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on
Tanzania Local Government Support Project

ASSESSMENT OF
MAIN URBAN LAND USE ISSUES IN TANZANIA
FINAL REPORT

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Foreword:
This is a report on a short Consultancy assignment, on the subject of Urban Land Use in Tanzania, commissioned by the World Bank. As part of the ongoing research on urbanization the urban team has sought to investigate further, the main issues affecting urban land, so as to inform the team’s efforts in the on-going Local Government Reform Support Project.

As is the case in the rest of the world, urbanization is happening in Tanzania and it is expected that by 2030, more than 20 million Tanzanians will live in urban areas. The use of land is one of the main variables that may either make urbanization unmanageable or, on the contrary, may unlock the potential for growth by making land accessible for productive uses. The investigation reported here, looks at the critical elements that are constraining or enabling the potential of land to stimulate growth in urban areas. It is expected that this assessment will document what are the main positive and negative issues affecting the use of urban land, and point at a number of policy alternatives to deal with those issues.

The study report leads to the identification of the critical elements of the relationship between land use and economic growth in urban areas including: (i) the process of land allocation i.e., which processes are working or not to ensure the efficient and equitable allocation of land for both residential and commercial uses; (ii) the main land related constraints when firms, including investors, want to start businesses; (iii) the process of land ownership, for a variety of uses in urban areas; (iv) the main land use planning actors and their functions in urban areas; (v) availability of serviced land and the main elements that affect the supply of such land; and (vi) land use regulation, i.e., the main issues surrounding land regulation (use, sizes, etc.) so as to explore whether or not the current procedures for approval and change of land regulations enable or constrain the efficient use of urban land.

NOTE: In this report “Tanzania” means “Tanzania Mainland.”
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ASSESSMENT OF MAIN URBAN LAND USE
ISSUES IN TANZANIA

by

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1. INTRODUCTION:

Urban land use in Tanzania has been regulated for almost a century. Much effort was put into setting-up and enforcing the land regulatory framework after World War II, particularly as Tanzanians started living in towns as workers in government establishments, manufacturing and transport industries, and in private trade activities. The early towns in Tanzania then started off and grew, partly as Administrative Towns. The towns shortly became centres of small-scale manufacturing, commerce, transport and communication. Towns grew slowly, until recently, and many remained too small to require settlement-planning interventions.

Land has remained the lead sector in a cluster of several sectors, of a Government Ministry that has changed names several times from: “lands and surveys” before independence; to “lands, forestry and wildlife” up to 1963; to “lands, settlement and water” up to 1968; to “lands, housing and urban development” up to 1984; to “lands, natural resources and tourism” up to 1986; to “lands, water, housing and Urban Development” in 1987; to “lands, natural resources and Tourism” up to 1990; to “lands, housing and urban development” up to 1995; to “lands and human settlement development” up to 2005; and to “lands, housing and human settlement development” to date. All changes retained land as the basic sector showing, albeit in principle, the central role of land in natural resource management and generally, socio-economic development of the country as viewed by policy makers throughout the last half a century. The clustering also names some of the economic sectors, besides agriculture that are closely linked with lands to include: natural resources - forestry, wildlife, water; the built environment – human settlements (including housing and urban development); and tourism.

The land delivery sub-sector, in the 1950s and 1960s, fell under various government departments (now divisions) such as: “Land”, “Lands and Surveys”, “Surveys”, “Air Surveys” and “Surveys and Mapping” Divisions. There was no department of “Urban Planning” until much later into independence. The office of the Chief Government Architect took up town planning activities, whilst the surveys department undertook the design of settlement layout activities as well. It can be inferred here, that surveys, and particularly cadastral survey services, were regarded as crucial to urban land delivery as far back as the 1950 or earlier.

This report discusses urban land access, which has been constrained for several decades now, to the extent of causing problems to the safety and security of human settlements. It looks into the issues revealed by urban land scarcity at a time of fast urbanization of
the many cities and towns in the country. The thrust of the discussion is guided by the fact that scarcity is the opposite of abundance. Policies must look at ways and means for abundant land in urban areas. The report therefore covers land allocation successes and failures and consequences of the latter case, in readiness for policy changes.

**CURRENT LAND REGULATORY MECHANISM:**

From the 1970s to date, four Government Divisions governed land delivery in the lands sector namely; “land development services (LDS)”, “surveys and mapping (SM)”, and “human settlements development services (HSDS)”. Human settlements activities were, in 2000, combined with housing activities to form one division – HHSDS and separated again this year (2008). Today land delivery is a core mandate of the land administration system of a Government Ministry responsible for lands, housing and human settlements development to provide for: (i) land and property development; (ii) use and conservation of land; (iii) revenue collection from the land through taxation, leases and sale; and (iv) to resolve possessory and land-use disputes and conflicts for the productive, recreational, and other needs of the public - individual citizens and their businesses in accordance with agreed land use patterns.

Land delivery processes in Tanzania include the specific activities of planning, developing and regulating human settlements in the broadest sense. These functions are vested in both the MLHHSD and PMO-RALG where, in principle, the former regulates and the latter implements the developments on the ground. The national land policy of 1995, the human settlements development policy of 2000 and a number of laws and statutory instruments guide the day-to-day regulation of land access. The lands sector oversees and implements current main legislations on land namely, the Land Act, 1999; the Village Land Act, 1999; The land Disputes Courts Act (Act No. 2 of 2002); Urban Land Use Act of 2006; Rural Land Use Act of 2006; The Land Registration Ordinance (Cap 334); The Land Survey Ordinance (Cap 390) of 1959; The Professional Surveyors Registration Act of 1977; and corresponding subsidiary legislations and regulations.

**ON LAND SCARCITY IN URBAN CENTRES:**

Land scarcity in urban centres refers to the unavailability of planned, surveyed and serviced land parcels, better known as plots in Tanzania. As land availability is a regulated process so is land scarcity. The truth in this statement is most appealing as loopholes in the regulatory frame could easily be interpreted as conscious decisions against land access. Land scarcity can be an outcome of an under performance in an established system or of a breakdown of any or several of these processes through policy deformation, lack of resources or illegal acts. Land scarcity can also be due to prevalence of several other issues such as: diverted focus in the obligations of the various institutions, inappropriate strategies including weak coordination thereof, overburdened responsibility and neglect. All in all, land scarcity means unavailability of planned urban plots for development when demand far exceeds supply thereof.

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1 Land delivery, including the creation of plots, is a Government regulatory responsibility in Tanzania. The laws and other regulating mechanisms, as well as experience has deeply entrenched this responsibility to a level whereby alternative change may not come easy. For example, the national land policy expected survey of plots to gradually move to the private sector after 1995. But, 13 years later today, very little seem to have has happened.
Land availability is contingent upon the well functioning of several processes namely: (i) declaration and regulation of planning areas; (ii) land acquisition or transformation of lands in planning areas to public lands; (iii) physical planning of land through master planning or its alternatives; (iv) detailed planning of residential, commercial and recreational layouts; (v) cadastral surveying or the transfer of physical and layout plans to the ground; (vi) allocation of plots to applicants for development; and (vii) land development control (in urban areas). These processes require well functioning institutions as well as availability of services and land tools or products on the market. Among the institutions that are vital for a well functioning sector are, of course: (i) local government authorities (LGA) and central government ministries, departments and agencies (MDAs); (ii) private sector companies and agencies; and (iii) civil society organisations (CSOs) that focus on facilitating and enabling the mentioned processes.

Scarcity of land in urban centres often starts with unavailability of surveyed land parcels for allocation. Such scarcity often opens up informal avenues for land availability. These avenues are not regulated. The lands therein are not planned for human habitation and services are therefore poor. Under conditions of high levels of poverty encountered in Tanzania today, the transactions inadvertently lead to under valuation of properties and pose bigger problems in dispute and conflict settlements than otherwise. In Tanzania, the President can declare any area to be a planning area. Land, in such areas, is then subjected to compulsory takeovers by the planning authority after due compensation has been paid. Developments are not allowed after the planning declaration becomes effective unless authorised by established planning authority. But, often many years pass without action towards compensation by planning authorities. Traditional and other landowners then become compelled to enter into private transactions that lead into “illegal” land development and squatting. This is the predicament standing before many, if not all, urban centres of Tanzania today.
2. SUPPLY AND DEMAND ISSUES:

Planned supply of urban plots can destabilise communities as some people are displaced by the declaration of planning areas leading to lands being allocated to aliens. It is prudent therefore that there exist a demand for such services and supply be but, a response that leads to land development. A demand could be created through needs such as increasing urban populations and particularly, the need to resettle migrants. This section discusses the two sides of an equation that fit into each other like a jigsaw puzzle and one that is full of intrigue in the context of Tanzania’s urban land development.

ISSUES OF DEMAND FOR URBAN PLOTS

There has always been a demand for plots in urban areas of Tanzania following the urbanisation trend. Reports of the various divisions of the land sector Ministry in Government, indicate the ability to cope with the situation of increasing demand for land in urban centres throughout the 1960s. At this time the needs for plots, both residential and commercial, were supplied in accordance with demands, which were promptly met. Demands were satisfied on a policy objective so as “not to stall development on account of absence of plots.” The scenario changed abruptly in 1972 and could not be rectified until today.

The reports show an abrupt rise in demand as Government embarked on housing schemes shortly after independence. To quote from the 1964 annual report of the Survey Division “This increase has resulted largely from the numerous re-settlement and housing schemes initiated in most of the major townships for Government High Density development and National Housing Corporation layouts.” The NHC was established two years earlier to construct low cost houses for rent under the slum clearance programme and houses for outright sale or tenant purchase schemes, among others.

Monitoring the Demand:

The increase in demand was not monitored after 1971. It can be recalled that in 1972 Government administration machinery was decentralised to the Regions in a political move called “Madaraka Mikoani”. In this move District Councils were repealed and District Development Directorates (DDD) were established under the coordination of the Regional Development Directors (RDDs) (Mollel, in CASLE 2006) that governed all sectors under one umbrella. RDDs dealt with most land matters at regional level except issuance of Title Deeds. The directorates dealt also with all sectors but due to dwindling economic fortunes, had their own priorities. Land delivery activities received little attention and were starved of resources. Consequently, urban cadastral processes, in particular, nearly came to a halt. Within a few years of this change in government administration, informal settlements mushroomed in towns and particularly, in the City of Dar Es Salaam as the demand far overwhelmed supply.

The policies of the 1960s on housing seemed to be failing as slums grew by the day. It was under these circumstances that a national conference was convened in 1981 in Arusha. The conference, labelled “Towards a National Housing Policy” (GoT, 1981), made the observation that “the population in urban areas is growing at a fast rate – in
Dar Es Salaam the growth rate is 9% per year”. Consequently, by the year 2000 the urban population could reach 30% of the national population. But, “sites and services project provides, on average, only 2000 serviced plots per year compared with a demand of 12,000 plots per year. Moreover the cost of infrastructure to each plot is relatively high. This project is also understaffed”. The Arusha, Conference on Housing Policy held that the annual national demand for urban plots should be considered in the developing of a housing policy.

Assessing the Demand

The very low urban plot output throughout Tanzania, experienced since 1972, has resulted in an accumulated demand for urban land. In his budget speech to Parliament in 1985, Minister Paul Bomani put the annual demand of plots at 12,000 (Bomani, 1985), same as reported to the conference in 1981! In the subsequent year, the figure was revised upwards to 13,000 (Ng’wandu, 1986). If slum expansion is some indicator of unsatisfied demand then the houses constructed in unplanned areas of Regional headquarter towns alone five years earlier was about 10,000 compared to 2,000 constructed in planned areas (GoT, 2000). The Ministers’ figures could not have reflected reality.

In his research work, Kaitila (1987) quotes several sources and places the accumulated demand for plots, by 1983, at about 127,000. Another assessment is provided in the National Land Policy, which puts the accumulated demand for urban plots nationally at 150,000 (NLP, 1995).

Reporting to the annual surveyors’ conference in 1997, the Director of Surveys and Mapping stated that “the demand for plots are estimated at 157,000 as of march 1993 with 70% being residential, 25% commercial and 5% other uses.” “Large urban centres have higher demands with Dar Es Salaam leading with current needs standing at 30,000 plots annually”. He added that “many villages are now regarded to be trade centres or townships but their plot needs are not included in the quoted demand of 157,000”. The Director’s assessment of 30,000 plots per year could have been closer to the truth than previously stated estimates since in 2002 Dar Es Salaam City Council alone put the number of housing units going up in the city every year at 15,000 units mostly outside planning areas, and also outside formal land delivery processes (GoT, 2001).

More investigations show that “between 1999 and 2001, the various Dar Es Salaam authorities received 243,473 applications” for plots (Kironde, in CASLE, 2006), which registers an average of 24,347 plot applications per year. This estimate was made at a time referred to by the public expenditure review (PER) study report (GoT, 2001) that most applicants had lost hope in the official land delivery channel and had turned to informal markets to obtain land for their development needs. The demand could therefore be much higher than portrayed in the stated figures. It is of note that informal land markets had evolved in planning areas where all land access is supposed to be controlled by a framework that has no room for delivery of unplanned and unsurveyed land. This implies that even development control had itself failed.

The Real Demand:
The various figures on plot demand provided above are but diagnostic and far underestimated. One sees a nearly constant annual demand and almost constant accumulated demand over three decades, both of which cannot reflect reality. Reality
can be approximated using number of houses that could not be built in planned areas, and now constitute elements of regularisation of slums in addition to those constructed in planned areas for the time period under discussion.

Unfortunately numbers of houses built in informal areas are not readily available for all urban centres except Dar Es Salaam where investigations have unveiled data for only four epochs of time. The numbers of houses in unplanned areas of Dar Es Salaam at the four different epochs of time are displayed in Figure 1 showing: (i) house numbers given in the human settlements development policy for the year 1972/73 at about 50,000 (GoT, 2000); (ii) figures of 96,000 houses up to 1981 (GoT, 1981); (iii) 200,000 houses in informal settlements in 2000 (GoT, 2000); and (iv) 500,000 houses existing in those settlements in 2006 (cf. Kironde in CASLE, 2006). The numbers of buildings in the latter case have been obtained from property tax databases in Dar Es Salaam and could be more reliable than the rest.

![Figure 1: House Constructions in Dar Es Salaam City’s Unplanned Areas](image)

It still remains unknown as to how many buildings can be identified in informal settlements in other cities and towns of Tanzania.

**Demand for Land for Investment**

Despite achievements in national land policy and legal reforms of the 1995 to 2002, there still remain serious difficulties in accessing land for investment purposes in Tanzania in all categories of investment that include; land for industrial, commercial, housing, hotel and agricultural developments (Mollel et al, 2007).

![Figure 2: Rural Urban Applications Compared](image)

The Tanzania Investment Centre, reveals that so far there are 4210 registered investment projects at TIC, with an annual registration average rate of about 270 new projects. Out of the 4210 projects, 3280 or 80% thereof require access to land parcels to
be operational, though not all have specifically applied for land (ibid.). TIC estimates that only one-quarter of the serious investors can get land through the existing land delivery system. An analysis of data provided in the applications lodged with the Tanzania Investment Centre shows further that the total number of applications for land allocation was 440 for the period 2004 – 2007 (Mollel et al, 2007, 2008). The Investment Centre has however, been able to issue derivative titles to 13 applicants only. This data implies that so far TIC has served less than 1% of investment applicants. All in all, about 74% and 26% (see Figure 2) of applications for land access were specific on rural and urban lands respectively.

**Demands of Urban Lands by Investors:**
The total demand for urban-related land based on the 440 applications is approximately 80,000 hectares (Mollel et al, 2008). This is an equivalent of 160,000 industrial-size or commercial plots based on the assumption that each plot requires ½ hectare of urban land. Urban land needs for investment opportunities in Tanzania consists of land parcels for: (i) Construction of Hotels; (ii) Manufacturing Industries; (iii) Education Institutions; and (iv) Housing Estates. The requirement for land for urban-based uses seems to be spread countrywide.

![Figure 3: Land Requirement for-Urban Related Investments by Number of Applications](image)

The distribution of requests per Region, in order of decreasing number of applications, is as shown in Figure 3. The coastal regions, namely Dar Es Salaam, Coast, and Tanga come out strongly in the eyes of investor preferences followed by Arusha, Morogoro and Mtwara, in that order. Ideally, such urban land requirements should be taken care of through the normal urban planning process. Each planning authority is responsible for supplying sufficient land for every use. However, the supply of investment sites seems to lag behind in both quantity and quality of lots.

**On Investing in Village Lands:**
Village land means land declared as such in accordance with section 7 of the Village Land Act No. 5 of 1999. The setting of village boundaries is regulated by other laws principally, the Local Government (District Authorities) Act, No. 7 of 1982. The Commissioner for Lands (CoL) is involved in issuing a certificate of village land after the village boundaries have been delineated to the satisfaction of the Director of Surveys and Mapping (DSM). The certificate is issued in the name of the President and confers upon the village council the function of management of village land.
The Village Land Classification Model (VLCM): Section 12 of the Village Land Act provides a village land classification model that is comprised of three classes, namely; (i) customary, (ii) communal and (iii) vacant lands. Customary land is that land, which is being occupied or used by an individual or family or group of persons under customary law within any Village boundary. This category includes land already being held under a right of occupancy. This land category is not subject to allocation by the village council since it is already occupied. It also includes other lands, which can be the subject of a grant of customary right of occupancy by the village council to a villager who is a citizen. The category of communal land consists of land, which is occupied and used or available for occupation and use on a community and public basis by the village. This category of communal land is not available for grants of customary rights of occupancy or derivative rights to investors. The vacant land category is land which may be available for communal or individual occupation and use through allocation by the village council by way of customary right of occupancy or derivative rights such as leases, licences and other derivative rights.

There are several challenges associated with land delivery in Villages particularly where the Village Assembly is not involved. A couple of these include: (i) a weak and relatively poor composition of the village council pitied against the powerful investors in an environment of big bucks; and (ii) the method of adjudication selected has real weaknesses unless the process is taken as a start of a more rigorous method in a progressive titling scenario. It suffers from human problems such as death, emigration or a change in mind by witnesses to the process. Also, unless the adjoining land parcel owners are always in agreement, cases of shifting evidence have been reported in many areas and could cause conflicts (Lugoe, in CASLE, 2007).

Village Land Occupation by Non-Village Organisations: Section 17 (5) of the Village Land Act No. 5 of 1999 relates to occupation of village land by non-village organizations. If such an organization wishes to obtain a parcel in the village for its operations it can apply to the village council for that land. Without the approval or consultation with the village assembly, the village council can recommend to the Commissioner for Lands for the grant of a right of occupancy. Also under the Village Land Act: (i) a villager may freely assign his/her customary right of occupancy to another villager or group of villagers. However, the parties are required to notify the village council of the proposed assignment.

A non-citizen has been given special consideration in the NLP and legislation, which recognizes that land is available for investment purposes. However, it is noted that in the past big parcels of land have been allocated to individuals, private firms including foreign investors regardless of their proven ability to develop the land. As a result large areas of land remain undeveloped or are held for speculative purposes. Therefore, land selected for investment and allocation should be conditional on ability to develop the land. The application of this conditionality for foreign investors is vested in the Tanzania Investment Centre. It is further worthy of note (cf. Fimbo, 2004) that: (i) there is no restriction on purchases of land parcels by investors, from government, through auctions or tenders or from the Presidential Parastatal Sector Reform Commission (PSRC) in the process of privatization of public enterprises; (ii) a non-citizen may obtain a derivative right from a village council under section 32 of the Village Land Act, nor is there any restriction placed on purchases by non-citizens of rights of occupancy or even customary rights of occupancy in the market place; (iii) there is no
restriction on purchase, by non-citizens, of shares in companies holding rights of occupancy.

**ISSUES OF SUPPLY OF URBAN PLOTS**

Each Government of the day, in pursuit of its policy objectives, has tried to cope with the perceived demand for plots in various ways. This section discusses plot outputs that are necessary in addressing land scarcity as indicated earlier. It starts with analysing the trend in plot outputs in the context of resources.

**Plot Production in the Post Independence Decade:**

Plot numbers given in the annual reports of the Survey Division for the respective years have been assembled for the purpose of this report as can be seen in the tables in the appendix to this report.

![Figure 4: Trend in Output of Urban Plots in the 1960s](image)

When these annual plot production numbers are presented in chart form, a trend evolves that typifies a decade’s production. Figure 4 indicates the supply or outputs in plots surveyed, which is seen to be rising with time from 720 in 1959 to 3,493 in 1963 and higher in subsequent years.

The divisional annual reports further show that the plots were produced by an average of between 46 and 56 surveyors and assistant surveyors countrywide. However, measures taken to allow assistant surveyors and survey assistants more responsibility in plot production towards the end of the decade, coupled with University of Nairobi outputs, starting late in the same decade, worked well (Lugoe, in CASLE, 2007b). In December 1969 all non-Tanzanian surveyors resigned and left the country. Paradoxically, the resignations did not adversely affect plot production. On the contrary, as Figure 4 shows, there was a sharp increase, in the output of plots in the following two years.

Assessment of the annual divisional reports shows that the country witnessed an exponential growth in plot production, from 12,000 plots in 1969 to 15,000 in 1972 when it reached a three-decade supremum (MLHSD, 1959-1967). The figure of 15,000 urban plots output, attained in 1970/71, remained the highest output in nearly thirty years in spite of technological backwardness, inferior skills and lower capacity levels of that era. Experts are of the opinion that had this momentum been kept at this level or higher, Tanzania would have avoided the kind of gravity in urban land use problems that are a daily living in today’s Tanzania.
Supply of Plots of the Post 1970/71 Era:

The production of urban plots grew in late 1960s and early 1970s alongside demarcations of plots in Ujamaa villages, as can be seen in Figure 5 below, where the number of urban plots produced decreased sharply. It is not clear whether or not policy makers expected Ujamaa Villages to filter out or control the flow of populations into the urban centres, at the time, enough to deliberately warrant slowing down the creation of urban plots in favour of land demarcations in the villages.

![Figure 5: Growth in Urban and Village Plots (1968 Onwards)](image)

The production of urban plots nearly came to a halt starting 1972/73, with a national average annual output of 2,000 plots only for the over 100 towns of Tanzania. The gloomy scenario with urban plot production in the late 1970s continued into the 1980s as is provided in the chart (Figure 6) below. The chart reflects an average annual production of 4480 plots equivalent with the 1965/66 output – about two decades earlier. Peaks in the chart are outputs from special projects particularly, the sites and services project that had been brought on stream in the city of Dar Es Salaam and will be discussed briefly later in this report.

![Figure 6: Trend in Output of Urban Plots from 1977/78 – 1985/86](image)

The plot production numbers decreased at a time when more Government surveyors were available than ever before. The Survey Training Centre that produced survey technicians in the 1960s had been expanded and upgraded both in quality and quantity to Ardhi Institute in 1972. Ardhi Institute was producing assistant surveyors from 1974 and professional surveyors from 1978. Many of its graduates had already joined the job market as Government Surveyors in the Ministry of Lands and in the Regional Surveyors’ Offices. In addition, Graduates from Universities abroad, at the rate of between three and five annually increased this number from 1978, and almost all had been absorbed by the Ministry of Lands and into Regional Land Survey Offices.
Slowing Down and Stoppage of Key Land Delivery Processes:
Whatever extinguished the 1962-1972 land delivery flame seen in Figure 4 above, has been a subject of discussions, studies, policy proposals, strategic thinking, legal amendments, regulation, etc, for over thirty years now and a solution, though crystal clear to professionals, has not adequately been assimilated by policy makers and financiers.

Policy Changes: In 1972 Government administration machinery was decentralised to the Regions as stated in section 2.1.1. All land delivery activities were brought under the DDD/RDD except the issuance of Title Deeds. Following these changes in Government Administration Policy that engulfed the abolition of local governments, the Ministry of Lands left all plot surveys in the hands of regional staff who were also dealing with urban and village plots with more emphasis on the latter. There was no budget item for surveys at the sector Ministry.

As production of village plots went up, that of urban plots went down and before long many towns could not satisfy even 10% of the demand as the Figure 7 shows. Noting the effect of this neglect of urban plot production on urban housing, the Arusha Conference on Housing Policy suggested that “slum development should be forestalled by provision of well defined plots.” But, diminished total output nationally, continued well throughout the 1980s and 1990s until the commencement of the 20,000 Plots project in 2002.

With the problem growing worse in townships and Dar Es Salaam City in particular, Government sought World Bank assistance and embarked on the Sites and Services Schemes (SSS). The project was operated by the Ministry of Lands by setting up survey teams for the regional towns and Dar Es Salaam. But, even this coordination was surrounded with problems. Among the problems included capacity, as surveyors had been demobilised to undertake plot demarcations in villages.

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The Minister of Lands’ report in the Budget Speech of 1976/77 states that his Ministry had not succeeded in setting up “the two teams promised in the previous year” due to “difficult economic times and lack of professionals for these teams”. It is noted that the re-assignment of many professional surveyors to the demarcation of village plots was political priority. Also, consequences of the “Iddi Amin War In Uganda” and poor performance of the economy were now heavily felt by Government and particularly by the land delivery mechanism.
This trend in budgeting was set to continue for many years into the future as no turn around in policy and economic fortunes were in sight. As history would have it the Ministry of Lands, and SMD in particular, would be forced to suspend most of its activities and its products would not be made available for physical planning and land delivery in towns for many years to come for lack of a development budget (GoT, 2001). Suspending its activities meant adding insult to injury as production of urban plots had already stalled.

**GOVERNMENT REMEDIAL SUPPLY OF URBAN LAND:**

The Government of Tanzania started financing land development projects just after attaining independence in 1961. Access to decent housing was a political priority issue of the newly independent nation. Hence, the focus was on provision of residential plots in urban areas. Government started off by providing plots urgently and timely in order to avoid delays in urban development (1961 – 1972), before adopting the squatter clearance programs and squatter upgrading when urbanisation overwhelmed urban planning. Subsequently, the sites and services scheme was launched and the NHC established. These were seen as moves aimed at addressing land and housing availability for those living in squatters. In addition, the Government introduced the housing finance approach by establishing the Tanzania Housing Bank. All these programs were directed at facilitating the development of housing for low-income earners. Allocation was directed towards local population and land was considered to have no value hence urban plots were allocated free of charge.

In the year 1978 the government embarked on a broader land delivery programme for housing purposes. It initiated the planning and survey of residential plots in Tabata, Mbagala, Kinyerezi and Mbezi areas of Dar Es Salaam City. The residential plots produced through these programmes were of the single lot development type. Almost all of them were designed for single-family occupancy. There were no areas set aside for large-scale investments in housing or other big businesses. There were no sites for apartments and no areas for condominiums in the developed schemes. Plots for other non-residential uses included in the planning schemes were coincidental rather than complementary. There were no thorough studies on the demand for plots for particular land use in a certain location. For example industrial sites at Kitunda, also in Dar Es Salaam, were never developed as was intended.

The Government came up with the Growth Centre Policy during the Second Five Year Development Plan that had an impact in land delivery in Tanzania. Nine major urban

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2 The regulatory framework for land access in urban Tanzania has provided no room for informal land access. Once declared a planning area, landowners in that area are supposed to desist from “permanent” developments unless under permit of the rightful authority. It was envisaged that informal land access would simply NOT be possible, as planning and surveying (fixed boundaries approach) would be ahead of developments, which was possible in the 1960s. It is worthy of note that Section 22 (c) of the Land Act No.4 of 1999 sets as a condition that: “a granted right of occupancy shall be of land that has been surveyed.” Further, section 22 (d) continues that; “a granted right of occupancy shall be required to be registered under the Land Registration Ordinance, ....” In turn section 88 (i) of the Land Registration Ordinance reiterates the provision of section 22 (c) of the Land Act stating that; “no estate shall be registered .... and no parcel shall be divided on a disposition, transmission or mutation except in accordance with an approved survey plan.” In short, no survey, no grant and registration of a right of occupancy.
centres were given special attention as growth centres, so as to reduce the pressure on Dar Es Salaam. For example, Morogoro town was considered as the best alternative to Dar Es Salaam in industrial development. A number of industrial plots were surveyed in Morogoro but, almost all of them were allocated to public-owned corporations.

In more recent years, Government has attempted to address itself to urban land delivery and land use problems through a number of initiatives. These include: (i) the Sites and Services Schemes, SSS; (ii) the 20,000 Plots Project; (iii) Property Adjudication and Registration in Irregular Settlements of Dar Es Salaam (Mazagazaga); (iv) Land Reform Component of the Private Sector Competitiveness Project; and (v) the Property and Business Formalization Programme (PBFP) or Mazagazaga.

2.3.1. Sites and Services Schemes:
The Ministry of Lands, with the assistance of the World Bank, implemented Sites and Services Projects in Dar Es Salaam, Mwanza, Mbeya, Morogoro, Tanga, Iringa and Tabora in two phases in the 1970s and 1980s. The aim was to plan and survey 29,917 new plots and upgrade 23,811 houses by providing serviced roads, water and schools. In the 1990's the Ministry of Lands implemented a sites and services project on its own resources in Tegeta and Tabata areas of Dar Es Salaam where 5,000 plots were planned and surveyed. The objective for this project was to pre-empt potential squatter areas and provide basic services to existing ones. But as numbers indicate the supply was well below demand and this objective could not, therefore, be realised. The land parcels created under sites and services were created at a time of critical shortages of land in Tanzania’s urban centres. Very high-density plots (228 m² each) created for the “low income earners” in Sinza area of Dar Es Salaam for example, ended up in the hands of middle and high-income earners, in privileged positions.

2.3.2. The 20,000 Plots Project:
As already mentioned, there had been a major and prolonged shortfall of planned and surveyed plots in Dar Es Salaam and other towns for about three decades when this project came on-line. In order to confront this predicament, implement the sectoral poverty reduction and the anticorruption strategies (WAMM, 2003/04), the Ministry responsible for Lands requested the Ministry of Finance to provide a loan of Tsh. 18 billion, to finance the planning, survey and delivery of 20,000 plots in the City of Dar Es Salaam (MLHSD, 2001).

Mollel and Lugoe (2007) report that a Tsh 8.9bn loan was provided in financial year 2003/04. With this fund a program was executed leading to the identification of project sites, public awareness creation, land acquisition, compensation, preparation of settlement schemes, cadastral surveys, allocation and titling. Within a year this new project had created 21,800 plots, in addition to other sources, to a total of 25,865 plots. But, even the 20,000 plots project’s output is not commensurate with the demand and

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3 The sustainable way to deal with informal settlements is certainly, through the upgrading process. Whether or not this is realistic for Tanzania’s situation, given the high cost, is a matter of serious research. Local experience shows that it is NOT. The processes, initiated to identify properties in informal settlements and offer residential licenses, could be all that the Government can now afford unless, external funding is provided and if licenses would add value to the properties and contribute to the betterment of the economy. The MKURABITA initiative discussed in this report is heading in that direction but, is dependent on external funding and probably would not be sustainable in the longer term if abundant land is not made available in the urban centres.
people, therefore, continue to build and live in unplanned settlements. The annual average output of the 20,000 Plots project in its lifetime is a dismal 6,000 plots per year, which is but a 1967 record and far below national demand.

In this project the private sector was openly involved in the cadastral surveys and valuation of properties for the first time through tendering. So far (Dec. 2007) over 37,650 plots have been surveyed. This project has generated revenue to the tune of TShs 32.368 billion indicating a sizable profit margin.

2.3.3. **Property Adjudication and Registration in Irregular Settlements of Dar Es Salaam (Mazagazaga):**
The project commenced in 2004 using satellite imagery to identify the affected homes. Project activities include: (i) undertaking field campaigns to map and register houses and plots in the irregular settlements; (ii) establish registries and encourage and support residents to apply for residential licences. The project is being piloted in Dar Es Salaam 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 hopefully, give residents access to microfinance to upgrade the homesteads and contribute to a better living environment when land services will be introduced.

2.3.4. **Land Reform Component of the Private Sector Competitiveness Project:**
The project component is a direct flow from SPILL and is funded by the World Bank at a cost of nearly US$ 30 million. It has five subcomponents namely: (i) land registry and land information; (ii) geodetic control and base mapping; (iii) decentralisation of land administration services; (iv) formalisation of property rights in the planned areas; (v) strengthening the dispute resolution mechanisms; and (vi) capacity building. The main activities in this project are:

- Developing an efficient, re-engineered registration process supported by strengthened land information systems;
- Improving survey and mapping infrastructure, scanning and updating the 1:50000 mapping in priority areas and undertaking a programme of geodetic control and urban mapping in priority areas;
- Decentralizing land administration services in 15 Districts by establishing District Registries, surveying and issuing certificates of village land, establishing a prototype village registry in each District and providing support and guidance to other villages in establishing registries and undertaking a comprehensive public awareness campaign;
- Undertaking field campaigns to map and register house plots in unplanned settlements in Dar Es Salaam and other priority areas, establishing registries in local authorities, and encouraging and supporting residents in applying for residential licences;
- Facilitating the resolution of land disputes by strengthening the District Land and Housing Tribunals, improving infrastructure, providing vehicles and supporting a public awareness campaign;
- Capacity building, involving a programme of short term training programs and providing support for the project management and monitoring and evaluation in the MLHSD.

The project started in mid-2006 and continues on for duration of five years.
2.3.5. **The Property and Business Formalization Programme (PBFP), MKURABITA:**

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 (Salema, in CASLE, 2006). 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. The Land Act No. 4 of 1999 provides for the recognition of landed properties with irregular tenure and provides residential licences as a step in tenure regularisation. 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.

2.4. **OBSERVATIONS FROM SUPPLY AND DEMAND ISSUES:**

Several observations can be derived from an analysis of the supply and demand issues covered in section 2.3 above. These are observations on what seems to stifle the plot production and delivery processes.

2.4.1. **Underutilised Professional Services of Land Surveyors:**

Several lessons can be learnt from the observed supply trend. Firstly the surveyors, who are the producers of plots and hence instrumental in facilitating proper land use in urban areas in the country, are grossly underutilised today compared to the 1960s and early 1970s. There are over 500 land surveyors in Tanzania today, the public sector employs about ¼ of this number. There are also over 20 survey firms whose employment capacity is mostly dependent upon the availability of cadastral survey projects. This capacity, and corresponding capability, stands way above the 20 – 30 surveyors of the 1960s and early 1970s who could produce 1000 plots each per year, in spite of the primitive skills and technology of the time. Tested production levels of the survey firms in Tanzania today, stands at 200-250 plots per month each. Plot production in Tanzania is therefore not an issue of capacity availability, and will probably never be, but that of under-utilisation of professional human resources.

2.4.2. **Equipping Professional Surveyors:**

Government surveyors were well equipped up to early 1970s. For example, these experts of the 1960 were presented with a full-team of assistants and essential team
equipment upon qualifying as land surveyors. While in service, land surveyors spent all their time on fieldwork, save for short periods of recess for computations, reporting and leave. Such a rare and vital resource now lays unproductive most of the time for lack of technical equipment, vehicles and work. This is a matter to consider seriously. Would the same be imaginable in the case of medical doctors, for example? The observed underperformance is an issue of organisation and funding. Addressing Parliament in 1971, on preparedness of the Surveys and Mapping Division to meet its obligation to the nation during the second five year plan, the Minister for Lands, Housing and Urban Development set goals at “1000 plots per month in Dar Es Salaam City alone with similar plans for other towns” in the country as well. It is worthy of note that cadastral surveys add value to land and can earn dividends should funds be made available to keep land surveyors (both government and private) productive throughout the year.

2.4.3. Private Sector Participation:
Tanzania’s tradition with private sector involvement is very recent. Surveyors, like many other professionals in Tanzania, were prevented from venturing into the private sector by the politics of the day. That syndrome has not died away entirely, in spite of enabling policy options embedded in the national land policy supporting such partnership. Private survey firms should be encouraged to invest in the technology and skills for efficient delivery of survey services. This is possible if assured of procuring jobs on a demand-driven plot survey market. In this partnership, Government Surveyors ought to concentrate on the preparation, tendering, supervision and monitoring of cadastral surveying projects and cede the execution to the private sector.

There are also not enough survey jobs to keep professionals busy. Most Land Survey professionals in existing private survey firms, and in Government survey offices, pass most of their time idling with non-survey and sometimes non-professional activities. This resource can be brought on stream, to the service of plot production in urban centres, by acquiring funds well in advance. Even the steam in the 20,000 plots project that kicked off with over 21,000 plots, surveyed in one year, has not been replicated in spite of good profits generated by that project. It can be concluded therefore that the project no longer works at alleviating plot scarcity. The average number of plots surveyed in the 20,000 Plots project, over the project period, is not different from production levels of the 1980s and 1990s.

2.4.4. Cadastral Surveys do not Address Existing Demand:
The survey of plots is now undertaken only if resources allow and not to satisfy demand. Today’s management of the sector gravitate almost wholly towards projects at the expense of other routine survey activities in LGAs. This is what happened during the Sites and Services Schemes of the 1970s and 1980s and is being replicated in the 20,000 Plots project. Many Councils and Municipalities now do not set aside other funds for cadastral surveys and land allocation in their budgets. In urban land delivery, big projects can only make good sense if undertaken to resolve plot scarcity i.e., should

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4 In principle, it is not out of the ordinary to change from Government production of plots to “Government creation of an enabling environment for private sector production” and utilise efficiency and effectiveness of management in the private sector to the benefit of abundance in urban plots. There is precedent in the roads sector of Tanzania where the Tanzania Roads Agency, TANROADS - an Agency of the Ministry of Infrastructure Development, receives funds from the Government (including the road fund) and invites tenders for the construction and maintenance of the infrastructure. Similarly, Government surveyors should prepare the layouts, and play the role of TANROADS in the lands sector, although an agency could work better than a Government Department in this regard.
be seen as remedial rather than routine. Some municipalities have gone as far as misappropriating and diverting funds from surveying to other Council activities as if land access has a very low priority. The plot development revolving fund (PDRF) money has been particularly misappropriated and, since access is dependent upon accountability, many councils and municipalities now do not qualify for PDRF resources as a result.

2.4.5. Underperformance of Cadastral System Treated as Non-Consequential:
Many policy makers at Council level, do not seem to see the link between readily available plots for development and curtailing the proliferation of slums. In the same manner, they do not see the added cost of regularisation and upgrading of informal settlements that could be avoided though proper planning and land delivery. In a sector denied of funds, as the lands sector, slums will remain a big burden in Tanzania’s urban centres, in the foreseeable future, unless surveyed plots are awaited rather than sought after by land developers. Councils benefit indirectly from regularisation but would have gained directly, in cash, from the sale of plots had such activity been done in the normal way of planned settlements. As an added note investments requiring the availability of land parcels that are secure in tenure, are discouraged by the prevailing circumstances, which now include disputes and other conflicts on land.
3. STUDIES ON URBAN LAND ACCESS AND USE:

A number of studies have been commissioned by Government to address land access and land use in urban areas. Some are confined to sub-sectors performance, policies, strategies, budgets, technology and needs. This section reviews some of the main studies with occasional reference to studies by individual scholars.

3.1. STUDIES ON THE PLOT-PRODUCTION LINE (SMD):

Land delivery in Tanzania is based on fixed boundaries using survey methods. It is for this reason that SMD is always examined first when the issue of plot production is discussed and the search for remedies on low plot production levels that started in the 1970s was no exception. The finger was pointed at SMD particularly, because of its so called “high standards and expensive equipment needs.” In researching on methodologies appropriate to Third World situations like Tanzania, SMD turned to the then Regional Centre for Services in Surveying, Mapping and Remote Sensing (RCSSMRS) of East, Central and Southern African Countries for assistance. RCSSMRS broadened the studies to cover all its member countries. The study commissioned by RCSSMRS explored ways and means for speedier survey techniques and procedures (Blachut, 1988) to assist the land delivery by cadastral survey methods. A far reaching conclusion in this study was that cadastral surveying, as a system of land delivery, must be multipurpose if it is to succeed in attracting funds alongside other Government needs for health, education, food security, etc.

In the 1990s all fingers seemed to point at the cadastral processes, particularly cadastral surveys, as the root causes of poor performance in urban plot delivery. Government therefore, commissioned another study in 1995 focused on the surveys and mapping division’s needs (TRD, 1995). The cadastral, operational, equipment, and needs of the Division were assessed and recommendations for modernisation were presented. Also issues of linkage with other divisions and changes in routines were made. In the end recommendations of the final report were many yet very little was implemented (GoT 2001, 2002; Lugoe, 1996; Lugoe and Msemakweli, 1998; IST, 2001) for lack of funds.

The issue of plot delivery became the more serious after the passing of the National Land Policy in 1995 and the enactment of the new land laws in 1999. One study on the implementation of the land laws focused on the modernization of SMD and the registrar of titles (RoT), declared that the SMD was in a run down state (SwedeSurvey, 2000) and in dire need of funds if the division was to meet its obligation in implementing the new land laws.

3.2. STUDIES ON POLICIES AND STRATEGIES:

Problems of land delivery were a part of the Presidential Commission into land matters that was appointed in 1992 under the Chair of Professor Issa Shivji of the University of Dar Es Salaam’s (MLHSD, 1992) law school. The report of the Commission was discussed widely with an active involvement of the private sector and civil society organizations and culminated into the National Land Policy of 1995 (GoT, 1995). The policy has been translated into three laws, namely; the Land Act No. 4 of 1999, the Village Land Act No. 5 of 1995 (GoT, 1999a,b) and the Land Disputes Courts Act No.
2 of 2002 (GoT, 2002). The Operationalisation of the three Acts has been attempted by the Sector Ministry in various ways including formulation of a human settlements development programme (2003 –2013) in 2002 (UCLAS, 2002) and a Strategic Plan for the Implementation of the Land Laws (MLHSD, 2005). The NLP points out several urban issues as a cause for the adoption of a new land policy. These are: increased urbanization, investment needs, increased awareness in the value of land, need to recognise and regulate developing land markets and the case of urban villages that have now been abolished.

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. Results of the consultative workshops that served as inputs for the purpose of building the strategic plan are presented in MLHSD (2005) and discussed in Lugoe (CASLE, 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 (MLHSD, 2005). The plan of action specific to urban land use is presented under action plan for “general lands” and “all lands.” All key result areas (KRA) in the strategy are relevant to urban lands.

3.3. STUDIES ON PLANNING AND BUDGETING:

Indeed, as the first public expenditure review study revealed (GoT, 2001), funding sectoral activities had become a problem since the 1970s and the possibility of paying compensation to free urban land for surveying and delivery had, for a long time, not been possible. About 400 settlement layouts prepared for the various areas in various urban centres in Tanzania could not be realized because of this constraint. But, urban migration continued unabated with people settling without due regard to urban byelaws on planning and land development thus creating the kind of irregular settlements that are overwhelming urban authorities today.

The public expenditure review studies conducted to inform the lands sector Ministry’s budgeting processes from 2001 to 2004 have unveiled much more constraints affecting land delivery and urban land use in particular. The studies have also clustered these constraints into four problem areas for ease of mapping out a solution or solutions. On the delivery of urban land to developers the PER studies have listed a set of benefits to enhancement of this process. It states that a return to normalcy in urban plot delivery generally, is expected (UCLAS, 2004) to generated the following benefits to the Government as well as individuals: (i) an increase in Government revenue through plot auction, land rents, transfer fees, survey fees, preparation fees, deed plan fees, registration fees and premiums; (ii) Certificates of title deeds issued enable owners to mortgage their properties and secure loans from financial institutions; (iii) Reducing the un-proportionate expansion of squatter areas in towns; (iv) Reduce environmental negative impact emanating from squatting through land management by land parcel owners; (v) Easier expansion of social services such as schools, health centres, roads, electricity, water, telephone, religious centres and open space for gardens and play grounds; (vii) Construction of houses in delicate and hazardous areas like flood basins and steep areas will be minimized if not totally eliminated; (viii) Plot availability will
facilitate construction of houses, hence shelter provision to urban populations that will lead to better health, security and higher productivity; and (ix) Corruption related with plot delivery activities in urban centres would be arrested by reducing the gap between supply and demand of plots.

The Government of Tanzania has now come to an understanding that land delivery stands on the critical path to the development of safe and secure settlements, housing, investment, law and order and economic development. The Ministry of Planning Economy and Empowerment, in association with UNDP and the Economic and Social Research Foundation (ESRF), commissioned another study to assess the needs of the lands sector in Tanzania in 2006 (MLHHSD, 2006). The study was to address sector needs in context of the national strategy for growth and reduction of poverty (NSGRP) or MKUKUTA and the Millennium Development Goals (MDG) as elaborated in various policy documents (see URT, 1999; URT, 2000; and UNMP, 2005). Of the six clustered areas of intervention, three dwell on urban issues namely; (i) Enhanced Urban Land Administration Machinery, (ii) Capacity Building and (iii) An Effective Policy, Institutional and Regulatory Framework. The clusters closely summarise the human settlements development policy (GoT, 2000) and the study on the national Housing Development Programme (UCLAS, 2002).

3.4.SUMMARY OF ISSUES

This section provides a summary of issues of relevance to urban land delivery emanating from Government commissioned and private studies on land matters. Issues are drawn from policies, planning and budgeting processes with a statement on re-engineering land delivery and registration processes.

3.4.1. From Study of the National Land Policy of 1995

The National Land Policy identifies the following issues of concern to urban land development:

- Increased urbanization requiring more land for urban uses vis-à-vis the need to preserve agricultural land has created intensified competition for land in and around urban areas.
- Increased realization of the value of land and property among the population leading to conflicts in both urban and rural areas.
- Development of land markets in and around urban centres, unrecognised and unregulated by government. Land transactions have been taking place reflecting location advantages and land quality while the present laws and practices do not allow such transactions.
- The advent of political pluralism and new economic and social orders, requiring the need to protect land rights of individuals, communities and organizations.
- A Land Information System is essential for proper and efficient land administration and management.
- Mechanism whereby survey costs are met by beneficiaries be initiated
- Involvement of the private sector in thematic mapping and cadastral surveys
- Computerization of records in preparation for a land information system
- Classification of geodetic, topographical, hydro graphical surveys as basic surveys

The policy reiterated four tenets of the existing land tenure regime, namely: land to continue to be publicly owned and vested in the President as trustee for all citizens; land has value that needs to be harnessed; rights of occupancy (statutory or customary)
to continue to be the recognized types of land tenure; and, rights and title to land to be based mainly on use and occupation.

3.4.2. From the National Human Settlements Development Policy of 2000

The National Human Settlements Development Policy (GoT, 2000) identifies a number of issues, notable being the following:
- A rapidly increasing general population growing at 2.8% per annum
- A rapidly urbanizing population, mainly as a result of rural-to-urban migration. There is rising concern that attention for services has been concentrated in the large urban centres although small urban areas are increasingly taking up a higher burden of the urbanization process.
- Increasing pressure on existing urban infrastructure and services, which is fast deteriorating under the sheer weight of increased demand, and lack of resources to effect maintenance of what is in existence, or its expansion to meet new demand.
- Growth of unplanned settlements as a major form of access to, and development of land in all urban areas, large and small.
- Increasing unemployment, poverty and informal sector activities exacerbated by the shrinking public sector.
- An increase in women-headed households, but whose access to ownership of land and property is still restricted.
- Inadequate housing stock in both rural and urban areas, which is deteriorating and is overcrowded. Most housing is constructed by the informal sector and does not conform to building regulations
- Lack of official housing finance facilities so that most housing has to be constructed from savings and does, of necessity, take long to complete.

The land sector is expected to be proactive as well as reactive to the problems emanating from the issues pointed out in the National Human Settlements Development Policy.

3.4.3. From Studies of Lands Sector Planning and Budgeting Processes:

This section covers the three public expenditure review (PER) studies undertaken under the coordination of the Ministry of Finance and World Bank Country Office for the Ministry of Lands in 2001, 2002 and 2004. It also covers the needs assessment and costing of the lands sector of 2006 conducted for the MPEE and the UNDP under the coordination of the Economic and Social Research Foundation (ESRF).

Challenges: PER studies revealed a number of challenges to the sector, which were then categorized into four groups (GoT, 2001, 2002; UCLAS, 2004) and are further discussed in Mtatifikolo and Lugoe (CASLE, 2007b) and in Lugoe (CASLE, 2007b). These are:
- Systemic: Problems reflecting policies of the past such as villagisation of the 1970s whose results were and still are difficult to reverse, gender imbalance, poor enforcement of law and order, and some urbanization and housing policies of the past such as lack of zoning;
- Exogenous Dynamics: Forces like uncontrolled urbanization, population movement and shift to the east, rural-urban migration, lagging urban infrastructure, corruption and the development of spontaneous settlements were noted as developments taking place outside the capacity of the lands sector alone, or, in certain cases, even the nation;
Policy Derived: Problems of limited and weak capacity for policy analysis and planning, inefficiency and stagnation in land delivery, poor enforcement of planning and building regulations, skilled manpower retrenchments, unregulated land markets, non-empowerment of dispute settlement machinery and the weak enforcement of law and order all fall in this category; and

Financial Resource Constraints: The near freeze on topographical mapping and land use planning services, a stagnant cadastral survey system severely constraining urban plot production, incomplete village boundary survey, a run-down land administration infrastructure, proliferation of irregular settlements, and, poorly facilitated law enforcement institutions were some of the core manifestations of budgetary squeeze.

Intervention Areas: Intervention areas to address the above challenges have been drawn from the study of sector strategies, action plans and programmes and from a study focussed on sector needs assessment and costing. The study led to the identification of all possible needs of the lands sector in Tanzania and to 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 (cf. MLHHS, 2006b). Five of these are directly relevant to land use and one provides the framework within which all interventions are enabled. These are;

- **An Effective National Land Use Planning Framework:** This cluster of interventions 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.

- **An Enhanced Urban Land Administration Machinery:** This cluster covers the administration of general lands 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.

- **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.

- **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, and planners. Particular attention is also given to sector-specific educators in advocacy and awareness creation programmes.

- **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 land sector MDA as well as monitoring and evaluating performance and achievements in policy.

- **A National Spatial Data Framework:** This is the cluster that takes on board provision of the two key types of spatial data, namely; the framework and thematic data. It includes: (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.

These and other issues emanating from the various studies are discussed at a greater detail in the next chapter.

### 3.4.4. Re-engineering the Land Registration Process:

Re-engineering aims at improving services at a lower cost both in money and time (Dale and McLaughlin, 1999). It involves more sophisticated procedures, driven by computerisation and employment of ICT tools that produce top-to-bottom organization transformation. The most significant change in land administration over the last decade, or so, has been the extent of computerization of the land registries to meet internal requirements for more efficient data storage, more rapid information retrieval, and greater ease in updating the records. Other value-added advantages include: (i) the use of optical scanning technology to provide **back-up** facilities in case of disaster that can result in loss of data and documents; and (ii) possible **on-line computer access**, via the Internet. The employment of ICT tools is justifiable in terms of: (i) Speed (as they significantly outperform current approaches); (ii) Suitability (as they are within the financial reach of local professionals and within their range of skills to operate); (iii) Appropriate accuracy (matching real needs); and (iv) Simplicity of field operations (simple data collection to allow for different field conditions) (ibid.).

The land registration and record keeping system of Tanzania is, by all standards, ripe for re-engineering both at land sector Ministry headquarters and in the Municipal/Town and District Councils (Huber et al, 2008). Problems encountered in the registries and their effects on tenure security and the market are immense. The current system is clogged, inefficient, cumbersome, slow, difficult to store and retrieve documents, hard to debug errors, resistant to information update and cannot be accessed electronically by users. Re-engineering requires the formulation of a joint strategy that includes standards and specifications for technology and other issues in all three Divisions of the MLHHSD.
4. SELECTED ISSUES IN LAND DELIVERY

In addition to the issues discussed in situ in previous sections, this section itemizes and briefly elaborates on a number of issues captured in various studies including many that were commissioned by the Government of Tanzania.

4.1. CONFUSION OVER THE CONCEPT OF PUBLIC LAND:

Mindsets of people were grossly confused by the decision, at independence, to uphold the principle that land vestment in the “sovereign” will continue. This policy decision, reiterated in the NLP, made “all land in Tanzania to continue as a public good”. Confusion reigned when these were followed up with nationalization of assets and property a few years into independence. To many, public land became understood as communal land meaning also that it belongs to everybody (Lugoe et al, 2004).

As a consequence of this misconception, land ownership, occupation and land rights for individual citizens took on a secondary and marginal role when viewed in context of group or community rights. The majority of people now still understand, misguidedly, that public land does not give anyone exclusive rights over any land parcel (see SPILL, MLHSD, 2005).

In practice today, and regardless of the new regulatory mechanisms in place, public land is freely being occupied out of owner consent. Further, it is arbitrarily occupied and used when: (i) there seems to exist no visible alternative land uses, (ii) the land parcel seems to be vacant, or (iii) authorities do not show up to take administrative or legal action against the illegal occupier. This skewed understanding is a major cause of illegal occupations and use and is hence a cause for untold disputes and conflicts, proliferation of slums and invasion of open spaces in urban areas.

4.2. RURAL-URBAN MIGRATION:

The 1978, 1988 and 2002 National censuses of Tanzania indicated that urban population was about 2.3, 4.0 and 7.9 millions, respectively. The censuses indicate also that the urban population increased from 13.3% in 1978 to 17.9% in 1988 and further to 23.1% by year 2002. It is evidenced by these figures that Tanzania is experiencing rapid urbanization in the same manner as other Sub-Saharan countries of Africa (Mtatifikolo, 2004).

The big rush is for Dar Es Salaam City whose population has increased ten fold since independence in 1961. The four coastal urban centres, Dar Es Salaam, Tanga, Lindi and Mtwara alone increased their share of population in Mainland Tanzania from 2.2% in 1957 to 7.4% in 1988. Population growth of urban centres in Tanzania, and Dar Es

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5 Tanzania’s land policy is based on the “Rights of Occupancy System”. Individuals do not own the land but the rights to use that land. All land is vested in the President and “leased” to land users for renewable terms of 33, 66, or 99 years under development conditions. Land rights are supposed to be guaranteed by the state, for the term of tenure and a Certificate of Occupancy is issued for general (urban) lands and Certificate of Customary Right Occupancy for Village Land under Customary Tenure to certify the ownership.
Salaam City in particular, is driven by rural-urban migration that, in turn, is fuelled by the imbalance in lifestyles between rural and urban centres and between regional towns and the City of Dar Es Salaam.

Migration has overburdened housing and all other services in the Cities and Towns of Tanzania (Muzzini and Lindeboom, 2008). Jobs have dwindled fuelled by retrenchments in the public service, shutdowns in parastatal organisations and industries as well as marginal finance for the emerging private sector. Consequently, the population increase is far ahead of what the urban economies can afford, on a narrow tax base and poverty of its taxpayers. Statistics on the growth of slums, in Dar Es Salaam alone indicate a steady positive growth as can be seen from Figure 7 below.

In a city of 2,497,940 people, growing at a rate of 4.3% and sprawling at 7% per year, the unplanned and un-serviced areas now constitute 80% of the city. In Dar Es Salaam, such settlements have increased from 16 in 1970, to 43 in 1980, to 55 in the late 1990s and to over 100 today (MLHSD, 2005).

These are not safe and secure settlements by all standards and their rates of growth are, but alarming.

4.3. POOR ENFORCEMENT OF LAND REGULATIONS:

Indifference and neglect of procedures, by authorities, is a major cause of land invasions in urban centres. Consequently, settlements have sprung up as slums, sprawling, unplanned, poorly serviced and hurriedly constructed, as a result of marginal performances of lands sector institutions. The slums have attracted the urban poor for providing cheap, though not so healthy, lifestyles. Slums are also conducive to the proliferation of social challenges associated with crime, drugs, prostitution, and other forms of lawlessness.

Marginal security of tenure for the majority of properties in slums as they are erected on land that was neither acquired nor properly granted by urban authorities. These properties are a subject of demolition, with much loss of wealth to owners and the nation. Often remedial actions such as upgrading irregular tenure therein and servicing the land come late. The cost of upgrading slums is often prohibitively high, much higher than going by the book to acquire, plan, survey, service and deliver land. Upgrading also takes its toll on property losses during demolitions, which are inevitable in regularising settlements.
4.4. **WEAK FRAMEWORK FOR GUARANTEEING SANCTITY OF TITLES:**

The Certificates of Occupancy (CO) offered by the CoL provide evidence that the President has alienated land rights to one of the citizens for a specific piece of land (parcel) to enjoy under conditions of tenure spelled thereon. There follows, therefore, a requirement for absolute guarantee of the sanctity of the granted rights of the registered land so that the CO can instil in the owners a feeling of security against any prejudices, interferences, encroachments, encumbrances and trespasses. Like any other potential or real breach of individual rights, owners of land rights ought to be saved from any possible breach of their rights by the immediate law enforcement agents, upon call. By the same token, there ought not be any difficulties, including delays and bureaucratic inefficiency, in transferring such rights upon disposition through any legal form of conveyance.

4.5. **CORRUPTION IN LAND DELIVERY:**

A major finding of the 1996 Warioba Commission Report (WCR) was critical on the difficulty of acquiring land by local and foreign investors, both in rural and urban areas. At the time of the WCR, urban plots had already become a rare commodity in Tanzania for over two decades. The situation with regard to plot delivery, in the period immediately after the WCR was reported in the first two Public Expenditure Review Studies of 2000/01 and 2001/02 respectively and other studies (Mollel, 1999; GoT, 2001, 2002) and is displayed in Figure 8 below.

![Figure 8: Trend in Plot Surveys from 1996/97 – 2000/01](image)

The average number of urban plots surveyed and registered at the time stood at 8,170 for over 120 Towns and as low as 5,400 in a year. Plots that were readily available for delivery were less than half these numbers as another half constituted surveys for titling of existing developments such as government and parastatal housing and surveys for residents confronted with demolitions or resettlements from hazardous areas to special schemes such as Kinyerezi in Dar Es Salaam (GoT, 2002).

Also and as a glaring paradox, is the fact that at this rate of plot delivery, the City of Dar Es Salaam alone was registering about 15,000 new house constructions per year as already discussed. A good 95% of developers in the City therefore, obtained their land from the alternative market that was flourishing in unacquired, unplanned, unsurveyed and unserviced urban lands. Also, the many informal settlements in the towns and cities
of Tanzania grew at a rapid rate. The scramble to investment on lands located in serviced areas was therefore grossly exposed to corrupt practices, patronage and rent seeking.

4.6. ABNORMAL PROCEDURES IN LAND DELIVERY:

The practice in land delivery since the enactment of the Land, Town and Country Planning, Land Registration and the Land Survey Ordinances as the legal framework of the lands sector, has always involved a four-step process (Mollel 2006; Mollel and Lugoe, 2007) in all planned areas. In urban areas, land delivery logically starts after the declaration of planning areas with acquiring land after exhausting third party interests by paying requisite compensation to all identified land and property owners. In the second step, physical planning processes are undertaken. This involves the design of layout(s), for the acquired lands, in accordance with agreed land-use and settlement patterns. Then, the town-planning (TP) diagrams are transferred to the ground through cadastral surveying processes that, in Tanzania, are based on fixed land parcel boundaries. The end product of cadastral surveying is the replacement, for purposes of land delivery, of the TP Drawing by a registered survey plan and corresponding data and information are archived. The final stage is the allocation, through sale, auction or by other agreed method of all the plots in the survey plan as identified by plot numbers thereon and granting land rights to the recipients.

In Tanzania, urban land delivery has suffered from a breakdown in this chain of procedures, and hierarchy. The order and logic of these steps were honoured only for over a decade into independence. In the 1980s the practice broke down. Some processes were deemed unnecessary, outside professional circles, and hence were circumvented by politicians. In particular, and as rural-urban migration increased TP Drawings were prepared for unacquired lands and political authority expected the cadastral surveys to proceed irrespective of whether or not existing rights were exhausted by paying due compensation.

Discussing plot shortages in urban centres, the report on the first public expenditure reviews (GoT, 2001) stated that; “The Surveys and Mapping Division and the private sector did not attribute the cause of urban plot scarcity to lack of human resources or equipment, although these needed improvement. The agreed reason in the decline is essentially, unavailability of acquired, fully compensated and planned land for cadastral surveying and subsequent delivery to developers.”

4.7. DUALISM OF LAND ADMINISTRATION SYSTEM:

Land Administration in Tanzania operates under a duality system centralised at the Ministry of Lands, Housing and Human Settlements Development, and in District Land Offices that are under the PMO-RALG. The former provides technical leadership and national implementation, the latter – district level operational implementation. There is therefore a need for an efficient institutional linkage of the two in the interest of land administration performance.
Decentralisation\textsuperscript{6} or devolution of services to be undertaken by the sector Ministry has been talked about with little done on the ground for sometime now. The practice remains that some issues need to be referred to Dar Es Salaam where this could be done in the District if proper policies were put in place.

Discussing the issue of decentralisation, SPILL states (Lugoe et al, 2005a) that operationally, the sector Ministry shall retain the regulatory framework that includes: (i) authority to examine and approve TP drawings, cadastral surveys, and valuation reports; (ii) signing certificates of title; undertaking title verifications, adjudications, transfers and transmissions; and (iii) keeping copies of land records, land-use plans and approved layout designs pertaining to the specific Districts. Further, the day to day activities of the lands sector operatives within LGA at District level after decentralisation will be to: (i) establish and maintain framework and thematic data for land delivery processes, (ii) preparation of settlement layouts, (iii) undertake valuations, (iv) administer provisions of the land and other sectoral laws, (v) undertake village boundary surveys and (vi) preside over dispute settlements. The nation awaits the implementation of this key strategic provision, which will make the land administration system much easier to access and reduce costs and delays to the land users.

4.8. UNEVEN LAND SERVICES:

Concentration of land development services in certain areas of the country with deficiency in others is another of the problematic issues. For example; (i) land-use planning is concentrated in urban areas; (ii) recent township maps are not available in all towns, (iii) urban maps are updated more often than rural maps even as many are out of stock in the latter category; (iv) land registries are located at zonal offices but not even at regional headquarters, making them less accessible; (v) most professional private practitioners are concentrated in the cities, with Dar Es Salaam hosting most of the physical planners, valuers, lawyers and land surveyors, followed by Arusha, Dodoma and Moshi, whilst other towns have none; (vi) the practice remains that cadastral surveys, valuation reports and TP Drawings must be approved in Dar Es Salaam and professionals must travel to the capital not only to get such work finalised but in many cases to get projects started, through data search, survey instructions, etc.

4.9. DILEMMA WITH URBAN LAND SERVICES:

Lands that have been allocated for the planning and development of urban centres in Tanzania are too big to be managed with ease and to be serviced with infrastructure and utilities. It is not uncommon for areas over 1000 square kilometres of urban development being set aside for the smallest of towns such as Sumbawanga. In the search of a municipal status for example, Tabora first sought and received an expansion of its borders to include an additional eight villages. The sheer size of such urban area makes it attractive for the delivery of large chunks of land that are sparsely distributed

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\textsuperscript{6} The “decentralization” model under Regional Administration System known as “Madaraka Mikoani” abolished local government authorities. There were therefore, no District Councils under this model. Central Government took over all local Government functions under the RDDs and DDDs, appointed by the President. This model is NOT the same as the decentralization that Tanzania is now contemplating, focusing on devolution of authority and services, under the Local Government Reform Programme.
over the area to developers who cannot build vertically and some are too poor to complete buildings to acceptable standards. It also pushes the planning authorities to allocate all the land for the sake of safety and security to the urban dwellers. This increases the infrastructure and utilities (roads, sewage, electricity, water, garbage collection) networks and stretches common emergence services (police, ambulances, fire brigades) and other social (schools, hospitals, post offices, banks) services beyond reach.

4.10. OUTDATED BASE MAPS:

Tanzania has a long-standing national mapping programme (NMP) designed so as to avail the nation with all maps shown in the map catalogue. An expensive component of mapping stems from the need to map the relief that is vital in all water and drainage related engineering projects - projects requiring earthworks, irrigation agriculture, road design and construction, etc. Projects that require only a marginal knowledge of the relief such as aspects of land use planning, physical planning and regularisation of settlements, forestry, agriculture, telecommunications etc, may be done much faster by using orthophoto imagery or by satellite imagery (unrectified). These have been used with great success in the 20,000 Plots project of Dar Es Salaam.

Some of the maps particularly, those in the small and medium scale categories require a national coverage and constant availability and be updated regularly. Few maps in Tanzania meet these quality criteria. Other Challenges include (GoT, 2001, 2002): (i) the decay of existing maps; (ii) delays in the production of maps for areas already photographed resulting in the production of already decayed maps; (iii) maps being consistently out of print for lack new editions and (iv) breaking down of the antiquated map printing equipment.

4.11. NUMP LAGS BEHIND PLANNING NEEDS:

The mapping of townships is the subject of the national urban mapping programme (NUMP) that aims at providing and updating maps in major settlements of the country. Over 120 townships are included in the NUMP and are mapped at scales 1:2500 in colour, when resources permit. Most recent maps in this series are monochrome and therefore leave much to be desired.

Of note also is that only a few of the townships have maps that are of a recent aerial photography. Further, the rate of map production is very slow and, at this rate of production the map revision exercise will lag far behind the decay deadline for many decades to come. Resources must be made available to change this scenario so as to revise the township maps in 5-8 year cycles. This requires constant aerial photography and subsequent operations at a rate of 20 townships or more per year if mapping is to be in tune with urban planning and land administration.

4.12. INEFFICIENT CADASTRAL SURVEY SYSTEM:

There are structural delays in the examination and approval of cadastral survey works undertaken by the private sector surveyors. The following activities need to be revamped:
- **Survey Instructions:** The three-tire-system of issuing survey instructions in which all three divisions are involved can be reduced to a one step procedure if there can be an agreement on clear regulations on the matter to be administered by one division. After all, the end ought to be the same whoever he administrator of the regulations is and the work is almost entirely of a clerical rather than professional nature.

- **Inefficiency in Approval of Surveys:** The issue of speeding up the examination of surveys must be revisited. This is a “catch 22” situation. The SMD is now inundated with more surveys for examination than ever before, yet the gross number of new surveyed land parcels and particularly urban plots, is at an all time low. Prior to the 20,000 Plots project, plot scarcity was explained, partly, by the chaos associated with lack of acquired (fully compensated) land for development. Yet, other forces delay the processes once compensation has been resolved.

- **Enhance Private Sector Participation:** Cadastral Survey output from surveyors is marginal compared with available capacity. There were an average of 85 small jobs received monthly (in 2000) each of which require almost as much examination time. It is not uncommon for an examination process to take 6 – 12 months, even more, against the 2 weeks mentioned in directives. Most of the survey jobs are a product of the private licensed surveyors. A viable solution is to find a way that will make the licensed surveyors accountable for their products, through a transformation from examination to quality control of surveys, as is being done in most countries.

- Ngowi (CASLE, 2006) sees grave consequences to the private sector including lack of investment in the practice should inefficiency continue.

### 4.13. INADEQUACIES IN THE FINANCIAL FRAMEWORK:

Under-funding and under-investment adversely affect the performance and efficiency particularly, as it impairs: (i) keeping of land records, (ii) procurement of topographical mapping services, (iii) land-use planning, (iv) cadastral surveying services, (v) the acquisition of working tools for GIS, LIS and equipment for surveys, mapping, physical planning, record keeping and information dissemination. In Tanzania, these imported tools of labour are expensive. Land use planning, for example, is hampered by the absence of current land cover and topographical maps and the same is true in planning settlement layouts. Where the latter has been accomplished on old aerial photography or maps, the exercise of transferring the designs to the ground has been cumbersome, expensive, inefficient and time consuming as most layouts do not adequately tally with ground truth (cf. TRD, 1995). The 20,000 Plots project that operates on a revolving fund at cost recovery policy is proving to be financially viable.

The National Housing Corporation’s, total housing stock of some 18,000 in 2000 (GoT, 2001) properties was at a time seen to be an unmatched source of housing finance not only from the rent payable annually but also from sales of part of the stock. It is good policy and good economics for residential houses to be bought and owned by the current occupiers. In 2000 such a move was estimated to bring into NHC’s some 300 billion shillings over a 5year period. A reduction of the commercial stock could be as beneficial or more. Most of this money could be re-invested into new residential buildings including the planning and surveying processes.
4.14. **LONG-TERM SUSPENSION OF KEY SECTOR ACTIVITIES:**

The historical development of the sector reveals that many of the basic and expensive needs of the sector were neglected as a consequence of policy reversals, budgetary squeeze and absence of development partners to the sector. Corresponding interventions that were suspended very early in independent Tanzania include: (i) development of National, Regional and District framework Land-use Plans; (ii) small scale map revision and medium scale mapping; (iii) revision and development of the national geo-referencing framework; (iv) delivery of planned, surveyed and serviced plots commensurate with the demand; (v) due redress of the proliferation of irregular settlements; and unplanned urban sprawls.

The biggest loser in the suspended activities has been land delivery and land-use planning that has been compelled to operate without its handy tools namely, base maps. In a workshop on the land policy, in Arusha in 1991, it was noted that the lack of up to date land information for the rural areas is catastrophic. An example was cited of Dirma village in Arusha Region: “all settlement areas (vitongoji) except the village centres were misplaced by as much as four kilometres. In addition 3,000 acres of farmland were shown when it was believed to have only 1000 acres.” Land use maps prepared using a combination of satellite imagery and existing base maps would not be so misleading, but could not be obtained for lack of funds.

4.15. **CONCENTRATION OF SERVICES IN CERTAIN AREAS:**

Concentration of land development services in certain areas is another of the problematic issues to be addressed. For example; (i) land-use planning is concentrated in major urban centres, and trade centres and townships are neglected; (ii) recent township maps are available mostly in Regional towns (also with very small coverage) thanks to outputs from the urban sector engineering project, USEP; (iii) urban maps are updated more often than rural maps, many of which are out of stock in the latter category; (iv) land registries are at Zonal offices but not even at regional headquarters, making them less accessible; (v) most professional private practitioners are concentrated in the cities, with Dar Es Salaam hosting most of the physical planners, valuers and surveyors (Ngowi in CASLE 2006) followed by Arusha and Moshi, whilst other towns have none; and (vi) the practice still remains that cadastral surveys and TP-Drawings must be approved in Dar Es Salaam and a surveyor or Town planner in Musoma for example, must travel to the capital to get his/her work finalised.

4.16. **BUREAUCRACY:**

In terms of the Land Acts, land parcel allocation is set in motion by applications for land from land developers who must carefully identify themselves and their land requirements to responsible officials of the Commissioner of Lands. Part IV of the Land Act No. 4 of 1999 dwells on provisions of granted rights of occupancy detailing

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7 Rural land use planning is now the responsibility of the National Land Use Planning Commission (NLUPC) whilst urban land use planning must meet the approval of the Director for Human Settlements. The latter is a complicated and slow process procedurally, involving municipalities and towns. Urban planning is impaired by inexperience of Planners in LGA and corruption. But, when all this is said, records show that over 400 layouts in various municipalities and towns are yet to be implemented for lack of funds to pay compensation and undertake cadastral surveys.
application procedures, offers, their acceptance, grants and other incidences associated with the grant. The grant paves way for the registration of the certificate of occupancy.

**PROCESS FOR A PRIMARY APPLICATION FOR A TITLE**

1. Letter of application
2. Application Land use
3. Prepare Town Planning layout and submit to UPC meeting
4. UPC acceptance minutes
5. Approved Town Planning Layout
6. Approved use for the land parcel
7. Request for Survey
8. Survey plan sent to DSM for approval
9. Survey plan copies distributed after approval
10. Letter of offer granted
11. Payment report submitted
12. Deed plan requested and granted
13. Title for applicants signature
14. Title signed by applicant
15. Title sent to CL
16. Title sent to RT
17. Title sent to applicant

**Sequence of activities**

Figure 9: Seventeen Steps in the Acquisition of Title for Unsurveyed Land.

It is important to look at the flow of procedures (Figure 9) in the delivery of a title - the end product of land delivery. The flow chart below (Mollel et al, 2008) indicates the route starting with a primary application to the delivery of the title. Note that a primary
application is one that requests for a title to land that is not yet surveyed in an Urban Area. Many individuals owning land follow this process. It may be slightly different when dealing with an application for title over land that is already in a planning scheme. An applicant has to visit the District Land Office at least five times as follows:

- To submit the application for a title – Kinondoni Municipality, the location of most urban investors in Tanzania has a check list of over ten items to be fulfilled by the applicant and which will take as much as 6 months. Further an applicant can only visit the land office on appointment once a week. There is among these an element of oath and the Municipality does not recognise any other but a Resident Magistrates as Commissioners of Oaths.
- To sign and subsequently obtain the letter of offer.
- To present the payment details and return receipts to the lands office – these cannot be accomplished on one day.
- To get the title for attestation (signature) by a legal attorney and commissioner for oaths.
- To attend to corrections and subsequently receive the title itself if sent direct to applicant by the Registrar of titles.

These visits are time consuming due to the numbers of visits and visitors. The revisits also provide for file updating and extra visits provide information on the stages of the titling in the chart. Without making enquiries personally and physically, any one of the steps can stall. A primary application, on its own without a follow up, can take up to 3 years. There is therefore a major issue of how to cut short the process in order to expedite land delivery. For this to be done, it is again important to look at the critical areas and institute a re-engineering of the land delivery and registration processes (Dale and McLaughlin, 1999). This objective sets out to institute a radical redesign of the land delivery and registration processes in the Land Development Services Division (LDSD) that is headed by the Commissioner of Lands (CoL), so as to achieve a quantum leap in performance and in so doing facilitate the attainment of objectives of the various lands sector laws including the Land Registration Ordinance.

4.17. Summary of Urban Land Access Constraints in Tanzania

Table 1: Urban Land Constraints, Their Manifestations and Remedies

<table>
<thead>
<tr>
<th>Constraint</th>
<th>Manifestations</th>
<th>Remedy</th>
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| **1. Scarcity of planned and surveyed land** | - Disputes and conflicts over land  
- Demand higher than supply  
- Proliferation of irregular settlements  
- Housing shortage  
- Invasion of open spaces  
- Under utilised professional services | - Adopt cost-recovery with profit policy on value added products and services  
- Use finance houses to obtain capital for planning and surveying land parcels (including compensation)  
- Adopt partnership policy with private sector in plot surveys and land servicing  
- Empower professionals to deliver better services  
- Fully utilise production capability of professional firms and persons  
- Plan ahead |
| **2. Poor Enforcement of rules and planning regulations** | - Invasion of open spaces  
- Land development ahead of planning, surveying and services  
- Delays in issuing certificates of occupancy  
- Buildings occupying over 80% of plot area  
- Land poorly serviced | - Re-introduce zoning in new developments  
- Ensure surveyed plots await developers and not otherwise  
- Control land invasions timely (regular development control)  
- Speed up titling processes  
- Adopt IT solutions |
| 3. Unregulated land market | - Widespread sale of land both under customary and statutory ownership  
  - Lack of regulations/appropriate framework to guide such sale  
  - Non-regulation of real estate agents  
  - Market Economy in development  
  - Difficult in buying houses  
  - Non-uniform prices for similar properties | - Develop framework for land markets |
|---------------------------|------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| 4 Poor Provision of land services | - many properties are inaccessible  
  - many homes have no piped water or electricity  
  - poor rain water drainage  
  - sewage rare in Tanzania towns | - Councils to concentrate on providing land services |
  - Laws not in harmony  
  - Government reluctant at ceding professional services to private sector  
  - Overlapping and conflicting responsible organs for delivery of land services  
  - Lack of incentives for private sector activities and investment  
  - Long procedures for approval of settlement plans, cadastral surveys and processing and issuance of land titles  
  - Dual accountability and answerability of local government staff to (1) District Councils & Directors, (2) Directors/Col. at MLHHS | - Harmonise laws  
  - Decentralise land delivery services to Districts  
  - Build capacity and capability of land offices in LGA  
  - Forge a public private partnership (PPP) on issues  
  - Introduce inspections on technical performance of land offices in LGA  
  - Establish land boards to oversee the work of land offices in Districts  
  - Contract out plot surveys to private sector |
| 6. An inefficient cadastral survey system | - Under employed surveyors  
  - Delays in approval of cadastral surveys  
  - Outdated maps used for designing plot layouts  
  - Survey standards in dire need of review  
  - Poor access to survey records  
  - Lack of finance | - Approval of survey to be guided by quality control  
  - Keep cadastral surveyors busy  
  - Surveyed plots to be sold at market prices  
  - Computerise records and provide online access to public |
| 7. Dualism in Land administration | - MLHSD at HQs carries out operational land delivery works, and so does PMO-RALG through District Land Offices  
  - Weak institutional framework for delivery of services  
  - Weak staffing in Council Land Offices  
  - Staff in LGA accelerated in promotions compared to those in sector Ministry | - MLHSD to take charge of policy and regulatory directives including global issues (national mapping, land use planning, framework data, NSDI, etc)  
  - PO-RALG to deliver services to land users (cadastral surveys, thematic mapping, valuations, GIS, planning settlement layouts) |
| 8. Centralised land administration that is detached from land users | - TP drawings, Cadastral Surveys, Valuation reports approved in Dar Es Salaam  
  - Title adjudication for bank loans possible only at zonal offices of the Registrar of Titles  
  - Records kept at HQs | - Decentralise land administration support services of MLHSD to District headquarters |
| 9. land delivery trails landed property development | - Developments in Unplanned &unsurveyed areas  
  - Many planned areas are not surveyed  
  - Many urban areas cannot be developed as planned areas  
  - Low value of properties (dead capital)  
  - Dormant property markets in urban centres  
  - Limited options for development of service and shopping centres | - Provide more urban plots at cost  
  - Halt new developments in unplanned suburbs  
  - Regularise tenure by upgrading the settlements to include services  
  - Re-institute and enforce zoning in town planning practice |
| 10. Concentration of land development services | - Land use planning a preserve of urban centres – unknown in villages  
  - Urban maps updated more often than rural maps  
  - Land Registries are few and centralised  
  - Professional practitioners concentrate business in the capital city  
  - Approval of TP drawings, valuation reports, cadastral surveys, done in Dar Es Salaam | - Empower and equip District Land Offices  
  - Provide incentives for providing services in unattractive business areas  
  - Provide adequate budgets  
  - Empower private sector professionals |
5. CONCLUSIONS AND RECOMMENDATIONS:

The approach adopted in analysing issues of urban land allocation in Tanzania in this report is based on a synthesis of various studies on sector activities and performance including, examining the supply of plots that addresses existing demand. **Scarcity can only be resolved by abundance.** It is for this reason that focus should be on the production of plots as the primary issue. Real numbers are the starting point and services provided to those plots are but complementary. Other issues surrounding the supply and demand of urban plots including facilitation, bottlenecks, spin-offs, etc., are also a part of this analysis. It is emphasised that under conditions of budgetary squeeze, absence of plots results in squatting, where services become impossible to supply without a certain level of demolition. But, services can be supplied following an existing plan where plots are already available when funds permit.

**Three Trends in Urban Land Delivery:**

Clear delivery trends have been observed in three parts that are different from one another. The **first decade** after independence, saw a smooth increase in planned and surveyed plots implying that demand and supply of plots were in close agreement. During this decade three other major observations are that national policies and strategy enable performance, professionals are well utilised and funding is made available. The **second decade** is adversely affected by several issues namely; villagisation and the decentralisation of Government Administration Machinery to the Regions, new unfriendly to urban development laws, lack of funding, a new agenda for the Surveys and Mapping Division, neglect of the urban environment, underutilisation of human resources and, ill-equipped and ill-facilitated professionals in spite of rising numbers thereof. The **third decade** is overwhelmed by the economic misfortunes that started in the second decade and squatting levels, a dependency syndrome on foreign funded projects, misdirection in policy such as free land delivery that was carried over from previous years, infamy of local government machinery, retrenchment of skills under Local Government reforms, corruption, complacency and clear lack of vision let alone strategy. All in all, encumbrances in the three phases discussed include; Government policies, land sector strategies, finance, human resources and organisation thereof, production tools, priority placed on issues of production, consequences of performance of the production line and mindsets on land ownership.

**Self Financing Processes:**

The issues discussed should be addressed urgently, but above all financial resources should be made available to enable the survey of planned urban areas. Recent experience has shown that urban land delivery is not a loss making process. Government has avoided areas that are planned but not surveyed for fear of high rates of compensation. It is suggested that a specially funded programme to enable the
survey of such areas should be launched whereby landowners are encouraged to survey
their lands into plots with costs recovered on seeking building permits or through
property tax. The private sector should be involved with such activity at agreeable IST
rates.

**On Issues from Studies:**
A number of issues have been unveiled from national and sectoral policies and
strategies as summarised in Table 1. The public expenditure review studies have
underscored a major point that the lands sector is inundated with problems systemic,
financial, and policy-derived both internal and exogenous. The root causes being:
high rates of urbanisation; underdeveloped, unrecognised and unregulated land markets;
marginal involvement of the private sector; automation of processes; growth on
spontaneous settlements; poverty and absence of cost recovery in the practice. But,
these studies have concluded that the sector “has been left out in the cold for too long”
– over three decades in which key and basic activities and services were suspended to
the detriment of itself and many other sectors that rely on it. As a consequence, not
only is urban land use undermined, but investment in both urban and rural areas
(agriculture) also. The studies have declared SMD - the producer of plots, to be in “a
run-down state” and needs proper funding. The studies have also called for measures to
be taken to remedy other underlying problems that include: dualism in regulation;
centralism and concentration of services; inefficiency in plot allocation and land
registration; corruption and indifference; under funding; and underinvestment in the
sector all of which are contributory to underperformance and stagnation that vividly
manifests itself in land delivery today.

**Recommendations:**

1. On the critical path to plot production is the part played by an organised
   mechanism for an efficient and constant supply of plots. It has been established
   that a project for plot delivery can be self-sustaining financially, if seed money
   required to kick-start such a project is made available. It is recommended that
   Government undertake the preparation for such survey projects and invite
tenders for private sector execution with a set target of say, fifty thousand plots
   annually and review the situation with plot demand every 2-3 years. Planned but
   not surveyed areas should be brought on stream.

2. The 20,000 plots project was highly recommended by SPILL as an avenue
   through which the scarcity of urban land for development can be alleviated.
   SPILL recommended however, that the project be extended to an output of
   50,000 plots annually for the foreseeable future and that a revolving fund to
   enable such production should be made available. This is also the
   recommendation of this study that aims at a seemingly, oversupply of plots in
   the short term and a return to parity between supply and demand in the longer
term.

3. The lands component of the Private Sector Competitiveness Project, PSCP
   funded by the World Bank in the MLHHSD, has a set of interventions
   addressing issues of land delivery and registration in a holistic way. The project
   is now confined to 15 Districts, thus serving as a pilot project. The five sub-
   components to PSCP and its six interventions should provide the framework for
   sustainable urban land delivery both in urban and rural areas. The project should
   be extended to other Districts to address plot requirements in the various
   Municipal and Town Councils.
4. Recent studies on the national land bank for investment project has unveiled a national strategy for addressing land needs of investors both in urban and rural areas and should form the basis of action in this area. The two pilot projects formulated in this study for urban investors should be enabled with a view of widening the pilot project to a larger undertaking. Such projects are financially viable if well managed, but require base capital in the form of a revolving fund to move forward with the implementation.

5. Urban Authorities should aim at an oversupply of plots in urban centres that is based on a synthesis of the demand as discussed in this report. This is so as to blot out the accumulated demand within a set period of time say, five years. Some of the plots will be in the form of regularized and serviced land in addition to new plots. But if this is to be accomplished, development control must be reactivated and directed at absorbing new developments to the new planned sites (where plots have been surveyed). Also a demand model should be developed to guide cadastral processes and upon these projections, an annual supply of plots that addresses the policy drive of the 1960, “not to stall development”, including development by investors, should commence as soon as possible.
6. BIBLIOGRAPHY:


43. UN Millennium Project (UNMP, 2005). Preparing National Strategies to Achieve the MDGs: A Handbook at info@unmillenniumproject.org


APPENDIX TABLES:

Table 1: Houses in DSM Squatters – Demand and Supply Compared

<table>
<thead>
<tr>
<th>Year</th>
<th>1972/73</th>
<th>1981/82</th>
<th>1999/00</th>
<th>2005/06</th>
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</thead>
<tbody>
<tr>
<td>Houses</td>
<td>50,000</td>
<td>96,000</td>
<td>200,000</td>
<td>500,000</td>
</tr>
<tr>
<td>Plots</td>
<td>0</td>
<td>14661</td>
<td>10797</td>
<td>25865</td>
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</table>

Table 2: The Dar es Salaam Approximations On House Numbers

<table>
<thead>
<tr>
<th>Year</th>
<th>1972/73</th>
<th>1981/82</th>
<th>1999/00</th>
<th>2005/06</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Houses (in Squatters)</td>
<td>50,000</td>
<td>96,000</td>
<td>200,000</td>
<td>500,000</td>
</tr>
<tr>
<td>DSM Plots (1/2 Accumulated**)</td>
<td>92,301</td>
<td>103,601*</td>
<td>137,592</td>
<td>159,977</td>
</tr>
<tr>
<td>Total Homes in Dar Es Salaam</td>
<td>142,301</td>
<td>199,601</td>
<td>337,592</td>
<td>659,977</td>
</tr>
</tbody>
</table>

* Includes about 2,000 annually since 72/73 to 80/81
** Taken as half of total

Table 3: Plots Surveyed From 1959-1971

<table>
<thead>
<tr>
<th>Year</th>
<th>59/60</th>
<th>61/62</th>
<th>62/63</th>
<th>63/64</th>
<th>64/65</th>
<th>65/66</th>
<th>66/67</th>
<th>67/68</th>
<th>68/69</th>
<th>69/70</th>
<th>70/71</th>
<th>Total</th>
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<tbody>
<tr>
<td>Plots</td>
<td>720</td>
<td>5556</td>
<td>3493</td>
<td>5629</td>
<td>4087</td>
<td>4400</td>
<td>6438</td>
<td>9000</td>
<td>11000</td>
<td>12,000</td>
<td>15000</td>
<td>184,603</td>
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Table 4: Simultaneous Production of Urban and Village Plots

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<thead>
<tr>
<th>Year</th>
<th>68/69</th>
<th>69/70</th>
<th>70/71</th>
<th>71/72</th>
<th>72/73</th>
<th>73/74</th>
<th>74/75</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Plots</td>
<td>9000</td>
<td>12000</td>
<td>15000</td>
<td>7000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>43,000</td>
</tr>
<tr>
<td>Village Plots</td>
<td>11000</td>
<td>16000</td>
<td>20000</td>
<td>28000</td>
<td>&gt;</td>
<td>&gt;&gt;</td>
<td>&gt;&gt;&gt;</td>
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</table>

Table 5: Plot Survey Data for 1977/78 – 1985/86

<table>
<thead>
<tr>
<th>Year</th>
<th>77/78</th>
<th>78/79</th>
<th>80/81</th>
<th>81/82</th>
<th>82/83</th>
<th>83/84</th>
<th>84/85</th>
<th>85/86</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2030</td>
<td>1955</td>
<td>0</td>
<td>14661</td>
<td>0</td>
<td>9000</td>
<td>2506</td>
<td>5,700</td>
<td>33822</td>
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Table 6: National Production of Plots; 1995 - 2001

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<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Plots</td>
<td>8000</td>
<td>10209</td>
<td>6279</td>
<td>5429</td>
<td>10797</td>
<td>8403</td>
<td>5811</td>
<td>54928</td>
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