. Lugoe and Mtatifikolo, 2005b) takes the Action Areas from the Plan of Action, decomposes them into Activities and costs them accordingly. The total cost of all the Activities for all the Action Areas give the Indicative Cost of the Plan. Other information provided by the Investment Plan includes the Source of Funds (Local vs. Foreign), the priority levels of each action area (high, medium or high) and comments in the form of major qualifications and/or assumptions for the realization of the action area.

The financing of SPILL was largely to be outside of the mainstream of the MTEF processes especially for the large investments that could not fit in the normal tight envelope of Treasury's MTEF Budgets. The Land Administration Infrastructure Fund (LAIF) proposed was to be the key message. It was to be a Fund with a lifetime of the strategy (10 years) after which all revenue would revert to the national Treasury leaving the lands sector in a stronger position to deliver on its objectives and generate higher revenue. LAIF was not meant to compromise the logic of MTEF and some national parameters in the budgeting processes but rather to augment such efforts through acknowledging that the sector had first to get very substantial resources, to be drawn largely from within the sector itself, so that the backlog of accumulated problems noted in the report (and repeated in annual rhythms by the PER Studies) could be put to rest before the sector could become part of the mainstream of economic sectors in the economy interacting with the rest in mutually-reinforcing engagements.

4.3.SPILL, MTEF Seven and More Recent Initiatives:

It is easy to reconcile the nine KRAs in SPILL, the KRA in MTEF Seven and what the Vision and Mission of the Land Sector Ministry sees as its grand mandate in the economy of Tanzania. The National Land Policy has been translated into three Land Laws. The Laws have had a Strategic Plan prepared for their implementation via SPILL. On the other hand, the Policy on Housing and Human Settlements of 2000 is gradually being operationalized, with a Housing Programme already 'in the works' whereas various

aspects of Human Settlements Development are taken up by the Division responsible for Housing and Human Settlements Development within the Ministry and by its Executive Agencies and Commissions (NLUPC, NHC and NHBRA, citing a few key ones). Convergence of initiatives is obvious, and since an earlier discussion in this report has linked directly the sector MTEF with the national agenda on growth, equity and reduction of poverty, it would go without saying that the Ministry has taken up and consolidated its role in the economy with respect to Land Administration (ESRF, 2006b&c). There are new and conspicuous showcases in the Lands Sector to date; most being spin-offs of SPILL and MKUKUTA on this responsibility. These are discussed further below:

4.3.1. The 20,000 Plots Project Showcase:

This project has its roots in the Anti-corruption Action Plan (2001 – 2002) to increase supply of planned and surveyed and serviced plots in the towns, municipalities and Cities, particularly in Dar Es Salaam.

Box No. 2: Financing the Lands Sector – the SPILL Option.

Stakeholders have agreed that it is prudent to establish a Land Administration Infrastructure Fund (LAIF). It is envisaged that the fund will be used to finance development of the land administration infrastructure (LAI) comprised of the institutions, standards, processes, information gathering and dissemination systems and appropriate technologies required to support the allocation, transfer, use and transactions in land parcels and properties thereon. In terms of the activities LAI includes, but not limited to, processes in: land-use mapping; preparation of master-plans; geodetic and topographic surveys; base mapping; cadastral surveys; NSDI creation; settlements development control; valuation services; land allocation; land registration; settlement layout designs; and regularization of settlements.

In light of the key consideration of setting up LAIF, the sources of finance will be in a form of land-user fees levied against each hectare of land granted either through specific legislation or provisions in laws, but not to individual land right inside the granted area (sub-leases) such as allocations within land under certificate of village land or planning areas. In this regard, it is expected that the following will be contributors to the fund: villages; planning authorities; road, railway, utility and rural airport corridors; forests; national parks; other conservation areas; farms and agricultural estates; etc.

The total number of surveyed plots in the country had been declining from 22,000 plots in 1972 down to 5,429 plots in 1999 nationwide, many of which were not new plots. This was at a time when about 15,000 dwelling units were being constructed every year in Dar Es Salaam alone. The project was yet another attempt at alleviating the shortage of plots in the Urban Centres. It took off where several Sites and Services projects of the period from 1974 to 1985 ended. Over 35,000 plots have been planned and surveyed under this project at an average cost of TShs. 800,000.00 per plot, including rudimentary services. It is envisaged by SPILL to survey about 50,000 plots per year for the foreseeable future under this project country wide using a revolving fund of about 40 Billion Shillings (see Box No.2).

4.3.2. The Mbozi Pilot Project on Village Titling:

A related showcase was the earlier project that took processes under the Village Land Act to survey and map villages in one district, and proceeds with processes that culminated into individual titling of individual parcels of land in Mbozi District of Mbeya Region. This is now being expanded to other Districts; mainly to bring home the logic that ‘it makes economic and political sense to enhance land tenure security through the Certificates of Customary Rights of Occupancy, CCRO’, which is the legal document for the titles under the Village Land Act of 1999. More on customary tenure in Tanzania is discussed in Lugoe (2007).

Again, and for the first time Tanzania’s lands sector has taken a new and operational view of land administration in village lands and results are overwhelming. The sector Ministry in Government reports that by May 2004, 7 villages in the pilot project area received certificates of village land, which enabled titling for individuals within the villages. The certified villages had risen to 38 by September as village boundary surveys intensified. Also the first two CCROs were issued and registered at this time, rising to 240 by September. It is further reported that one of the village peasant farmers managed to secure a loan on the basis of the registered CCRO and purchased a tractor.

4.3.3. Creation of a Comprehensive Urban Land Property Register for Unplanned Settlements in Dar Es Salaam (Mazagazaga):

The City of Dar Es Salaam in particular, is 70% made up of slums that are a target of the Millennium Project in poverty reduction. The project for “Urban Property Registers”, commenced in 2004 by using satellite imagery to identify homes in the irregular settlements. Project activities include: (i) undertaking field campaigns to map and register houses and plots in the irregular settlements; (ii) establish registries; and (iii) encourage and support residents to apply for residential licences. The project is being piloted in Dar Es Salaam with a view of expanding to other Cities namely; Mbeya, Arusha, Mwanza and Tanga in the foreseeable future. It is envisaged that an upgrading of the irregular settlements would follow. The residential licences will give residents access to microfinance to upgrade their homesteads and contribute to a better living environment when land services are introduced. The broader objective of this project is to facilitate the formalization of properties and businesses in the informal sector under the Property and Business Formalisation Programme better known by its Kiswahili acronym, MKURABITA.

4.3.4. The Property and Business Formalization Programme (PBFP):

The Government has established the Property and Business Formalization Programme or MKURABITA that seeks to transform properties and businesses in the informal sector to entities held and operated within the confines of the prevailing law in the formal economy. The formalised property and businesses are expected to enable their owners to access more capital in the formal financial sector and benefit from expanded market opportunities, among other benefits.

The expected outcomes of the programme are:

- (i) Reduced individual household poverty;
- (ii) improved living standards of the target groups; and
- (iii) An expanded national market economy that is governed by the rule of law. Its overriding Goal is thus to empower that target groups and individuals in the informal sector so that they can participate fully in the modern market economy through the use of the formalized properties and businesses, effectively contributing to the attainment of the MDG Targets via reduction of income poverty.

The role of the Lands Sector in the programme is obvious, especially to the extent that the bulk of informal activity and the poor are in the rural areas where land is the major means of production. Earnings from land and land-derived businesses and property will hinge largely on the security of land tenure, on a credible land delivery system and a framework, which facilitates the proper development of housing and human settlements. For instance, it has been estimated that about 90% of small scale economic assets and business activities are held and conducted in the informal sector making it difficult for the property and business owners to access available economic activities. The Land Act No. 4 of 1999 provides for the recognition of landed properties with irregular tenure, as already discussed, and provides residential licences as a step in tenure regularisation. MKURABITA on the other hand is a community empowerment initiative for the benefits of economically disadvantaged individuals. It is in this light that it is viewed as a part of the NSGRP strategy and of the Millennium Project (MP) in Tanzania. This initiative is geared at, among others, recognition and documentation of landed assets into universally accepted property records to be used to create liquidity and provide for recognition of property rights and tenure security.

4.3.5. Land Reform Component of the Private Sector Competitiveness Project:

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

- Developing an efficient, re-engineered registration process supported by strengthened land information systems;

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- Improving survey and mapping infrastructure, scanning and updating maps and undertaking geodetic control and urban mapping in priority areas;
- Decentralizing land administration services in Districts by establishing District Registries, surveying and issuing certificates of village land, and providing support and guidance to villages in establishing registries.
- Undertaking field campaigns to map and register house plots in unplanned settlements in Dar Es Salaam and other priority areas, and encouraging and supporting residents in applying for residential licences;
- Facilitating land disputes resolution by strengthening the District Land and Housing Tribunals, improving infrastructure, and supporting public awareness campaigns;
- Capacity building, involving a programme of short term training and providing support for the project management and M and E in the Lands sector Ministry.

The project started in mid-2006 and continues, initially, for a duration of five years.

5. SECTOR CONSOLIDATION – PRESENTATION OF INTERVENTIONS AND ACTIVITY NEEDS:

This section is a clustering and discussion of key interventions in the sector that characterize the most current thinking in terms of priority areas. It is meant to define the areas of intervention, the Activities and the Activity Needs. This will be followed by the section that concludes the paper, while also giving some indicative monetary figures for funding such activities as obtained from the most recent official Government estimates.

5.1. New Initiatives:

Recent initiatives for 2006/07 and beyond have been presented in a special report – the Lands Sector Plan: 2006/07 (WAMM, 2006). The initiatives emanate from the departments and agencies of the MLHSD and focus on enhancing land administration infrastructure such as; international boundaries, base mapping, land use planning, Village boundary surveys, cadastral surveys in urban centres, geo-referencing framework, urban planning and re-planning, titling, resolution of conflicts, building registries and offices, and strengthening zonal registries. This long list directly reflects from SPILL and emerging interventions and funding interest and availability notable in the period of about a year since adoption of the Strategic Plan.

This list is consolidated around areas of intervention that characterize current thinking in Government. The on going activities within the sector Ministry point to consolidation of the clout, status and role of the lands sector in the national economy.

5.2. Intervention Areas and Identification of Activity Needs :

A compendium of interventions for the lands sector has been drawn from the strategies, plans and programmes described under the three development phases of the sector. In Tanzania such a compendium has been deemed necessary in order to plan for the fulfilment of the Millennium Development Goals, MDG, through the national “growth and poverty reduction” strategy or MKUKUTA (see Box No. 3). The needs assessment and costing undertaken recently in context of the National Strategy for Growth and Reduction of Poverty, NSGRP (ESRF, 2006b&c), have led to: (i) the identification of all possible needs of the lands sector in Tanzania; and (ii) a clustering of needs and interventions within a logical framework of priorities and sequences of implementation. This ‘needs envelope’ is arranged in six clusters that are decomposed, through targets and activities, in special matrices (cf. Mtatifikolo and Lugoe, 2006b): The following sources could come handy in giving a broad view on the details in the clusters: FIG, 2002; Larsson, 1991; Dale and McLaughlin, 1999; Lugoe, 1996; UNMP, 2005; ECA, 2001; Ezigbalike, 1889; Blachut, 1988; and World Bank, 1992.

The historical development of the sector reveals that many of the basic and expensive needs of the sector were neglected and corresponding interventions suspended very early in independent Tanzania.

Box No. 3: Financing Activities in the Lands Sector – the NSGRP/MKUKUTA Option

MKUKUTA needs assessment and costing is an endeavour supported by the Millennium Project. Its objectives are: (i) to identify policy priorities in MKUKUTA, sequencing and linking them to sector strategies, and generate approximate estimates of resources needed to meet the targets; (ii) to develop a snap shot of a long-term strategy for achieving MDGs (2015), and (iii) to coordinate international and local advocacy for increasing international financial assistance for the MKUKUTA/MDG-related investments. The primary purpose of estimating the price tag of MKUKUTA (MDGs) is to align the national budget, sectoral plans, local government plans and foreign aid with the MKUKUTA targets.

To meet MKUKUTA’s operational targets, the financing plan must base on an assessment of needs and the cost of interventions for achieving the needs. The Government of Tanzania acknowledges that the financing gap will be large and is unlikely to be met by current projected resources from domestic mobilization and ODA that are based on historical trends and current growth forecasts. Additional resources must be mobilized. To this end, there is a need to develop a comprehensive process that is national-led costing of MKUKUTA’s interventions and actions, based on “what it will take” to meet the operational targets.

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This fact has been documented and underscored in a series of studies commissioned by the Ministry of Lands, Housing and Human Settlements Development (MLHSD), many of which have been discussed in detail earlier. We list the full set here for the record and ease of reference. The revealing studies include: (i) those leading up to identification of cadastral needs (1995), (ii) those aimed at the operationalisation of the new land laws known as the Land Resources Management Programme (LRMP, 1999), (iii) the modernisation of the Surveys and Mapping Division (SMD) and the Registrar of Titles offices (RoT, 1999), (iv) the National Housing Programme (2000), (v) the Public Expenditure Reviews (PER 2000/01 – 2004/05) and Medium Term Expenditure Framework (MTEF1 – MTEF7), and (vi) the Strategic Plan for the Implementation of the Land Laws (SPILL, 2005). The documentation for these studies has noted, with concern, prevalence of lingering problems in sector financing and the related suspension of key sector activities of the sector for over three decades. Needs that were neglected/suspended include: (i) National, Regional and District framework plans; (ii) map revision and medium scale mapping; (iii) geo-referencing framework; (iv) delivery of planned, surveyed and serviced plots commensurate with the demand; (v) due redress of proliferation of irregular settlements; (vi) urban sprawls, etc.,.

Besides the studies listed above, sector needs are also documented in the strategies and development plans (SDP) of the various divisions and agencies of the MLHSD. Of note here are SDPs prepared by: (i) the National Land Use Planning Commission (2004), (ii) the Surveys and Mapping Division (2004/5), (iii) the National Housing and Building Research Agency (2006), and (iv) a recently consolidated (short and medium term) action plan of the MLHSD.

Problems in sector financing are responsible for the continuing omissions of many needs and interventions from the Ministerial Budgets and impasse in attempting new ones deemed important in addressing poverty reduction in village and urban centres. It is not possible now, to find many sector needs listed in the MTEF costing matrices due to low budget ceilings that are set each year on the basis of previous budgets.

A comprehensive picture of activity needs has therefore become known through a gradual process of over 15 years and has now been made possible through the MKUKUTA based needs assessment and costing initiative undertaken in 2006. This comprehensive picture is presented below but could also be obtained in a series of documents prepared by the research team (Mtatifikolo and Lugoe, 2006) in six clusters. These are respectively: the national spatial data framework (NSDF); an effective national land-use planning framework (NLUPF); a focused rural land administration system (FRLAS); an enhanced urban land administration machinery (EULAM); capacity building (CB); and a policy, institutional and regulatory framework (PIRF).

5.2.1. A National Spatial Data Framework, NSDF:

This is the cluster that takes on board provision of the two key types of spatial data, namely; the framework and thematic data. The objectives include: (i) the establishment and maintenance of the geo-referencing framework; (ii) a national spatial data infrastructure (NSDI); (iii) base mapping; (iv) the launching and subsequent undertaking of hydrographical surveys and charting services; (v) mainstreaming and expansion of spatial information system tools that are built within the framework of the geo-referencing system namely, the land and geographical information systems (LIS & GIS); (vi) maintenance of territorial boundaries; and (vii) building and furnishing a national geo-information centre. The targets under this objective are realisable through the implementation of the following activities:

1. Redefinition and Designing of horizontal, vertical and Gravity networks and subsequent establishment on the ground a Framework of GPS points, Vertical Geodetic Framework and a Gravity Network.
2. Establishing a national spatial Data Infrastructure (NSDI) through bi-monthly sessions of SDI Steering Committee and its sub-committees; establishing a legal & Institutional Framework for SDI; undertaking at least 5 Studies per year; Holding Seminars; establishing SDI Clearing House Network; supporting existing distributed LIS/GIS initiatives and creation of SDI Metadata
3. Enhance base mapping by completing the Y742 Map series; Revising existing Y742 Map sheets; undertaking Country mapping at scale 1:10,000; undertaking Township mapping at 1:2,500 scale; and acquiring high resolution aerial/satellite imagery
4. Build up a functional information system by: Identifying host institutions for Lands sector information systems; acquiring hardware and software for LIS/LIM & GIS/GIM for Districts land offices; and Computerizing records;
5. Launch the hydrographical survey services by appropriate technology procurement; establishing a credible Vertical Datum (MSL); undertaking Off shore survey Works; Preparation and Production of Charts; and
6. Establishing a geo-information centre commencing with procuring services for Construction Works and Furniture; Technology; Creation of National Spatial databases; conducting routine boundary inspections; and Resolution of boundary conflicts and disputes

5.2.2. An Effective National Land Use Planning Framework:

This cluster has four main component parts, namely; national, regional and district framework land use plans (NFLUP, RFLUP & DFLUP) and the village land use plans. The land use plans are built on the needs for zoning the territory in accordance with optimal land use in order to: (i) manage investments and cross-sector development activities on land, (ii) manage re-settlement schemes and movement of livestock, (iii) promote the conservation of biodiversity and manage environmental degradation, (iv) identify and demarcate categories of land, and (v) properly manage land-use conflicts. These targets can be achieved for the envisaged time frame by:

1. Preparing National Land Use Framework Plans, Integrated District Land Use Framework Plans, and Integrated Regional Framework Land Use Plans; and
2. Setting-up, facilitating and empowering a GIS unit at the NLUPC; and Preparing 15,000 Village Land use Action Plans

5.2.3. A Focused Rural Land Administration System:

This cluster includes the set of structures and institutions that implement the National Land Policy through the Village Land Act, 1999, and the Land Disputes Courts Act of 2002, by: (i) delivering land rights; (ii) resolving disputes and conflicts; and (iii) offering certificates of title, etc., in village lands. It is a mechanism that supports land development by regulating land and property development, optimal land use and conservation of land in the rural areas. Here, targets are achievable by:

1. Carrying-out rigorous village boundary surveys; Adjudicating individual holdings therein; Issuing Certificates of Village Land (CVL) and certificates of customary right of occupancy (CCRO);
2. Enabling Districts to assist in establishing village land councils; (VLC); strengthening Ward and District Tribunals;
3. Identifying areas suitable for Agricultural and Pastoral Village Settlements; Determining and re-distributing land above the agreed minimum acreages for reduction of income poverty; Registration of people for resettlement into new villages according to land-use;
4. Conducting a fresh Delimitation of conservation areas; Delineation and demarcation surveying of conservation Boundaries; and
5. Re-instating Land Rangers; Empowering and enabling Town/Country Planners to carry out Routine Inspections

5.2.4. An Enhanced Urban Land Administration Machinery:

This cluster covers the administration of general land in accordance with the Land Policy and the Human Settlements Development Policy. The main instrument for the implementation of the National Land Policy is the Land Act of 1999 in non-village lands. Related legislation and initiatives for the other policy – the Human Settlements Development Policy – are still in various stages of development. This is a broad objective whose targets are achievable through:

1. Identifying and delimiting Areas for regularisation in Municipalities, Towns and emerging urban Areas; Creating Landed Property Registers; Identifying and determining service lines; Offering Residential Licences and certificates of occupancy(CO)
2. Setting up a fund with Seed Money for Compensation of acquired land; Identifying locations for land parcel delivery; Preparing TP Drawings; Establishing 2000 survey control points in target areas; Undertaking Valuation of land and landed assets; Acquiring land and paying compensation
3. Cadastral Surveying; Allocation of 50,000 Plots annually and issue COs; and Introducing services
4. Preparation of strategic urban development plans or Master Plans; monitoring the implementation of strategic urban plans; Preparation of Interim land use

- guidelines; Promotion of community level participation; Empowerment and Facilitation of Town/Country Planners; Carry out Routine Inspections;
5. Preparation of central area redevelopment plans for 5 towns and researched planning and space standards for the country. preparation and approval of layouts from all regions and maintaining well kept records for the country; and implementation of land use plans.

5.2.4. Capacity Building:

This cluster looks at the human resource needs for all identified clusters. Human resources include land sector-specific professionals such as land surveyors, land economy surveyors, valuers, lawyers, physical planners, architects, cartographers, photogrammetrists, and land/geographic information technologists. Others required as part of the human resource base are IT specialists, administrators, planners, and accountants. Particular attention is also given to sector-specific educators in advocacy and awareness creation programmes. The targets for objectives in this cluster are realised through:

1. Training of at least 150 Trainers for Advocacy; 1000 District Land Office Personnel on Land Administration; Village Land Committees members on Village Titling; and 600 technologists (LIS/GI technicians, dbase managers).
2. Conducting Needs Assessment and mapping the way forward; Improve technology in readiness for refresher courses; Mount Technology Refresher Courses for personnel in the sector

5.2.5. Policy, Institutional and Regulatory Framework:

This cluster covers services required in creating conditions for effectiveness and efficiency in specific or in all identified interventions. It includes providing a regulatory framework by enacting laws, harmonising sectoral with cross-sectoral laws, and strategic planning. It also envisages developing projects in close collaboration with the various lands sector MDA as well as monitoring and evaluating performance and achievements in policy. The following are the activities that will enable targets in this cluster:

1. Gathering management information and feed into activity management & coordination systems; Collect technical information and assess achievements; Measure contributions to other MKUKUTA Objectives and assess performance; Assess impact of allocated resources to implementation process
2. Preparation of Town Planners Registration Act. Declaration of urban development and redevelopment areas in at least seven regions annually; Identification of open spaces and conservation areas in at least seven regions annually; Facilitation and conducting annual conference of actors nationally aimed at integrated review of adopted land use plans and land management problems encountered nationally.
3. Reviewing the Professional Surveyors (Registration) Act No.2 of 1977 and enacting similar legislation for other professions in the sector; Facilitation and empowerment of the NCPS and similar councils with a budget, office and full time secretariat

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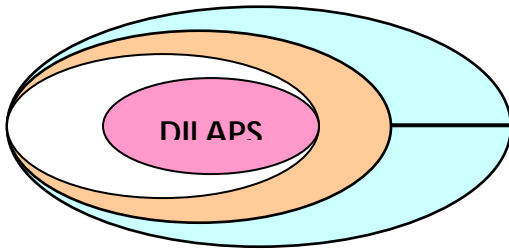
4. Enlightening MDAs on role of Land Administration in economic growth and poverty reduction; Instituting legal/institutional interventions as seen fit; Modernising Existing LAI in each Division; Preparing a phased decentralisation plan of land administration support services (**LASS**) to all Districts; Setting-up lands offices in each District; Assist **LGA** to manage local land delivery systems; Implementing and Managing a phased decentralisation plan;
5. Prepare a survey and mapping policy, review key survey laws, develop appropriate strategic plan and programme; by appoint and Financing two Consultants; Setting-up and financing monthly Steering Committee meetings; Conducting 10 Consultative Meetings; SMD Committee to follow-up on recommendations of strategy & programme; Distribute policy, legislation, strategy and programme documents; launch a Regional Advocacy in Collaboration with District Councils
6. Develop strategy and review programme for housing and settlements by Appointing and financing two Consultants; Launching and enabling monthly steering Committee meetings; Conducting 10 Consultative Meetings; enabling a HSDD Committee to follow-up on recommendations of strategy & programme; Distribution of documents; and launch Advocacy in Collaboration with LGA.
7. Setting-up steering committee and/or unit to follow-up on unimplemented SPILL recommendations; Empower Activities of Steering Committee and/or unit; Distributing Documents; Conducting advocacy & Public Education activities undertaken by Departments & Divisions.
8. Set-up a Research and Development unit in all sector divisions and agencies to Internal Studies and seminars

5.3. Sector Quick Win Activities:

Contemporary Strategic Planning, of a policy and interventions nature, require that one gives priorities and sequences interventions, especially, when the resource constraints (Funds, Human Skilled Capital, and Time) are binding. To be strategic one would identify those areas of interventions where results are both ‘conspicuous’ and significant’ to form the ‘quick win activities’. In identifying the quick wins for the lands sector we use the following criteria: (i) the time required for the activity to yield fruitful results, with the shorter the time the more likely the intervention to be included; (ii) the degree with which an activity opens up opportunities for other sectors to grow (de-bottlenecking), the higher such degree the better the chances for inclusion; (iii) possibilities of helping to multiply investment avenues (multiplier effect), the higher such a possibility the better the chances; (iv) the degree to which an intervention opens up opportunities for women to be empowered in society and in the economy as both a key resource and a primary beneficiary (address gender sensitivity) while addressing concerns of other vulnerable groups, again the higher the degree the greater the chances. Table 2 below reveals the identified quick wins of the Lands Sector against each of the cluster of objectives (cf. Mtatifikolo and Lugoe, 2006b).

Table 2: Quick Wins in the Lands Sector Cluster of Interventions

<p>1. A Satisfactory National Spatial Data Framework to facilitate the design and revision of interim land-use and master plans in rural areas and urban centres. The objectives include:</p> <ul style="list-style-type: none">○ Base map revision and provision of aerial photo mosaics and satellite imagery○ Completion of the backlog in the Survey of Village Boundaries○ Supply 10 GPS Points in Each District
<p>2. An Effective National Land-Use Planning Framework to address land-use conflicts which are presently a ‘national issue’. The Objective is:</p> <ul style="list-style-type: none">○ Prepare District Land-use Plans
<p>3. A Focused Rural Land Administration System to attract willingness in using CCRO for poverty reduction, etc. The objectives are:</p> <ul style="list-style-type: none">○ To broaden pilot projects in village land delivery and certification○ To re-instate Land Rangers○ To issue Certificates for all surveyed villages
<p>4. An Enhanced Urban Land Administration Machinery to enable development of planned settlements, resolve land disputes and address irregular settlements. The objectives are:</p> <ul style="list-style-type: none">○ To survey land parcels already provided with letters of offers but cannot be titled for lack of registered survey plans○ To Scale up the 20,000 Plots Project to cover all Cities and fast growing Municipalities○ Gazetting the abolition of villages from urban areas and/or excising village lands out of urban boundaries○ To prepare TP Drawings for all areas of Dar Es Salaam City
<p>5. Capacity Building for the Sector with these objectives:-</p> <ul style="list-style-type: none">○ To recruit personnel with the capability to take custody of/and provide guidance on the multi-profession records of the lands sector○ To educate the public on the Fundamental Principles of the NLP through the media
<p>6. An Effective Policy, Institutional and Regulatory Framework. Aimed at instituting measures that show ‘visibility’ of government efforts on land issues and inter-sectoral links that add to the ‘credibility’ of the sector and empower Districts land offices to be seen as part of decentralization by devolution. The objectives being:</p> <ul style="list-style-type: none">○ To enact effective laws to control land development, land-use planning and town planning○ To harmonise “land-use” laws with the Land Acts○ To avail District Land Offices with authenticated copies of basic land records such as TP Drawings, Registered Survey Plans, Certificates of Titles, etc.○ To strengthen Land Disputes Courts



5.4. Estimated Cost of Identified Activities:

In each of the historical phases, it has been possible to identify sector activities for which resources have been and/or are being mobilized, with a goal to enable the use of land for the benefits of the economy and the users, including the reduction of poverty. The cost of such undertaking has been estimated at: (i) 57 Billion Shillings for the short-term sector quick win activities; (ii) Shillings 213 Billion more, to a total of 270 Billion Shillings, are required to finance activities in order to achieve the medium term objectives of the NSGRP/MKUKUTA. The estimates for activities under each objective (see Table 6) are as follows: A Satisfactory National Spatial Data Framework (129.84 Billion), An Effective National Land Use Planning Framework (25.46 Billion), A Focused Rural Land Administration System (19.46 Billion), Enhanced Urban Land Administration Machinery (53.40 Billion), Capacity Building in the Sector (16,15 Billion) and An Effective Policy, Institutional & Regulatory Framework (25.92 Billion); and (iii) an additional 12 Billion, to a total of 362.353 Billion Shillings, are needed to finance long term activities under the Millennium Project (ESRF, 2006b).

5.5. Brief Discussion and Sum-up:

The recent grand initiatives discussed in section four above unveiled three phases in the recent history of the Lands Sector in Tanzania – an **Awakening Period** associated with PER 1 and 2 and the initial attempts with MTEFs, the **Consolidation Period** since MTEF 4 up to the time of SPILL and the **Drive to Maturity Period** which is the current one with MKUKUTA, MTEF 7 and the activities under the Millennium Project. These phases are elaborated in the historical land tenure dynamics discussed in a parallel paper entitled “Focal Issues in Land Administration Reforms” for this conference. Activity showcases of the third period have also been outlined which continue to enhance the credibility of Tanzania’s Lands Sector in the national economy through better and strategically focused land administration machinery.

The discussion thus far, and the detailed reports under this study, point to the fact that all conceivable sectors are users of some services provided by the Lands Sector. The sectors represented in the Tanzania study (ESRF, 2006a) are obvious examples and have been outlined above. The same note shows that the Lands Sector is not a particular user of significant services from any other sector. The only “sector” with which convergence and overlaps are conspicuous is PMO-RALG, and here one expects with devolution of powers to the local government authorities (LGA) under the local government reform programme (LGRP) there will be clear definitions and divisions of functional responsibilities between MLHSD and LGAs. We therefore need no reminders that the

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lands sector activities (services and products) enable other sectors operating on the land (agriculture, settlements, mining, roads, energy, etc) to function properly (cf. ESRF, 2006c). It is important, in this case, to note that dependent Sectors should clearly mainstream the services of the Lands Sector in their activity needs identification and probably, costing. Also, where the activities of the Lands Sector generate a National Resource in the form of a “Public Good” useable in certain key sectors such an exercise should be acknowledged as a National Exercise, and all National Resources earmarked for that Public Good should be availed to the Lands Sector. In mind here is the National Mapping Programme where the other ‘sectors’ such as Defence, Weather Services, Transport and Communications, River Basin Management Programmes, etc., can “free-ride” if they are not tasked to release relevant resources meant for such exercises to the Lands Sector. Such cross-sectoral services should be reflected on the Revenue side of sector operations as the sector is allowed to recover costs of the services it offers to other sectors (surveys, mapping, land-use plans, settlements planning, etc.)

As remarked above HIV/AIDS and Governance/Corruption belong in national programmes, and so individual sectors, including the Lands Sector, cannot accurately take up a complete picture for related activities. Gender and Environment considerations are included explicitly in every programme.

This section has discussed and clustered issues governing the most current thinking in the government and key stakeholders on the needed interventions and hence activities in the sector. All the nine Key Result Areas in SPILL find their logical place in all the six NSGRP/MKUKUTA clusters of the “current thinking”, and to these are added, for completeness sake, ‘concerns’ under the Housing and Human Settlements Sub-sectors, which were not explicitly included in SPILL but are part of the sector Ministry mandate. Moreover, the showcases discussed cover issues that appear in all the core areas of the ‘current thinking’.

This section has been able to identify, consolidate and cluster areas of intervention for the sector, which incidentally closely tie in with the most current language of the MTEF Seven. We recall that the current MTEF (2006/07-2008/09) has the six MTEF Objectives (KRAs in the log-frame language) as Land Security of Tenure, Efficient and Effective Survey and Mapping, Sustainable Human Settlements, Proper Resource Management and Accountability, Effective and Efficient Service Delivery, and the Fight against the HIV/AIDS Scourge. Budgetary operations are seen to be more amenable to this kind of clustering along ‘technical and accounting lines’ as put up in these MTEF Objectives. It is easy to see that these can easily be translated into the “thematic” clusters in the NSGRP/MKUKUTA ‘current thinking’, which approach the same objectives from areas of operations. For instance the first cluster of National Spatial Data Framework as well as the second one of National Land Use Planning Framework are closely identified with the second MTEF Objective of Surveying and Mapping, but they also feed significantly into the third Objective of Sustainable Human Settlements. Clusters 3 and 4 on rural and urban land administration are at the core of the first MTEF Objective of security of land tenure as enshrined in the Village Land Act and the Land Act, respectively, even as they also feed a lot into designs of efficient service delivery systems and into transparency and

accountability too (which are covered under the fourth and fifth MTEF Objectives on service delivery and transparency and accountability in resource use and management). Finally, Capacity Building and the Policy, Institutional and Regulatory Framework are crosscutting issues that cater for all clusters. The scourge of HIV/AIDS is a national issue and each sectoral programme addresses it mandatorily; whereas it is also covered by a well-funded national Programme and extends its tentacles to all the sectors.

The fact that we have already linked MTEF to the National Strategy for Growth and Reduction of Poverty (MKUKUTA) and the Millennium Project's MDGs means that we need not labour ourselves to link the 'current thinking' to such frameworks (MKUKUTA and MP/MDG) – the link is direct and obvious.

6. CONCLUSIONS AND THE WAY FORWARD

In five sections above we have given the context of the sector and its mandate in the national economy, the framework for its financing through the annual budgets that follow PER/MTEF operations, and how the same link the sector to the National Strategy for Growth and Reduction of Poverty which is the Medium Term operational framework for the National Vision (2025). This flow of logic led to conclusion that the sector has increasingly become 'visible' and 'conspicuous' in the national development agenda. The paper has further identified the recent phases, from sector **Awakening**, to **Consolidation**, to the current phase of **Drive to Maturity**, and concluded with identification of Intervention Areas as clusters representing the most 'current thinking' in government and stakeholders of the sector. Some recent showcase projects show the emerging vitality of the sector in all its core mandate areas, namely; guaranteeing the security of land tenure. In conclusion, it is important to look at a few pointers and prognosis for the Way Forward for the lands sector as captioned hereunder (given as summary conclusions and recommendations):

6.2. Since it is being confirmed that the sector is now in the phase of Drive to Maturing the first recommendation would be for ensuring that they is 'no going back'. The sector should continue to reveal itself conspicuously as an indispensable in the operation of the other sectors in the economy so it can maintain, and even raise, its share in the national budget The Government should also learn from its own experiences on the adverse effects of neglecting a core sector of the economy such as this.

6.3. The sector is known to have the largest forward linkages to the other land-intensive sectors like agriculture, livestock, mining, water systems and river basin development, infrastructure (roads, electric transmission systems and

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water dams, etc), and so such linkages should be acknowledged and respected in all national plans (ESRF, 2006a,b,c). In this vein there should be deliberate effort to decompose and isolate the “Land Sector Component” in each and all major national or sectoral projects so that the relevant resources for such components are given to the Lands Sector.

- 6.4. Even as the land administration is seen to be the core function of the sector ministry, the functioning of the sector mandates (especially in areas of Land Management and Human Settlements Development) is seen to involve many actors like the PMO-RALG within the public sector, Professional Associations, the Civil Society Organizations, and the Private Sector. The logical recommendation on this is for the relevant key stakeholders to constitute the Legally Binding Forum to harmonize and rationalize operations at the level of the sector, including the co-option of Development Partners who may wish to have stakes (and help in financing operations) in the sector.
- 6.5. The sector is intricately linked to the core of the National Strategy for Growth and Reduction of Poverty and therefore to the Millennium Development Goals. It is logical thus to recommend that any resources flowing to the national economy under the Millennium Project should, in a significant way, find their way down to the sector so it continues to fulfill its mission to enhance national capacity for meeting the MDGs.
- 6.6. Recent studies such as SPILL and the Costing Exercises under the Millennium Project have revealed the revenue potential of the sector to finance itself as well as to significantly contribute to the national budget for other sectors. In this vein it is recommended that such studies should be scrutinized with a view of unleashing such a potential. Both ‘carrots’ and ‘sticks’ are required: carrots in the form of assured tenure security through credible and timely delivery of Titles to Land, and support to enhancing land productivity and infrastructure; ‘sticks’ by way of enforcing bylaws on various taxes and levies, on the environment and on gender issues in land matters.

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