ISSUING OF RESIDENTIAL LICENCES TO LANDOWNERS IN UNPLANNED SETTLEMENTS IN DAR ES SALAAM TANZANIA

Draft Consultancy Report prepared for:

UN-HABITAT, SHELTER BRANCH, LAND AND TENURE SECTION

By

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The Consultant would like to thank all the officials in the Ministry of Lands and the Dar es Salaam Local Authorities who answered questions and supplied the necessary documentation and data. Thanks also should go to the property owners in the various settlements who took off their time to respond to the questionnaire, as well as academics, researchers and various professionals who willingly offered their opinions and expertise when requested to do so.

None of these officials or any body who participated in this study is responsible for the interpretation of the information and the conclusions arrived at. These remain solely those of the Consultant.
EXECUTIVE SUMMARY

The main purpose of this consultancy was to evaluate the Project to issue Residential Licences in unplanned settlements in Dar es Salaam, Tanzania, undertaken since 2004 by the Ministry of Lands working together with the Dar es Salaam Local Authorities. It was envisaged that the Project would be implemented in two Phases. Fieldwork for Phase one has largely been completed and residential licences are continuously being issued. Over 200,000 properties have been mapped and over 50,000 licenses have already been issued and the process is ongoing. Phase two is yet to start.

The Consultant was required to describe the historical context of the introduction of the residential licences; how these licences are awarded, considering both de jure and de facto systems, and the provisional costs of allocating a residential licence to both the state and the beneficiary. The consultant was also required to evaluate the extent to which the residential licence system is: gender friendly; pro-poor; capable of being scalable; and capable of being upgraded to titled properties at a later date.

In approaching this undertaking, extensive desk studies and consultations with officials, professionals, academics and property owners were carried out. A questionnaire was prepared and filled in by select property owners.

Unplanned development had existed since colonial times but gathered pace after Independence. The government generally kept a blind eye to this development but carried out limited clearance and rebuilding of unplanned areas, mainly through the NHC in the 1960s and 1970s. With the assistance of the World Bank, limited upgrading was carried out in the 1970s and 1980s side by side with undertaking sites and services projects. Ideas of clearance were abandoned altogether in the late 1970s.

The National Land Policy of 1995 and the subsequent Land Act 1999 emphasised the need for upgrading and for giving property owners some documentation which can enhance their security of tenure. The original idea of issuing residential licences was mainly hinged on improving security and enabling regularisation. When in 2003, the government embarked on a policy aimed at encouraging land owners to utilise land in economic empowerment undertakings, the need to offer residential licences became even more urgent in the light of the Nation’s Poverty Reduction Strategies. When funds became available the Project was undertaken.

Utilising satellite and other air photography data, the Ministry carried out a fieldwork identifying properties, their appurtenances and their owners; and carried out a socio-economic survey involving the property owner and residents. Field data was summarised in a Property Register which was available for all to see and suggest amendments where necessary. Subsequently property owners were required to apply for the licence by filling in Land Form 73 and passing it through Mtaa and ward officials before submitting it to the Municipal Offices where the licence (Land Form 74) is issued. Initial payments amounting to Tshs 5,600/= had to be made, plus the annual sum of the land rent. Phase
one cost the government Tshs 1.8bn/= (exchange rate: Tshs 1110/= to 1 US$). The largest element of the cost was labour. This amount was to be recovered from the beneficiaries, therefore ensuring sustainability. The licence uptake has been slower than anticipated. Some property owners are wary of paying the requisite fees and the annual land rent and other landownership and development costs.

The study concludes that gender aspects were not given the prominence that they should. The majority (some 65%) of the licences are issued in the name of men only; just over a third (35%) in the name of women and only 5% in the name of both men and women or in the name of family members although by far the majority of the property owners are married. There was no sensitization to encourage property registration on a gender basis. The instruments used to gather information and to apply for and issue licences were not gender friendly.

The residential system is pro-poor in as far as it enhances tenure security, and many property owners are proud of this. Those who were left out because they are on hazard land or land earmarked for public services are quite anxious to get these licences. The government is encouraging licence holders to utilise them to get loan and at least one Bank is giving out loans on the basis of these licences. But the length of tenure is too short, and many properties remain inaccessible. A good number of households are wary of using their property as collateral.

However, licence holders are now required to pay a number of outgoings, which they were not hitherto paying. These include the annual land rent, although the rate charged is low compared to that charged in planned areas. The imposition of space standards used in planned areas, such as a minimum plot size of 400 square metres is counter productive and impracticable unless a lot of demolition is envisaged when it comes to regularization.

The possibility of scaling up the residential issuing project is there, provided funds are available either, new funds or recovered funds. The slow up take of the licences endangers sustainability. There is also the need to build more capacity at local government level and involve the local authorities and the communities more. Phase One of the Project was implemented to a large extent by the Ministry of Lands with limited input from local authorities or communities. The use of technology is very helpful and is speeding up things but there is need to build capacity, both human and other resources to support the use of technology.

The licences, in their current form cannot be upgraded to a full title, mainly because there are no survey marks on the ground to back up the boundaries shown on the maps. Moreover, these boundaries cannot be recovered. A full title cannot therefore be issued since requirements of the Land Registration Ordinance must be met. The licences themselves are registered under the Documents Registration Ordinance and not under the Land Registration Ordinance. Regularisation followed by surveying is, therefore is necessary, subsequent to the issuance of licences. The system used to survey the areas could use modern hi-tech and rapid methods.
It is concluded that the project has created confidence among the property owners in unplanned settlements. The way forward should aim at issuing licences in such a way that they can be upgraded to a full title. This means having an approved land-use scheme for the area. This could be developed together with the residents, based on realistic and affordable standards. Licence taking should be compulsory. Capacity building at local government and community levels is important there is the need to be more gender sensitive to ensure co-ordination with other projects being undertaken in unplanned areas in Dar es Salaam.
1

INTRODUCTION

1.1 Key Terms of Reference for the Consultancy

In 2004, the Ministry of Lands, Housing and Human Settlements Development (MLHHSD) embarked on a large project to issue residential licences to urban landowners in Dar es Salaam who had obtained land otherwise than through official channels. The whole undertaking was to be carried out in two phases in 2004/2005, and 2005/2006, each phase roughly covering half of the existing properties estimated to be 400,000.

The UN-HABITAT, Shelter Branch, Land and Tenure Section working together with the World Bank commissioned a consultancy to look into the whole process of the issuing of residential licences, and offer an evaluation based on a number of criteria. Terms of Reference are reproduced in Appendix VIII. The consultant was required to:

- Briefly describe the historical context of the introduction of the Residential Licenses;

- Describe in detail the system by which Residential Licenses are awarded in Dar es Salaam, including the de jure and de facto system, from the beneficiary or user through to the surveyor general, registry and municipality, emphasising the pro poor aspects.

- Work out provisional costs for the allocation of a Residential Licence, to the state and including that paid by the user/beneficiary (cost elements to be shown);

- Evaluate to what extent the Residential Licence system is gender friendly, particularly for poor women and if not;

- Evaluate to what extent the Residential License system is pro poor and useful for ordinary people;

- Evaluate to what extent the Residential License system is scalable to address the wider tenure security problems in Tanzania;

- Evaluate to what extent the Residential License system certificates can be upgraded to titled properties at some later date, and to what extent the system is capable of being integrated into the titling system.

1.2 Methodology

The consultant embarked on the study towards the end of August 2006.

This study was carried out using a number of approaches including the following:
- A review of existing documents including the Project write-up documents, official reports, and studies on the Project. The List of Documents reviewed and referred to is shown in Appendix I;

- Interviews and discussions with key officials related to the Project in the MLHHS, in the Dar es Salaam Municipalities, in research institutions, and in financial institutions. The list of Key people interviewed is shown in Appendix II.

- A questionnaire was administered to a number of residents in an area in which the Project has been implemented. The list of those interviewed is shown in Appendix III.

- Data on the performance and progress of the residential licence project was obtained from the Ministry of Lands as well as from the Project Offices in the Kinondoni Municipal Council

- Participant Observation in Manzese Midizini and Ubungo Mabibo unplanned areas

In accordance with the Terms of Reference, this Report is qualitative rather than quantitative. The study was carried out during the month of September 2006.
HISTORICAL CONTEXT OF THE INTRODUCTION OF RESIDENTIAL LICENCES IN UNPLANNED AREAS

2.1 Introduction

Land tenure in urban land in Tanzania can be statutory, customary, quasi-customary or informal. The cut-off point between statutory tenure and other tenures is tenuous. Statutory tenure will normally have official documents such as a letter of offer for a right of occupancy, or a Certificate of Occupancy. The other types of tenure may carry documents such as sale agreements or may have no documentation at all. Statutory tenure is given over land that is planned and surveyed (cadastre). Other tenures are on land that is not mapped. Land can be obtained through inheritance, purchase, allocation by some public authority (including village governments) or relatives, or can be occupied without reference to anybody.

Ideally, in an urban setting all seekers of land for development should either get it from the public authorities, or, if they do not get it from public authorities, they should occupy and develop land under terms and conditions approved by public authorities. However, much of the land in urban Tanzania is acquired informally and is developed without following any land use plan or adhering to laid down procedures. We elect to call areas that develop without the sanction of public authorities unplanned areas, although terms like squatter, slum, shanty or informal areas are used in the literature. Such terms are used interchangeably in this report although the preferred terminology is unplanned areas or settlements.

2.2 Development of Unplanned Areas in Tanzania

Unplanned settlements were a feature of the colonial era, either as existing villages that became engulfed by, or as new settlements that grew up in, urban areas. The colonial government however was able to keep the growth of such areas in check, by their outright removal, or regularisation, or by the under-bounding of the urban areas. A few areas (like Kheko) were tolerated. In any case, urban growth was relatively slow.

Nevertheless, there were expanding shanties in Dar es Salaam during the colonial times, such as those at Buguruni, Kigogo, Chang’ombe/Toroli, Keko and Mikoroshoni. These housed about 17 percent of the African population, or around 16,000 people. Although unwanted, these shanties were tolerated and were to form an enduring legacy of colonial rule (Burton, 2005: 132)

After independence, squatting began to assume alarming proportions and was reported in 1962 as being extensive within, or just outside the boundaries of Dar es Salaam, Mwanza,
Tanga, Iringa, and Mbeya urban areas. In Dar es Salaam, the Town Planning Department in the Ministry of Lands noted that illegal building was increasing but that there was no noticeable signs that the City Council was taking any steps to control it.

The Dar es Salaam City Council Housing Officer, C.H.F. Mchaina, in his Report to the Markets, Housing and Fire Committee of the Council in October 1962, reported illegal buildings, particularly in Magomeni, Buguruni and Temke; and called for stern action. He pointed out that the old methods of deterring squatting/illegal building had failed because of squatting took place en masse and therefore the issue became political. Many owners of such illegal buildings refused to give their names, or to allow details of their buildings to be taken, threatening to beat up the building inspectors. So, many such illegal buildings could not be dealt with. The politicians in the Council however seemed to be on the squatters’ side. The following year, His Worship the Mayor of Dar es Salaam, Mohamed Mfaume, castigated building inspectors “for being harsh with the people”.

Furthermore, Housing Officer Mchaina noted that the Urban House Tax Ordinance of 1962, empowered the Dar es salaam City Council to collect house taxes from buildings in unplanned areas. This required that houses be numbered. Such numbering encouraged squatting as it appeared to legalise the otherwise illegal structures.

In 1965, there were some 20,000 illegal buildings within and just outside the town boundaries of Dar es Salaam, having between 80,000 - 100,000 people. It was decried that, at any time, dozens of huts could be seen under construction. Old huts could be seen being improved, and virtually being converted into permanent materials, and inhabitants were demanding services such as piped water supply. The Ministry of Lands was being pressed to take action to stop squatting: "political issues however, are involved and it seems unlikely that any action will be taken without a Cabinet decision. Meanwhile the problem assumes alarming proportions".

Squatter removal was hampered by lack of resources as well as political will. While the Town Planning Department urged stern action against squatting, the Land Department, the Dar es Salaam City Council and the Cabinet preferred to take no action.

The Department of Town Planning Report for 1965 lamented that:

"the squatter situation has deteriorated. Though there was greater realisation of the need for action, nothing had been done and nothing was likely to be done until this was decided at high political level, and funds and implementation resources were made available".

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1 Most information in this section is taken from Kironde (1995)
2 Dar es Salaam City Council, Reports to Committees, 1962.
3 Dar es Salaam City Council, Minutes, 1963.
5 ibid, p. 2.
6 ibid.
Studies carried out for the 1968 Dar es Salaam Masterplan found that there were 97,500 people (out of Dar es Salaam's 272,515 people in 1967) living as squatters in the Dar es Salaam's city area, and more in the statutory Planning Area. Squatting had by 1967, increased by 70% since 1963. In 1969, a systematic count based on aerial photographs showed a total of 14,720 houses in 14 main squatter areas of Dar es Salaam. A similar count carried out in 1972 and based on the same method, showed that the number of squatter houses had nearly doubled to 27,981, an average compound yearly rate of increase of 24%. In 1972, Stren estimated the squatter population in Dar es Salaam to have had gone up to 224,000 people, or some 44% of the total city's population. In 1979, 60% of Dar es Salaam's population (478,489 people) was living in squatter areas.

In 1979, some 2349 hectares (or nearly 40% of the city's residential land) was occupied by some 25 squatter settlements. The decade 1980-1990 was characterised by the expansion, consolidation and the emergence of new unplanned settlements. In 1990, it was calculated that there were some 40 squatter settlements in Dar es Salaam occupying some 5000 hectares (Kironde, 1997), and in 2002, the number of unplanned areas had increased to 100 (CIUP, 2002).

The standard percentage of people in Dar es Salaam living in unplanned areas given in official bulletins is 70 percent. This figure is outdated. Calculations based on Property tax databases which include properties in both planned and unplanned areas suggest that over 80 percent of all buildings in the city are in unplanned areas. Given the higher occupancy rate in unplanned areas, the proportion of Dar es Salaam’s population living in unplanned areas is higher than 80 percent (Kironde, 2006:462-3)

2.3 Action taken to address Unplanned Development

Although, as has been pointed out above, both the colonial and postcolonial governments tolerated unplanned development although they harboured wishes of removing unplanned areas and have an orderly city development, limited clearance was undertaken. The NHC was expected to play a major role in building new houses for sale and renting, and to improve house conditions in existing areas (Kironde, 1995).

In 1967 the first comprehensive squatter removal exercise in Dar es Salaam took place. Around 320 houses were demolished at Makaburini, along the Pugu Road to give way to land required for industrial use. Compensation was paid and the evacuees resettled at Kigogo Road, where construction in traditional materials was allowed. Another extensive squatter clearance undertaking was carried out by the NHC in the same year and involved the removal of part of a large squatter area at Keko Juu. In its place, new houses for rental and tenant purchase were put up. A smaller squatter removal exercise took place at Temeke.

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9 R.E. Stren, Urban Inequality and Housing Policy in Tanzania, Institute of International Studies, University of California, 1975, p. 62.
South, undertaken by the NHC for the purpose of constructing tenant purchase houses.\textsuperscript{11} Much later, in 1975, part of another extensive squatter settlement at Buguruni was demolished by the NHC. Some 550 people were displaced, and the area put to multi-storey residential buildings. Again, in the same year, an old squatter area at the edge of the city centre known as Kisutu, and notorious for immoral activities carried on therein was razed. Some 93 huts were demolished and the area put to commercial uses.\textsuperscript{12}

Outside the above areas, there was no major removal of unplanned settlements in Dar es Salaam.

The 1968 Dar es Salaam Master Plan proposed stern action against unplanned development. Draconian measures proposed included the employment of enforcement officers, the outright removal of emergent unplanned areas and all developments inconsistent with the Masterplan, and the non-payment of compensation for disturbance to, and non-resettlement of the squatters thus cleared.\textsuperscript{13} Nevertheless, most proposals of the 1968 Master Plan were not implemented. By the early 1970s, ideas of clearing unplanned areas were abandoned altogether and replaced with those of upgrading them.

The 1979 Dar es Salaam Master Plan proposed the incorporation of unplanned areas in the city official land use fabric. Unplanned areas were also to be accommodated, as was housing constructed in local materials. As a result, all areas that by then had grown as unplanned, were zoned residential in the Master Plan that was proposed.

The 1970s to the late 1980s saw the implementation of the Sites and Services and Squatter Upgrading Project in Dar es Salaam with the assistance of the World Bank. Parts of two large unplanned settlements, Manzese and Mtoni-Tandika were upgraded. This included institution of some infrastructure such as spine roads and drains, communal water delivery points, schools and health centres. It also included house registration and the imposition of land rent.

In the early 1990s UNCHS (Habitat) introduced the Environmental Planning and Management approach in Dar es Salaam. The Hanna Nassif Community-based Project was embarked upon through the Sustainable Dar es Salaam Project (SDP) with the support of the International Labour Organisation (ILO) and the Ford Foundation. Community participation became an important focus of dealing with unplanned settlements as well as providing infrastructure to this settlement which was prone to regular flooding.

The SDP in collaboration with the World Bank and Irish Aid recast the Community Infrastructure Programme (CIP) to upgrade two communities that is Kijitonyama and Tabata (Kyessi, 2002)

\textsuperscript{11} Tanzania, Annual Report of the Department of Town Planning 1966 and 1967, p. 3.
A strategy for upgrading of unplanned and unserviced settlements using the framework provided by the Strategic Urban Development Plan (SUDP) was developed under the SDP. At the same time, a Community Infrastructure Upgrading Project is being undertaken in Dar es Salaam with the assistance of the World Bank to provide infrastructure to a number of unplanned areas in Dar es Salaam. Under the City Alliance Programme the government of Tanzania, working with partners is working to prepare a citywide upgrading programme.

What is probably significant to note for this report is that upgrading schemes did not, on the whole, address issues of tenure.

2.4 Tenurial status of land in unplanned areas

The tenurial status of land in unplanned areas has been an area of contention. The Colonial government in the then Tanganyika issued a proposal in Government Circular No. 4 of 1953, which stated that once an area is declared to be a planning area, the customary tenure in such land ceases. This proposal was not translated into law. In the case of Nyagwasa v. Nyirabu (Civil Appeal no. 14 of 1985), the Court of Appeal held that customary tenure in land persisted after the declaration of an area to be a planning area, until these rights are properly extinguished in law (Fimbo, 1992).

Nevertheless observing the practice in urban areas, the Shivji Report of 1994, and Shivji’s subsequent writings pointed to the precarious nature of landowners in unplanned areas. In December 1998, in the case of Mwalimu Omari and Ahmed Baguo v. Omari Bilal (Civil Appeal 19 of 1996), the Court of Appeal ruled that no person has a right to own urban land under customary law. The Court ruled that customary tenure applied only in rural areas, or to registered villages within the urban areas. Anyone who owns land in an urban area without a granted right of occupancy was a squatter without title. This curious ruling turned the majority of urban landowners into squatters and was a major cause of concern. It also did not take into account a situation where urban boundaries are expanded outwards, encompassing customary land at the periphery. Nevertheless, people continued to acquire and develop land without reference to public authorities and many believe that they can invoke customary tenure. The National Land Policy of 1995 and the Land Act 1999 addressed issues of land tenure in unplanned areas.

2.5 Towards the Residential Licence in urban areas

By the late 1980s, there was so much chaos in land administration in the country that in 1992 the Government appointed a commission to look into land matters (The Shivji Commission). The Commission noted among other things, the precarious tenure that people in urban unplanned areas and peripheral areas held (URT 1994). Meanwhile the Government noted the need to have a National Land Policy. This was published in 1995, after extensive national consultation.

Realising that already a lot of urban land was being occupied under informal tenures the National Land Policy stated that:
Residents in unplanned settlements shall have their rights recorded and maintained by the relevant land allocating authority, and that record will be registered.

All interests on land including customary land rights that exist in the planning areas shall be identified and recorded.

Existing unplanned settlements will not be cleared but will be upgraded and provided with facilities for adequate sanitation and other basic services except for unplanned housing in hazardous areas.

The Land Act 1999 which translated the National Land Policy into law took cognisance of the fact that a lot of people had acquired and developed land in unplanned areas. Section 3 (1)(b) of the Act, reiterating one of the fundamental principles of the National Land Policy noted that all persons exercising powers over land should seek to:

Ensure that existing rights in, and recognised long-standing occupation and use of land are clarified and secured by law.

Provisions in section 23 of the Land Act address that issue by enabling the issuance of residential licences.

23. – (1) a derivative right, in this Act referred to as a residential licence, confers upon the licensee the right to occupy land in non-hazardous land, land reserved for public utilities and surveyed land, urban or peripheral area for the period of time for which the residential licence has been granted.

(2) Any person who at the commencement of this Act, has, without any official title acquired and occupied as his home for not less that three years, land in an urban or peri-urban other than land held for a granted or customary right of occupancy or as a tenant of a person so holding land or land to which subsection (2) of section 51 applies (i.e, land declared as abandoned by the Commissioner for land), shall by virtue of this Act be deemed to occupy that land as a residential licensee under a licence granted from year to year to that person by a local authority having jurisdiction in the area where that land is situate.

(3) Subject to the provisions of this Act, a residential licence may be granted by a local authority:

(a) To any person occupying land without official title or right within the area of jurisdiction of that local authority;
(b) For a term which shall be not less than six months but not more than two years which may be renewed for a similar term;

(c) Subject to any conditions, including conditions as to the payment of any fees or charges which may be specified in the licence or which may be prescribed.

(4) A residential licence shall not be assignable by the licensee.

(5) A residential licence shall bind the successor in title to the licensor who obtains the land with actual or constructive notice of the licence.

(6) Where a person or family has occupied land in the same location under a residential licence for not less than three years, he or they shall be entitled to compensation under the Land Acquisition Act, 1967, where the land is to be acquired for public purpose or where that person or family is to be removed from the land as if that person or family had a right of occupancy in the land, and section 12 and Part II of that Act did not apply to that land.

The same Land Act, in its sections 56-60 provides for the regularisation of unplanned areas. The purpose of regularisation is to facilitate the recording, adjudication, classification and registration of the occupation and use of land by those persons living and working in the area declared to be subject to a scheme of regularisation, with the ultimate aim of issuing them with certificates of occupancy.

The National Human Settlements Development Policy 2000 in addressing unplanned areas does not envisage their clearance but their upgrading through CBOs and NGOs.

After the passage of the Land Act 1999, true squatters that is, those occupying land illegally, are few in urban Tanzania.

A number of issues need to be clarified. The Land Act for example, refers to land used as a residence and also issues residential licences. How about land used for commercial purposes, or land used solely for agriculture? The way the Residential Licence Project is being implemented does not seem to take these differences into consideration.

In 2004, the Ministry of Lands in collaboration with the Dar es Salaam Local Governments Authorities, is implementing the residential licences project. This is in part, implementing the provisions of the Land Act 1999. It is also a response to government policy, which seeks to encourage the use of land in poverty reduction strategies.
3

SYSTEM OF ISSUING RESIDENTIAL LICENCES IN DAR ES SALAAM

3.1 Background

The issuing of residential licences came after the implementation of a major Property Identification and Registration in unplanned areas in Dar es Salaam. Highlights of this project are presented before looking into the details of the actual process of issuing/getting the residential licence.

The implementation of the Residential Licences Issuing Project was prompted by several factors:

- The need to implement the National Land Policy 1995 as well as the Land Act of 1999;

- The realisation that in almost all urban areas in Tanzania, the majority of land owners are in unplanned areas where moreover, most new construction was taking place;

- The successful implementation of the 20,000 Planned Plots Project (from 2002) which, while addressing the question of shortage of planned and serviced land, exposed the need to do something about unplanned development as a way of bringing about orderly and secured development in the city of Dar es Salaam;

- Fulfilment of key aspects of the ruling Party (CCM)’s Election Manifesto;

- The government’s drive, particularly from 2003, to address poverty through the use of land in support of economic activities. This was enhanced after the government had invited Peruvian Economist Hernando de Soto to come to Tanzania and share his experiences in the transformation of informal real property from dead capital into live capital which then can be used to transform the lives of the poor. While the Property Registration Project being implemented by the Ministry of Lands in association with Dar es Salaam Local Authorities (DLAs) is independent of the Property and Business Formalisation and Registration Programme (MKURABITA), which is based on the ideas of de Soto, it has nevertheless been informed by the latter Programme and the two share some common ideals.

For land parcels to be useful as collateral, they must be uniquely identified in terms of position/location, size and other potentials including fixtures upon the land parcels. Thus the need for this undertaking specifically aimed at empowering the poor living in unplanned areas.
3.2 Project Objectives

The overall objective of the project is to create a Comprehensive Land Property Register that will show the status quo of every individual land parcel in the unplanned settlements in the City including fixtures upon it, ownership, existing use, occupancy rate, access to utilities and amenities, encumbrances, and so on.

Specific objectives include:

- To identify ownership of individual properties in the unplanned settlement and prepare property registers;
- To give legal status to land owners in the existing unplanned settlements by issuing residential licenses; hence increasing the economic value of their land and properties which can then be used as collateral to acquire loans and other facilities;
- To widen the government base for revenue collection by enabling the central government to collect land rent and the local authorities to collect property taxes from these unplanned areas;
- To create a comprehensive database which will enable the monitoring and control of land development in unplanned areas;
- To stem the continued development of unplanned areas, and prevent environmental degradation;
- To build capacity within the Ministry and municipal authorities to undertake such projects in other urban centres.

The project activities include undertaking community assisted field campaigns to map and register house plots in unplanned settlements and public awareness campaigns to encourage residents to apply for Residential Licenses. Efforts to assist and support the process of establishing registries in local authorities are also underway.

3.3 Scope of the Project

The intention of the government is to eventually cover all the unplanned areas within Dar es Salaam’s area of jurisdiction.

3.4. Major tasks undertaken

Phase one of the Project has been completed in terms of identifying the targeted properties. Use has been made of modern technology. For creation and maintenance of geo-information database, a number of major processes were essential. These included: data acquisition,
and data processing and manipulation including presentation of information to the user community. The chronological steps were:

(i) Acquisitions of the baseline datum in form of topographic or image maps as the principal graphics component of the comprehensive database.

(ii) Acquisition of hardware and software for efficient management and utilization of satellite or photographic images.

(iii) Acquisition of equipment for field works.

(iv) Designing of the database structure, forms and questionnaire to be used for collection of data from the field.

(v) Training in use of images, collection and digitization of field data.

(vi) Carrying out awareness campaign to the public about the project and creation of a comprehensive multi-disciplinary and multi-sectoral database that, in the long run, comprises detailed information about individuals and their properties. It was essential for people to understand the purpose of the database so as to make them willing to supply information requested without hesitation or fear of infringement on personal freedoms.

(vii) Field survey for collection of data. This task ran parallel with data entry into computers according to prescribed formats.

### 3.5 Approach to the undertaking

#### 3.5.1 General note on methodology

It was intended in this exercise, to create a comprehensive urban land and property system, which would constitute a wealth of information and data. Modern computer-based methods were used, enabling all kinds of information to be added to the data base. GIS tools were applied extensively.

#### 3.5.2 Mapping

Topographic features were captured through acquisition of up to date satellite or photographic images with a resolution of at least 0.6m on the ground. The images were in digital and in Geographical Information Systems (GIS)-ready format. The quality of the images had to be high and as free from clouds cover as possible so as to allow discerning most features on the ground.

The image was used in the identification of physical properties on the ground; elevation contour lines including all permanent and seasonal water bodies, which assisted in assessing environmental hazardous areas e.g. low-lying land and steep slopes, existing
buildings, road network, open spaces, drainage structures, electricity lines, and public buildings. Boundaries of land parcels were also interpreted and delineated on the image to form entity polygons. Each delineated polygon was associated with relevant pertinent data/information that constituted the tabular component of the comprehensive database.

### 3.5.3 Socio-economic survey

Together with mapping, the project collected a lot of socio-economic data through the administration of a questionnaire (see Appendix IV for Copy of the Questionnaire). The data collected included household characteristics, income and expenditure, housing tenure, house occupancy, level of services that the property enjoys, matters related to the environment, the willingness of the property owner to contribute to the costs of improving the area and so on. Only the property owners or a close relatives were required to answer the questionnaire. The data thus collected was filled in the computer and is of immense value when it comes to understanding the living conditions in the area and decisions related to regularisation and upgrading.

### 3.5.4 Establishment of a database

With both graphics and tabular data in a computer, a comprehensive database was therefore put in place. With Geographical Information Systems (GIS) tools, the database can be queried to supply information and it is the basis for deriving by-products like property registers with owner names, owner addresses, mutations, properties with access to utilities like electricity, water, telephone lines, etc. In essence the database is a vital resource for decision making in planning, allocation of facilities, enforcement of planning control conditions, issuance of residential licenses etc.

### 3.6 Project Implementation Administrative Set up

#### 3.6.1 Setting up of Committees

The Project is being implemented by the Ministry of Lands in collaboration with the DCC and DLAs. A number of committees were set up to oversee the administration of the Project. These committees are as follows:

- The Project Steering Committee
- The Project Technical Committee, and,
- The Project Task Force

#### 3.6.2 Project Steering Committee

The function of the Project Steering Committee is to take the management role in planning and implementation of the project.

The composition of the Steering Committee is as is shown in Table 1.
Table 1 Composition of the Project Steering Committee

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>Permanent Secretary Ministry of Lands</td>
</tr>
<tr>
<td>(ii)</td>
<td>Dar es Salaam City Director</td>
</tr>
<tr>
<td>(iii)</td>
<td>Regional Administrative Secretary</td>
</tr>
<tr>
<td>(iv)</td>
<td>Kinondoni Municipal Council Director</td>
</tr>
<tr>
<td>(v)</td>
<td>Temeke Municipal Council Director</td>
</tr>
<tr>
<td>(vi)</td>
<td>Ilala Municipal Director</td>
</tr>
<tr>
<td>(vii)</td>
<td>Director for Human Settlements Development</td>
</tr>
<tr>
<td>(viii)</td>
<td>Director for Policy and Planning</td>
</tr>
<tr>
<td>(ix)</td>
<td>Commissioner for Land Development</td>
</tr>
<tr>
<td>(x)</td>
<td>Chairperson Task Force</td>
</tr>
<tr>
<td>(xi)</td>
<td>Chairman Technical Committee. (DSM)</td>
</tr>
</tbody>
</table>

3.6.3 Project Technical Committee

The duties of the Project Technical Committee are to advise the Steering Committee on technical issues pertaining the undertaking of the project; and also to supervise the task force on the day to day activities in the implementation of the project. The composition of the Technical Committee is as shown in Table 2.

Table 2 Composition of the Project Technical Committee

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>Director of Surveys and Mapping, Ministry of Lands</td>
</tr>
<tr>
<td>(ii)</td>
<td>District Administrative Secretary</td>
</tr>
<tr>
<td>(iii)</td>
<td>Commissioner for Lands Development, Ministry of Lands</td>
</tr>
<tr>
<td>(iv)</td>
<td>Director for Human Settlements Development, Ministry of Lands</td>
</tr>
<tr>
<td>(v)</td>
<td>Director for Policy and Planning, Ministry of Lands</td>
</tr>
<tr>
<td>(vi)</td>
<td>Head of Town Planning Department Temeke Municipality</td>
</tr>
<tr>
<td>(vii)</td>
<td>Head of Town Planning Department Kinondoni Municipality</td>
</tr>
<tr>
<td>(viii)</td>
<td>Head of Town Planning Department Ilala Municipality</td>
</tr>
<tr>
<td>(ix)</td>
<td>Head of Town Planning Department City Council</td>
</tr>
<tr>
<td>(x)</td>
<td>Task Force Team</td>
</tr>
<tr>
<td>(xi)</td>
<td>Project Manager</td>
</tr>
</tbody>
</table>

3.6.3 Project Task Force

The duty of the Task force is to design, collect, process all the information required for the project. Its composition is as shown in Table 3.

Table 3 Composition of the Project Task Force

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>Project Manager, Ministry of Lands</td>
</tr>
<tr>
<td>(ii)</td>
<td>Town Planner from the Human Settlements Department, Ministry of Lands</td>
</tr>
</tbody>
</table>
A point to note is that the Project is heavily loaded in favour of the Ministry of Lands as opposed to the Dar es Salaam Local Authorities. All Committee Chairpersons and Secretaries are from the Ministry of Lands. Of the 31 members making up the three committees only ten are from the four Dar es Salaam Local Authorities. The law states that the residential licences would be given by the Local Authorities. The heavy loading on the part of the Ministry of Lands may be a reflection of the limited capacity within the local authorities, but it is an issue that needs to be looked into so that capacity is build within these local authorities.

3.7 Resources

The implementation of the Project required special resources besides the usual financial and human resources. Fundamental resources were those related to IT. These resources are as listed below:

(1) Satellite Image or Photographic Image.

Up to date satellite or photographic images for the greater Dar es Salaam covering approximately 1,800 sq. km is the key to the success of all activities in the Project. Initially the Ministry purchased images from the archives with the required specifications with an area of 498 sq. km which were used immediately. Images for the remaining areas were purchased gradually as the project progressed. The images were the main graphics component with which all other features are associated so that each of them has a location and thus forms geo-information on location. Appropriate hardware and software for efficient management and utilization of the image was acquired.

(2) Computers.

A number of Personal Computers and Laptops were used for data collection, processing and presentation of outputs. For manipulation of graphic works, Personal Computers with large monitors (21 inches) were essential.

(3) Global Positioning System (GPS) Equipment
Global Positioning System (GPS) receivers with Real Time Kinematic (RTK) capability were acquired for geo-referencing the image maps. In addition hand held GPS were used for picking up positions of features that for one reason or another did not show up on the image, but is considered vital for the database.

(4) Handheld Digital Cameras.

Handheld Digital Cameras were required for rapid photographic capture and entry into computer, the pictures of the owners of identified properties. Photographs for the individual property owners were taken in the office before issuing of residential licences. Each licence carries a picture of the owner.

(5) Other Office Equipment.

Colour plotter for image quality printing; colour printer for small format printing, heavy-duty photocopier, LCD projector for presentation and stationeries were required.

(6) Vehicles

Although collection of data in unplanned settlements is likely to be done on foot, transport shall be required for ferrying field teams to nearest work positions.

(7). Human Resources

Human resource is needed at various levels. The staff were drawn from the Ministry of Lands, the Dar es Salaam City Council, Municipal Councils and Regional Offices. This was in part aimed at creating capacity in these Municipalities. However temporary recruitment was done for collection of field data through forms and questionnaire. Training of temporary staff for data capture was also carried out.

(8) Funds

The Project utilised Tshs 1.8bn/= in Phase One, details of which are discussed in Chapter 4.

3.8 Project Activities

A number of activities were carried out in implementing the Project. These were as follows, as given by the Project Manager:

(1) **Procurement of Essential Items**: Procurement of items was done progressively in accordance to work plan. Items or equipment needed for certain activities were acquired well in advance before commencement of the activity in order to avoid delays.

(2) **Designing of the Structure of the Database**: The structure of the property database was designed in order to consider in advance every type of information
that was collected and associated with every property polygon. Unique property identification codes were developed. Corresponding themes and fields were developed as well as data entry forms and questionnaires used for data collection in the field.

(3) **Conducting Awareness Campaigns**: Having set down the objective of the project and type of information intended to be collected, informative and awareness campaigns were mounted at various levels, giving the objectives of the Project, procedures to be taken, time framework for the Programme responsibilities of different actors and expected output.

(4) **Training**: In-house training was carried out for the survey team on use of satellite or photographic images, digitisation of property boundaries using Geographical Information Systems (GIS) software and conducting of questionnaire.

(5) **Fieldwork**: This involved the collection of data needed for the database. The coding and format of data were designed to comply with the structure of the database.

(6) **Entry of Data Into a Common Database**: The data collected by every field team was downloaded/digitised into a common database and harmonized, to check irregularities and inconsistencies so that they are corrected as soon as possible.

(7) **Field Verification of the Database**: Once the fieldwork and data entry were completed, the database was checked and verified in the field by querying it randomly in order to ensure that it gives correct answers. The received answers were verified in the field. Together with querying the database, maps of the respective areas were posted at the Mtaa and Ward offices for a period of 30 days for the residents of the respective areas and their local leaders to confirm the property ownership or raise objections. Objections were filled in a form and submitted to the Task Force team for rectification in the database.

(8) **Extraction from the Database of Other Products**: Once the comprehensive database was complete and verified, other by products were derived from the same. Documents like property registers for each municipality shall be prepared for enhancing property tax databases.

3.9 **Project Implementation Processes**

3.9.1 **Stakeholders participation**

Project implementation aimed at utilising a participatory approach, thus it was introduced to various stakeholders through meetings held at different levels. At Ward level for example, Councillors, Ward Executive Secretaries, Extension Officers in the Ward, Mtaa Chairpersons, and Mtaa Secretaries participated. At Mtaa (sub-ward) level, the Project was introduced to Councillors, Ward Executive Secretaries, Mtaa
Chairpersons, Secretaries and residents. The involvement of different stakeholders gave an opportunity for the stakeholders to know and own the project.

3.9.2 Formation of Working Groups

Project execution involved the formation of working groups. These included Urban Planners and Surveyors with knowledge in aerial photo interpretation and map reading as group leaders; and Land Officers, Valuers and Technician Surveyors and Cartographers.

11 working groups were formed made up of employees from the MLHHSD and the three Municipalities of the City of Dar es Salaam, that is Kinondoni, Temeke and Ilala. The groups were then expanded to incorporate other professionals from other urban centres such as Mwanza, Morogoro, Mbeya, Tabora, Tanga, Moshi, Iringa, Mtwara, Ruvuma, Mara Singida and Arumeru for capacity building. Parallel with this, field assistants including new graduates were also temporarily employed in this exercise to administer the questionnaires.

3.9.3 Property Identification

The identification of unplanned areas and the properties there in was based on satellite images over Dar es Salaam. With the aid of these images physical properties on the ground for example: existing private and public building, electricity lines, open spaces, road, footpath and drainage networks; elevation contour lines, permanent and seasonal water bodies, and other physical features were identified. Boundaries of land parcels were also interpreted and delineated on the image to form entity polygons. Each delineated polygon was associated with relevant information that constitutes the tabular component of the comprehensive database.

There was a general call to the public in the relevant areas to be at their properties on given dates to assist field assistants in identifying their properties. Field assistants visited each property armed with aerial images. The owner or his representatives was asked to identify the boundaries of his/her land. Officials then marked these on maps with the assistance of a hand-held GPS. The owner was required to fill-in a boundary agreement form.

As of June 2005, 217,407 properties had been identified/registered in the 43 wards (out of 72) and 180s mitaa forming Phase I of the Project (Table 4)

Table 4: Property identification in the Municipalities (Phase I)

<table>
<thead>
<tr>
<th>Municipality</th>
<th>No. Wards</th>
<th>Sub-wards (Mitaa)</th>
<th>Registered Properties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kinondoni</td>
<td>18</td>
<td>68</td>
<td>62,489</td>
</tr>
<tr>
<td>Ilala</td>
<td>10</td>
<td>37</td>
<td>52,888</td>
</tr>
<tr>
<td>Temeke</td>
<td>15</td>
<td>75</td>
<td>102,030</td>
</tr>
<tr>
<td>Total</td>
<td><strong>43</strong></td>
<td><strong>180</strong></td>
<td><strong>217,407</strong></td>
</tr>
</tbody>
</table>
3.9.4 Land information system (Socio-economic Survey)

Since the project targeted to benefit the property owners, it was then necessary to collect further information from each property owner and this was done through Socio-economic Survey (Household interview). Thus, apart from the spatial data, non-spatial data and information for each lot was also collected through administering a questionnaire. The focus was on household characteristics, expenditure and income data, housing conditions, house occupancy, level of services etc. The targeted people were property (house) owners, and sometime close relatives.

3.9.5 Establishment of a GIS Database

All information obtained from the socio-economic survey was entered in a computer for preparing a comprehensive database. The main technology used was Geographical Information Systems (GIS) tools, through GIS the database was queried to supply information and be the basis for deriving property registers with owner names, owner addresses, properties with access to utilities like electricity, water, telephone lines, etc. The established database was further used for issuance of residential licenses. In addition, the database will also be useful for decision making in planning, allocation of facilities and enforcement of planning control conditions.

3.9.6 Verification of maps and registers

After the fieldwork, the registers and maps prepared were displayed in each Ward and sub ward offices for 14 days and residents were invited to verify the validity of the information therein. Any person with complaints was required to fill in a form and indicate the query. The task force collects these forms and makes rectification in the database. After the corrections the final products i.e the database was handed over to the respective Municipalities for the day-to-day administration of the land registers and issuing of residential licenses. For quick reference hard copies of registers and maps of the respective Mtaa were available at the office of the Mtaa Chairperson and the Ward offices. Table 5 is an extract from the Register in Manzese Ward.

Table 5 Extract from the Register Manzese Ward

<table>
<thead>
<tr>
<th>Property Identification</th>
<th>Property Tax ID</th>
<th>Owner</th>
<th>Land Use</th>
<th>Area (m²)</th>
<th>Land Rent (Tshs)</th>
<th>Property Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>KND/MZS/MNM5/14</td>
<td>MM/26/N</td>
<td>Hussein Issa Mmanga</td>
<td>Residential</td>
<td>241</td>
<td>3133</td>
<td>20,000,000</td>
</tr>
<tr>
<td>KND/MZS/MNM5/19</td>
<td>MM/23/M</td>
<td>Mbwana Chanila</td>
<td>Residential</td>
<td>393</td>
<td>5109</td>
<td>20,000,000</td>
</tr>
<tr>
<td>KND/MZS/MNM5/23</td>
<td>MM/24/M</td>
<td>Allen J.</td>
<td>Residential</td>
<td>188</td>
<td>3572</td>
<td>60,000,000</td>
</tr>
</tbody>
</table>
### 3.10 Issuing of Residential Licences

#### 3.10.1 Introduction

The issuing of Residential Licences was formally launched in the Manzese ward in Dar es Salaam on 9\textsuperscript{th} May 2005. Eleven property owners (6 men, 5 women) were issued with Residential Licences and from thereon property owners have been reporting to Municipal authority offices to submit application forms and to collect licences.

As of November 2005 about 220,131 properties had been mapped (identified) and their details taken and by August, 2006, 52,000 applications for residential licences had been received, and 38,000 licences had been issued (collected). See Table 6 which also shows the amount of revenue collected

#### Table 6 Licences issued and revenue collected 9/5/2005-19/08/2006

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Applications for Licences</th>
<th>Licences prepared</th>
<th>Registered Licences</th>
<th>Collected Licences</th>
<th>Revenue Collected</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kinondoni</td>
<td>17,984</td>
<td>16,286</td>
<td>16,286</td>
<td>13,432</td>
<td>60,970,820</td>
</tr>
<tr>
<td>Ilala</td>
<td>14,772</td>
<td>13,063</td>
<td>13,063</td>
<td>12,101</td>
<td>61,500,049</td>
</tr>
<tr>
<td>Temeke</td>
<td>19,243</td>
<td>14,104</td>
<td>13,614</td>
<td>12,587</td>
<td>73,710,537</td>
</tr>
<tr>
<td>Total</td>
<td>51,999</td>
<td>43,453</td>
<td>42,963</td>
<td>38,120</td>
<td>196,181,406</td>
</tr>
</tbody>
</table>

Source: Project Reports, MLHHSD

#### 3.10.2 Procedures to get the residential licence

Once the fieldwork has been completed and the property register completed, property owners are called upon to apply to get a residential licence. The procedure to get the licence are summarised in Table 7.

#### Table 7 Procedures of getting the residential licence

<table>
<thead>
<tr>
<th>S.No</th>
<th>Activity</th>
<th>Actors</th>
<th>Locality</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Identification of Property and Owners</td>
<td>Officials, owners</td>
<td>Settlements</td>
<td>Each property and appurtenant land marked on map</td>
</tr>
<tr>
<td>2.</td>
<td>Preparation of Register</td>
<td>Officials</td>
<td>Mtaa/Ward offices</td>
<td>Property Register</td>
</tr>
<tr>
<td>3.</td>
<td>Verification of Register</td>
<td>Owners</td>
<td>Mtaa/Ward Offices</td>
<td>Amendments if any</td>
</tr>
<tr>
<td>4.</td>
<td>Application forms for Residential Licence filled-</td>
<td>Owner</td>
<td>Mtaa Offices</td>
<td>Filled application forms</td>
</tr>
</tbody>
</table>
1. The Property owner has to fill –in an application form obtained from the offices of the Mtaa Chairperson. (see Appendix V for a Sample Application Form for the Licence, Land Form 73)

2. Filled in forms are verified and vetted by the Mtaa Chairperson particularly with regard to authenticity of property ownership. Forms have to be passed through the Ward Executive Officer and then to the relevant office at municipality level.

3. Forms are submitted to the Municipality’s offices for licence preparation

4. Submitted Forms must be accompanied by payments as shown in Table 8.

**Table 8 Schedule of Payments to get a Residential Licence**

<table>
<thead>
<tr>
<th>Category of payment</th>
<th>Amount (Tshs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Form</td>
<td>1,000</td>
</tr>
<tr>
<td>Preparation Fees</td>
<td>3,000</td>
</tr>
<tr>
<td>Registration Fees</td>
<td>1,000</td>
</tr>
<tr>
<td>Stamp Duty</td>
<td>600</td>
</tr>
<tr>
<td>Annual Land Rent</td>
<td>Variable. Depends on size, location and use of plot. Average 3,000/= p.a.</td>
</tr>
</tbody>
</table>

4. After paying the fees, a digital photograph of the property owner is taken and is entered into the computer together with the application forms;

5. Licences are then produced and printed for signature by the Authorised Officer and are registered by the Appointed Registrar of Titles. (see Appendix VI for sample Residential Licence, Land Form 74)

According to Ministerial officials, the whole exercise of issuing a licence could be accomplished in as few as twenty minutes, but since these licences are issued on behalf of the Commissioner for Lands by authorised officers, and are registered by an authorised officer on behalf of the Registrar of Titles, the process takes much longer. Originally
licences could be issued in 5 days but research for this consultancy has revealed that it took an average of 30 days for most applicants to get issued with the licence. Given the current power shortage applicants have to wait for two months or more before they can get the licence.

Both the application Form and the Licence are in Kiswahili which the majority of the population speak very well. However, owners have to travel to the Municipality offices which for some is a distance away. Working hours at the Municipality during which the public is attended to run from 9.00 am to 1.00 pm. This is a relatively short period and may lead to many potential applicants wasting a lot of time.

In line with the provisions of the Land Act, residential licences are not issued over land, which is considered to be in hazardous areas, and land that is earmarked for public uses such as roads, schools or land for utilities.

3.11 Pro-poor aspects of the Issuance of Residential Licence Programme

3.11.1 Introduction

The issuance of residential licences has a number of pro-poor aspects as well as problems. These are discussed in the following sub-sections although some are repeated in Chapter 6.

3.11.2 Increased security

The issuing of residential licences is admission on the part of the government that these property owners are legal owners of the land. This increases security of tenure. Interviews with property owners suggest that most are happy with being recognised and feel that they can rest assured that no harm will come to them. For that matter, owners who are in precarious positions such as potential hazard lands and have not got licences are seeking them vigorously.

3.11.3 Low fees and land rent

The fees charged are relatively low and affordable for most property owners. The cost charged for the fee is lower than the cost of preparing that licence. The rate of land rent charged was half the rate charged in planned areas

3.11.4 Participatory Procedures

The procedure leading to the issuance of the residential licence envisaged the working together with property owners to identify their borders and size of their land area. The use of aerial photographs assisted the property owners to easily identify their and their neighbours’ properties. Neighbours were required to sign a form binding them to the boundaries with their neighbours. The idea was to interact with the property owner himself or herself, or a spouse or a mature child.
3.11.5 Register open for inspection and amendment

The register was open for two weeks within the offices of the sub-ward (which are accessible) for the property owners who could therefore easily go and verify the information in the register. Copy of the register is still available within the Mtaa offices.

3.11.6 Towards Regularisation

The issuing of residential licences is the first step towards the regularisation of unplanned areas in Dar es Salaam and Tanzania. The information collected provides an invaluable database that will enable the planning and implementation of regularisation schemes in the future.

3.11.7 Simple Forms

The Application forms are short and clear and are written in Swahili. Likewise the licence is in Swahili, which most people understand.
4

COST ELEMENTS IN ISSUING RESIDENTIAL LICENCES

4.1 Introduction

One of the major impediments to the implementation of upgrading and registration undertakings is the cost involved and how this should be recovered. In this particular project it was projected that the total cost of issuing residential licences to the estimated 400,000 properties in unplanned areas in Dares Salaam would be around Tshs 3.2 billion. Phase 1 (2004/2005) would cost Tshs 1.8 billion and Phase 2 (2005/2006), Tshs 1.4 billion. Particularly drawing on the 20,000 planned plots Project, the Ministry of Lands hoped that the cost invested in the Residential Licences Project would be recovered from beneficiaries in as short a period as one year.

Costs include those related to the procurement of satellite imageries, office furniture and equipment, field equipment, vehicles, stationery, as well as personnel and training costs.

4.2 Project Costs

4.2.1 Direct Costs to the government

The Ministry of Lands was able to get a substantial amount of money to meet the various costs of the Project. These are shown in Table 9.

Table 9 Cost Estimates for Implementation of Phase 1, Residential Licences Project

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>TOTAL COST TSHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Office Accommodation</td>
<td>2,200,000</td>
</tr>
<tr>
<td>2. Sensitisation</td>
<td>70,750,000</td>
</tr>
<tr>
<td>3. Training</td>
<td>3,100,000</td>
</tr>
<tr>
<td>4. Office Equipment and Supplies</td>
<td>203,355,000</td>
</tr>
<tr>
<td>5. Field Equipment</td>
<td>240,241,000</td>
</tr>
<tr>
<td>6. Transport</td>
<td>117,320,000</td>
</tr>
<tr>
<td>7. Personnel Allowances</td>
<td>736,950,000</td>
</tr>
<tr>
<td>8. Total Costs</td>
<td>1,377,629,100</td>
</tr>
<tr>
<td>9. Add 30% Contingencies</td>
<td>413,422,730</td>
</tr>
<tr>
<td>10. <strong>Grand Total</strong></td>
<td><strong>1,790,917,830</strong></td>
</tr>
</tbody>
</table>

The Exchange Rate used is Tshs 1110/= to 1 USD
Source: MLHHSUD, Project Office

Detailed explanation of the various costs is as follows:

**Office Accommodation**
A suitable room was provided for the Project by the Ministry, but the furniture had to be bought.

**Sensitization**

This involved a number of presentations and introduction of the Project to various groups and stakeholders:

(i). Presentation to the Technical Committee
(ii). Presentation to the Steering Committee
(iii). Presentation to the Regional Commissioner and Regional Administrative Secretary (RAS)
(iv). Introduction of the Project to Dar es Salaam Regional and City Council leaders: Regional Commissioner, Regional Administrative Secretary, District Commissioners, District Administrative Secretaries, Municipal Directors, Municipal Mayors, Members of Parliament in all constituencies, Municipal Heads of Departments sitting allowances and other logistics.
(v). Introducing the Project to Municipal Directors, Councilors, and Municipal Heads of Departments.
(vi). Introducing the Project to Kinondoni Municipal Council; Municipal Director, Councilors, Ward Executive Officers (WEO), Municipal Heads of Departments. Sitting allowances and other logistics
(vii). Introducing the Project to Ilala Municipal Council; Municipal Director, Councilors, Ward Executive Officers (WEO), Municipal Heads of Departments. Sitting allowances and other logistics
(viii). Introducing the Programme to Temeke Municipal Council; Municipal Director, Councilors, Ward Executive Officers (WEO), Municipal Heads of Departments. Sitting allowances and other logistics
(ix). Introducing the Project to Community Leaders, Councilors, Ward Executive Officers, Sub-Ward Chairmen and Secretaries in 200 Sub-Wards in the respective Municipalities
(x). Sensitisation through the mass media such as radio, television, newspapers, and telephones. This the major component of the costs under the sensitization category, consuming Tshs 50m/= out of the Tshs 70m/= for this activity.

**Training**

In house training on interpretation of satellite images; creation of a database and, date entry, and the filling of questionnaire was carried out.

**Office Equipment and Supplies**

This included a heavy-duty colour printer; a colour plotter; an LCD Projector; and a digital photocopier, plus many other computer peripherals, and stationary.

**Field Equipment**
This included Quick Bird Satellite Images, laptops, Hand Held GPS’s, Omnistar Decimetre accuracy GPS’s, and Digital Cameras.

**Transport**

Two heavy-duty vehicles were purchased. The cost includes fuelling and maintenance charges

**Personnel Allowances**

Personnel allowances were divided into four categories:

Category one is related to the initial preparatory work for the project by the Task Force. Staff were paid allowances for collection of information for the improvement of the first draft; identification of project areas (wards and sub-wards); sensitisation, design of the database management system; design of questionnaire; and preparation of base maps.

Category two is related to fieldwork costs. Forty teams were formed composed of professionals, technicians, field assistants, local guides and drivers. This was the largest component of the costs consuming some Tshs 658,800,000/=.

Category three is related to office work. The involved personnel were GIS experts, and Professional supervisors.

The fourth category is related to management costs, being responsibility allowances for the steering and technical committees for one year.

**Contingencies**

Thirty percent of the total costs (Tshs 413,288,730/=) was set aside to meet the costs of unforeseen expenditure.

It can be gauged from the cost structure of the project that communities, community-based organisations and the private sector where generally not included in the implementation of the project.

**4.2.2 Indirect Costs to the Government**

There are elements of the indirect Project Costs to the government are listed below:

**Salaries**

Salaries for permanent staff in the MLHHSD and DLAs are not included in the cost estimates.
Office accommodation

The exercise of registering informal properties was coordinated through a Project Manager from the Ministry of Lands with coordinators from the three municipalities of Ilala, Kinondoni and Temeke in Dar es Salaam. Different offices were established. They include the main office at the Ministry of Lands, Municipal offices and DDC as well as site offices in Sub-wards (Mtaa offices). The cost for this accommodation is not included in Project costs.

Tied up Capital

The government had envisaged to recover all the invested costs in one year. However, the uptake of residential licences has been slow. This means the invested money is not being recovered and this has its indirect costs such as loss of income or returns from capital.

4.2.3 Direct Costs borne by Property owners

Property owners were supposed to pay a number of costs. Direct costs included fees for application forms, licence preparation, registration and stamp duty. These amount to Tshs 5,600/= plus land rent. These have to be paid for the new licence after the current licence expires in two years time. At the application for a residential licence, the landowner is also charged an annual land rent. The average land rent per property owner is Tshs 3,000 p.a. This has to be paid annually and may attract penalties if not paid on time.

4.2.4 Indirect Costs borne by Property Owners

These included costs related to visiting offices to verify what was entered in the register and visiting offices to fill in forms and getting them signed, and to submit them to the residential licences issuing offices. Several visits have to be made to the offices before a licence is issued.

In some cases, property owners seeking residential licences have been required to pay other costs before their forms are signed or stamped. In the case of Manzese, applicants for residential licences have been required to pay Tshs 30,000/= being each owner’s contribution to the ongoing Community Infrastructure Upgrading Project (CIUP), and Tshs 10,000/= being Property Tax for the Municipal Council.

Although the total cost to the property owner of getting the residential licence is Tshs 5,600/= interviewees indicated that they spent considerably more; between Tshs 15,000 and 40,000/=.

4.3 Government’s Cost Recovery Trajectory

Although the Residential Licences Project is costly, the government expected to recover all the costs from the beneficiaries. Moreover, since property owners in unplanned areas were not paying land rent, it was expected that government revenue would be enhanced.
through the payment, by property owners, of annual land rents as soon as they get their licence. The revenue estimates for the Phase I of the Project are as shown in Table 10.

**Table 10 Estimated Revenue from the Residential Licensing Project (Phase I)**

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Identified Properties</th>
<th>Expected Revenue (Tshs)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Land Rent</td>
<td>Forms and Licensing Fees</td>
</tr>
<tr>
<td>Kinondoni</td>
<td>62,489</td>
<td>168,720,300</td>
</tr>
<tr>
<td>Ilala</td>
<td>52,888</td>
<td>142,797,600</td>
</tr>
<tr>
<td>Temeke</td>
<td>102,030</td>
<td>275,481,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>217,407</strong></td>
<td><strong>586,998,900</strong></td>
</tr>
</tbody>
</table>

Source: MLHHS, Project Office

Thus the total expected revenue for Phase I is around Tshs 1,804,500,000/=. Its realisation would mean that the government has recovered all the direct costs related to the issuance of residential licences and stands to gain from the annual land rent in subsequent years. However, uptake of residential licences although ongoing has been slow and by mid-August 2006, just over 25% of the expected licences had been paid for, and revenue of Tshs 459,215,228/= realised (25.4% of the expected revenue). The danger of the expected cost recovery not being realised is real, meaning that the government has to finance this undertaking for most of the part. This clearly endangers replicability and sustainability.

On the assumption that the government meets all the costs of issuing the residential licence, the average cost per licence works out at around Tshs 8,300/= in terms of direct cost. If indirect costs are added the figure could go to some Tshs 10,000/= on average.

The cost to the government comes down in tandem with what could be realised from fees and land rent paid by the property owners

Municipal authorities are agents of the central government in the collection of Land Rent where they are allowed to keep 20% of the collections to strengthen their land offices. In terms of licence and other fees, Municipal Councils keep 80 percent and remit 20% to the Ministry of Lands. This is in order to allow them to run the undertaking sustainably.

The Ministry of Lands is mounting a campaign requiring people to take up residential licences, and municipal councils have put up adverts advising property owners that it is a criminal offence not to have a residential licence in areas that have already been identified. Although the legality of this situation is questionable, it is a clear effort to recover as much of the costs as possible so that replication can be undertaken.

4.5 Close Follow up required
The residential licences issuing project is an expensive project. Sustainability can be realised if property owners pay as anticipated. Lessons from the squatter upgrading undertaking of the 1970s and 1980s indicate that although houses were registered in these areas, and the cost of putting in infrastructure was supposed to be recovered through land rent collection, land rent payment soon fell into arrears. Kulaba (1989) pointed out that by 1983 75.2% of registered property owners in Manzese had already fallen into arrears. Manzese is part of the residential licences issuing project (Phase I).

Close follow-up is therefore required as well as servicing of these areas so that people see the use of the money that they are paying.
5

GENDER ASPECTS OF THE RESIDENTIAL LICENCE ISSUING PROJECT

5.1 Introduction

Traditionally much of landed property in Tanzania is associated with men as opposed to women. In many societies, women may have usufruct rights to use land but they may not have the right to inherit. The Constitution, the Land and Village Acts 1999, and a number of court rulings insist on equal access to land between men and women. The Land Act 1999 for example says that the right of every woman to acquire, hold, use and deal with land shall to the same extent, and subject to the same restrictions, be treated as a right of any man (s. 3(2)). Under the Marriage Act 1971, there is the presumption of co-ownership of matrimonial property. Customary tenure is recognised as a valid system of owning land but the law makes discriminatory practices between men and women in customary tenures, null and void.

Studies of many land, upgrading and housing projects in Africa reveal the lack of awareness of the gender-based division of labour in slum communities and the special needs of women in the provision of credit and building skills. The need for a gendered housing policy taking into consideration, women’s weaker housing and land rights, has been well articulated in the policy and academic literature. Tanzania is cited as an example of countries that have taken positive action in this direction. The National Land Policy of 1995 and the Land and Village Land Acts of 1999 entitle women to equal rights with men to acquire, own and transact in property. In the case of alienating matrimonial property, the Land Act requires the consent of all the spouses in a marriage (Part X of the Land Act 1999 as revised).

A World Bank study of 10 African countries notes however that in practice, “very few African cases examined sought to create a gendered strategy for upgrading taking the needs, resources, skill base and time of female-headed households or women more broadly into consideration” (Gulyani and Connors 2002: 14-15).

5.2 Evaluating the gender friendliness of the Residential Licence Issuance Project

In order to evaluate whether the residential licensing project was gender friendly, it was decided to look at the following questions:

- Was gender-awareness one of the strategies/objectives of the Project?
- Was there sensitization to encourage both men and women to register their land?
- Were married couples encouraged to take the licence in their joint names?
- Were the instruments used, leading to the granting of the residential licence gender friendly?
- Was the process leading to the issuance of the residential licence gender friendly?
5.2.1 Project Document and Gender

A study of the Project Document suggests that gender considerations were not given prominence in the implementation of the project. The overall objective of the project was to create a Comprehensive Land Property register that will show the status quo of every individual land parcel in the unplanned settlements of the City of Dar es Salaam, including fixtures upon it, ownership, existing use access to utilities, encumbrances and so on. The specific objectives include identifying ownership of individual properties and to give them legal status but the question of gender is not highlighted. Given the importance of gender in the socio-economic development of the country and the focus on gender in land tenure and development matters, it is surprising that gender issues were not highlighted in the Residential Licensing Project Document.

5.2.2 Sensitisation

Given the fact that there is an entrenched tendency to vest property in men (as opposed to women), and considering that the Residential Licensing Project has poverty reduction as one of its aims, and given the fact that women are poorer than men and women may lose their property when they are widowed, it would have been proper to mount a sensitisation campaign to encourage property owners to register property in both the husband and wife’s name.

It does not appear that this kind of sensitisation was done. Sensitization over the Project in general started at Ministerial Level, going down to the level of the municipalities, and down to the level of the Ward. No sensitisation was done at the lower level such as the Mtaa level or the Community level, although some community leaders were targeted. Besides, it is mainly officials and representatives who were involved in these sensitisation exercises, but not the general public or the target landowners.

It certainly would have been appropriate to educate the public on the advantages of registering land in the name of spouses, and to allay fears that may make people hesitant to do so.

5.2.3 Instruments

A number of instruments were used to implement the project, leading to the issuance of the residential licence. These included the questionnaire, the application forms for the licence, the Register and the Licence itself. The question to bear in mind is to what extent these were gendered, or were able to encourage the registration of land in the name of women or men and women.

The Questionnaire

The questionnaire is a seven-page document designed to get information about tenure, development status, use, and occupancy of the property together with the building
condition and the services that the property enjoys. It also seeks to establish the poverty status of the owners. It also seeks to find out how much the households are willing to contribute to ameliorating the environmental status of the area. The information collected would be useful to show the living conditions in unplanned area and help in the design of upgrading undertakings (Appendix IV).

It seems fair however, to conclude that the questionnaire is not gender-sensitive. The owner of the property is assumed to be one and not several persons. When it comes to tenure, concepts such as co-ownership or joint-ownership are not given room. There is no room to identify who the household head is, and there is no provision for the respondents to show their marital status. The questionnaire does not seek to find out whether the interviewee is a man or a woman.

The questionnaire is long with many detailed questions that would discourage low-income women to respond fully, or comfortably.

The Register

The information in the Register is extracted from the questionnaire. So here as well, there is no record of the marital status of the respondent or whether the respondent is a household head or not, or whether the respondent is male or female (although in most cases this could be inferred from the name of the respondent).

The Application Form for the Licence

The application form for the licence is in Kiswahili, which most people understand, and is well written and brief. But it does not encourage the registration of the property in the names of all the spouses. Although the form provides for multi-applicants, it does not require the applicants to state whether they are married or not. Having stated that they are married, the applicants should have been encouraged on the form to go for joint ownership, or co-ownership. The current form allows the applicants to chose the type of tenure that they want. The four choices of tenure to be applied for are provided on the form are: (a) individual (b) family (c) institution (d) company. This choice does not highlight the importance of gender. A suggestive option running something like: “If you are a married person we recommend that you register your property in all the spouses’ names” would possibly get the applicants to think hard about including their spouses’ names on the licence.

There could also be an incentive to encourage spouses to register property in their names such as slightly lower fees for joint ownership to highlight the importance that he government should be seen to place on this type of tenure.

The application form for a licence requires a passport size photographs. Officials informed of the existence of households, especially veiled female property owners who do not want to have their faces photographed. This is more true of low-income households.
The Licence

The licence does provide for one or numerous licensees. Nevertheless, the licence does not have educative instructions, which are addressed to property owners who may have decided to register their property in their joint names such as how to utilise the licence in economic and social transactions. Many of the holders take it just as a record of recognised ownership.

5.2.4 The Procedures

The procedures to collect information from the property owners seem to have been adequate to solicit any gendered information. However, procedures to fill in application forms for the licence, have them authenticated by the Mtaa and Ward leaders and then taken to the Municipal Council Offices, where several follow-ups must be made before the licence is issued can easily discourage poorer women from making a follow up. Office hours where the public can be attended are restricted to from 9.00 am to 1.00 pm Monday to Friday. This could be a major disincentive to the would-licence-holder.

5.3 Some findings

While numerically, there are more women than men, evidence from the informal settlements in which residential licenses have already been issued shows that the number of residential licenses, which have been registered in male names is large compared to number of licenses which are registered in female names. Taking the available data from the Kinondoni Municipal Council, 65% of the licences have so far been issued in the name of men, 30% in the name of women and 5% in the names of both men and women, or family members (Table 11).

Table 11 Residential Licences issued disaggregated on a gender basis, Kinondoni Municipal Council (9/5/2006-2/9/2006)

<table>
<thead>
<tr>
<th>Licence issued in name (s) of</th>
<th>Numbers</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Men only</td>
<td>8831</td>
<td>65</td>
</tr>
<tr>
<td>Women only</td>
<td>4015</td>
<td>30</td>
</tr>
<tr>
<td>Men and women/Family Members</td>
<td>622</td>
<td>5</td>
</tr>
<tr>
<td>Total</td>
<td>13468</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Project Office, Kinondoni Municipal Council

It was not possible to establish the percentage of married couples who, nevertheless registered their property in one name only since information on the marital status of the property owners was not collected. All the same, by far the majority of property owners are married. Project staff talked of women especially in low-income settlements insisting that their property be registered in the name of their husbands or sons. Higher levels of property being registered in the names of women or in names of both men and women were recorded in settlements whose residents were medium to high-income households.
However there is evidence of a general resistance to register property in the name of both men and women even where the landowners are married. In a small study carried out for this consultancy, involving 21 property owners (17 men, 4 women), in reply to the question whether property was considered individually owned or jointly owned, the results were as shown in Table 12.

**Table 12 Views on property ownership (%)**

<table>
<thead>
<tr>
<th>Respondents</th>
<th>Marital Status</th>
<th>Property Considered owned</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Married</td>
<td>Widowed</td>
</tr>
<tr>
<td>M</td>
<td>81</td>
<td>19</td>
</tr>
</tbody>
</table>

N = 21; M = 17, F = 4.

Although all the respondents were married (with one being a widow), 76% considered their property to be individually-owned. It is noteworthy that none of the female respondents considered their land to be family owned.

Many studies of Individualisation, Titling and Registration undertakings have established that when property is registered in the name of one person only, secondary rights owners such as women and children get disadvantaged. Thus the need to encourage the registration of property in more than one name

### 5.4 Practices that may encourage gender sensitivity

The residential license system undertaken by the MLHHSD in theory gave both male and female equal opportunity of registering their properties and hence acquire residential license so long as it belongs to them. Given the known problems related to the weaker position of women, it is argued that there should have been extra efforts to encourage more of their appearance in the residential licensing undertaking.

This should have been undertaken at the sensitisation levels, and at the level of the questionnaire/fieldwork. Application forms for the licence (Land Form 73) as well as the Licence (Land Form 74) need to be modified to be more gender sensitive and to encourage property owners to go for joint ownership or co-ownership. This could be incorporated in the approach to Phase 2 of the Project. Moreover, it would appear that organisations that have traditionally spoke for women’s rights were not brought on board during the designing and implementing Phase One of the Project.

It should also be realised that the more difficult the process is, the more disadvantaged women become.
6.1 Introduction

Tanzania has been struggling to address the question of poverty eradication since the first Poverty Reduction Strategy (PRS) came out in 1998 (Tanzania, 1998). The current strategy is contained in the National Strategy for Growth and Poverty Reduction (NSGPR). Another poverty reduction strategy closely related to land is the Property Registration and Business Formalisation Programme. A poverty reduction element is therefore necessary in major government undertakings.

Although poverty is more serious in rural areas, urban poverty represents a potentially serious political problem because monetary income is crucial for urban survival in the absence of opportunities in the rural areas for subsistence and assistance by community and family members. Access to secure land and shelter is crucial for poverty reduction. Substantial urban poverty limits the scope of mobilising revenues for LGAs, creating economic, social and environmental crises that are also more severe in urban areas. This situation leads discontent and frustrations amongst the poor urban majority (particularly the youth), which can easily degenerate into hatred and violence, and may render cities difficult to live in on account of violence, crime and intolerance (Lubuva, 2002).

Although unplanned areas are not the recluse of the poor, most poor households hold land in unplanned areas. By not pursuing policies to demolish unplanned areas and instead opt for the issuance of residential licences the government is operating in the interests of the poor.

Among the advantages of the Project to issue Residential Licences in Dar es Salaam are the following:

- Registering property in unplanned areas is a first step towards regularisation of unplanned and irregular settlements
- The Property owners’ Register will be an important input when it comes to issuing certificates of occupancy (titles) after regularisation.
- Legal recognition of property owners in unplanned settlements increases tenure security and opens the entering of such property in the formal economic system;
- Enabling the property owners to use land to support development and enhanced welfare, thus contributing to poverty reduction strategies through the use of land as collateral in dealings with financial institutions;
- The created database can enable the making of quick and rational decisions with regard to the use of land and property.

- Addressing the question of continued development and growth of unplanned areas in urban areas such as Dar es Salaam

- Enhancing government revenue which can be utilised to improve living conditions among the areas inhabited by the poor

- Enabling the extension of services to residents of unplanned areas

- Enhancing the security of persons and their property.

In order to evaluate whether the exercise is pro-poor and useful to the ordinary people it was decided to answer the following questions:

1. Was poverty reduction an integral consideration of the Project write-up, and if so how was it envisaged that poverty would be addressed?

2. Does the Project enhance the assets of the poor?

3. Are the conditions to obtain the residential licence affordable to the poor?

4. Are conditions to own, develop or transfer land affordable to the poor?

6.2 Pro poor aspects

The Project had “the economic empowerment of residents in unplanned settlements in Dar es Salaam City” as a major theme.

Under the general drive that the project was aimed at addressing the question of poverty the following can be cited as pro-poor aspects of the programme:

6.2.1 Enhanced Security

The residential licence enhances security tenure for property owners. The question of their being regarded as squatters or unwanted citizens is no longer there. Moreover, in case there is need to acquire their land, they are legally entitled to full and prompt compensation. Property owners especially those in higher income brackets have shown a keen interest to acquire the licence.

Interviews with a number of property owners who have the residential licence indicated optimism among them as to the usefulness of the licence. Typical replies to the question: “What do you consider to be the benefit of the Project to you?” are shown in Box 1:
RESIDENTIAL LICENCE

“This residential license has made the value of my house to increase. I don’t know why this project had not been implemented before; I am now proud of my house, and if I will get a person who wants to buy it, I am sure I will get a lot of money”.

“People from the Ministry of Lands came here and asked me to show the boundary of my plot, I showed them. They then recorded that information. Also in the book, the size of the land I own was indicated. This means that, they did recognize my house together with the land itself. So my land has value now because it is recognized by the Government”.

“I am sure no one can chase me from this land because I have this license”.

Indeed the original purpose of the residential licence was to give this kind of security and confidence to property owners in unplanned areas, as a preparation for regularisation.

6.2.2 Recognised Developments on the land

Since, after the issuing of the licence a property owner is required to obtain the permission of the local authority to effect any further development, if people apply and get such permission, their tenure will even be more enhanced. At the same time, there is an inference that once the licence is issued, the existing developments are recognised by both the Municipal Authorities and the Ministry of Lands.

6.2.3 Enhanced Values of Properties

Licence owners are required to respect existing rights of way and open spaces and not to subdivide without permission. This enhances the value of their properties and ensures their continued access and reasonable densities. This is over and above the enhanced value emanating from the more security of tenure realised from the licence.

6.2.4 Lower land rents and exemption from arrears

The rate for the land rent to be charged in unplanned areas is half that charged in planned areas, being a recognition of the poor status of many property owners in the unplanned areas. Moreover, unlike is the situation in the planned areas, property owners in unplanned areas are charged land rent from the day they acquire the licence and their charging does not follow the government financial year.

6.2.5 Use of the Licence as Collateral
The government has argued time and again that property owners with the residential licence can seek financial facilities from Banks. Financial institutions and some property owners have on the whole complained against the short duration of the licence but it has been pointed out that the licence is renewable without limit, thus it should be useful to secure at least short-term loans. According to Project officials, the CRDB Bank has already agreed to issue loans to property owners in unplanned areas who have a residential licence. The Higher Education Students’ Loans Board (HESLB) has accepted the licence as a guarantee against which students’ loans can be issued. More institutions accepting the licence in economic transactions are coming on board.

6.3 Aspects that may be anti-poor

A number of aspects of the residential licence can be considered to be anti-poor. These include the following:
- Exposure of property owners to a number of payments hitherto unpaid
- Exposure of property owners to development conditions
- Unrealistic space standards
- Delays in issuing licences or making alterations
- The residential licence is not so good a collateral, people not keen
- Public participation was inadequate
- Verification of the register unrealistic
- Short duration of the licence
- Hazard land left out.

6.3.1 Exposure of property owners to a number of payments hitherto unpaid

The residential licence exposes the property owners to the payment of a number of charges that were hitherto not being paid. Property tax was already being paid in many unplanned areas based on a flat rate of Tshs 10,000/= per property. However, they were not paying land rent, stamp duty or the residential licence fees. The residential licence fee is supposed to be paid in full also where changes are required or where the licence expires. Thus while the charges are modest, and while it cannot be argued that poor property owners should never pay anything, some do express unwillingness to pay. Avoiding such payment is possibly one cause why the uptake of residential licences has been modest so far.

6.3.2 Exposure of property owners to development conditions

Holders of the residential licence are subjected to development conditions. It is well-known that failure to abide with development conditions is a major cause whereby poor households are displaced from their land in urban areas. For example they are not allowed to develop their plots without permission from the Municipal Councils. Prior to that the owner of land in an unplanned areas could do what they wanted without so much as looking over their shoulders. The need to seek building permits means more costs for property owners.
However, the licence is creating a dual system. Those who have the licence are bound by development conditions. Those who do not have them are not subjected to such conditions even if the two are neighbours. Clearly such a situation is bound to be a source of confusion.

The need to seek building permits will involve more charges and more resources, which hitherto property owners were not paying.

There may be need to think in terms of reducing development conditions such as allowing construction in low-cost materials to encourage the poor to remain on their land.

6.3.3 Unrealistic space standards

It has been observed that standards in upgrading projects have been a primary source of conflict and concern. Standards that have been a major arena of conflict have been those related to minimal plot sizes, building materials and codes and infrastructure (e.g. road widths and surfacing) (Gulyani and Connors, 2000:15).

The debate over standards in planned areas has is highlighted in Kironde (2006) with a call for lowering standards especially for minimum plot sizes, minimum set backs and plot rations, and road widths. There are no standards developed for unplanned areas, a problem that was a major area of concern in the preparation of the Community Infrastructure Upgrading Project (CIUP) in Dar es Salaam.

The Minimum plot size required in the case of subdivision in areas where a licence is issued is 400 m$^2$. Any property owner wanting to subdivide must not go below 400 m$^2$. This means for a subdivision to be legal one must have a plot size of at least 800 m$^2$. An owner who cannot meet this condition is only allowed to sell his property whole but not to subdivide. This is an attempt to apply standards applicable in planned areas to unplanned areas. In planned areas the minimum plot size was raised in 1997 from 288 m$^2$ to 400 m$^2$. The reason behind this is to limit excessive subdivisions and densification, to allow future regularisation to be easy.

Land parcels in most of the older inner city unplanned areas are as a rule below this proposed minimum size. Plot sizes recorded during the implementation of the residential licences project for the Kigogo Ward in Dar es Salaam are as shown in Table 13.

**Table 13 Plot Size ranges, Kigogo Unplanned Settlements**

<table>
<thead>
<tr>
<th>Plot Size range (m$^2$)</th>
<th>No. of Plots</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 99 m$^2$</td>
<td>380</td>
<td>8.0</td>
</tr>
<tr>
<td>100-199 m$^2$</td>
<td>1779</td>
<td>37.4</td>
</tr>
<tr>
<td>200-299 m$^2$</td>
<td>1362</td>
<td>28.6</td>
</tr>
<tr>
<td>300-399 m$^2$</td>
<td>642</td>
<td>13.5</td>
</tr>
<tr>
<td>400-499 m$^2$</td>
<td>310</td>
<td>6.5</td>
</tr>
<tr>
<td>500-599 m$^2$</td>
<td>125</td>
<td>2.6</td>
</tr>
</tbody>
</table>
From Table 13 it will be seen that 87.5% of all the plots are under 400 m² and 98.2% are under 800 m² and are therefore not eligible for subdivision.

It would appear illogical that an existing owner with say a 150 m² plot can get a licence while a new owner is only allowed to have 400 m² or above. This is likely to lead to plot shortage, urban sprawl and to a high unit cost for land servicing. Moreover it does not rhyme well with the National Land Policy, which provides thus in terms of policy statements:

Urban land use and development plans will aim at more intensive use of urban land. To achieve these objectives the Government will undertake the following:

“revise all space and planning standards including standards for provision of infrastructure to promote more compact form of buildings in all urban areas” (section 6 of the National Land Policy 1995)

There is clearly the need to evolve standards that are appropriate to unplanned areas rather than assume that what is good and appropriate for unplanned areas is also suitable for unplanned areas. In any case the current plot sizes are unnecessarily high.

6.3.4 Delays in issuing of licences or making alterations

The offices for issuing residential licences are far removed from the people being as they are at the municipality level. Moreover, the bureaucracy and the duration involved to get a licence has been a disincentive to poor landowners.

During the fieldwork, not all property owners were present on the day of visiting their properties. The arrangement was that the register would be open for two weeks at Mtaa offices and all property owners were invited to inspect the register. Where property owners detected incorrect entries, they were supposed to fill in a form to enable the officers to make amendments in the register. In many cases this has proved difficult to implement. Alterations can only be done at ministerial level. Thus some of the information in the register is not correct. This is particularly with respect to land areas.

6.3.5 The Residential Licence is not so good as collateral, people not keen
Although the issue of the possibility of using the licence as collateral is given maximum importance by the government, property owners are less keen. Replies obtained from some run like those shown in Box 2:

**BOX...ATTITUDES TOWARDS USING THE RESIDENTIAL LICENCE AS COLLATERAL FOR LOANS**

**PROPERTY OWNER A**

“I depend very much from this house to fulfil my day to day needs through rents, if I will decide to borrow money from banks and provide my house as a security while I don’t have any job, how can I manage to pay back the loan? Don’t you think I will lose my house? So it is better not to borrow rather than lose my house”

**PROPERTY OWNER B**

“I have seven relatives who depends on this shelter, I cannot go to borrow money from bank because I fear to lose this property, the only alternative which I normally use when my business is not operating well is borrowing from PRIDE because they don’t demand houses”

**PROPERTY OWNER C**

I have four children and all of them are running their business, they support me when am in need. Now I don’t see the reason for putting my house in trouble, after all I have these grandchildren. Where will they go if their parents fail to pay back the loan I borrowed?

**PROPERTY OWNER D**

“I was forced to engage in Mitumba business because I am a widow and the only one to take care of my family, I am used to borrow money from FINCA to widen my capital. I cannot risk my property for the purpose of getting a loan. Where would my children go if I fail to pay back the loan”

*Interviews conducted in Manzese*

Others said they would take loans since the government has promised that there are such loans to be taken.

Property is valued more as an asset for shelter rather than an asset for securing loans. On the other hand some property owners complained that much as they tried to use the licences to get loans from banks, the latter refused on account of the short duration of the licence and also lack of assurance as to how the loan would be repaid. To the bankers,

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14 Mitumba is a Swahili name which refers to the second hand type of clothes.
collateral is the last of the requirements, which they take into consideration before lending money. The borrower’s character and reputation as well as the viability of the project for which a loan is being sought are crucial. The impression that once you have collateral you can borrow is simplifying a very complicated situation.

6.3.6 Public participation was inadequate

A general observation is that the implementation of the Project was mainly an administrative affair moving from the Ministry downwards, through officials, and politicians. Property owners and communities were not adequately involved. In a small study for this report 16 (76%) of the 21 property owners interviewed said they had no information that officials were to visit their properties to take records. Possibly as a result of lack of information, 7 (33%) owners were not present when the data was taken; 14 were there or were represented by wives or children. Most agreed that the boundaries and areas recorded were approximate, not accurate.

Moreover 13 (62%) said they did not see what was recorded as the being the extent of their property, 1 did not understand, and 7 said they saw what was recorded.

6.3.7 Verification of the Register unrealistic

It was possibly too much to expect property owners to comment on the accuracy of their borders and land sizes, a good number of which are inaccurate.

6.3.8 Short duration of the licence

The two-year duration of the licence is too short. The first licences, which were issued in May 2005 will soon expire. Expiration means applying anew and paying fees. This is cumbersome. It has been suggested that an alternative approach is to issue licences that are valid from year to year and which can expire if the necessary fees are not paid. This would minimise the administration costs related to licence renewal.

6.3.9 Hazard Land left out

Land that was judged by the field staff to be hazardous was marked out and no licence can be issued over such land. Such land is usually occupied by poor households and many of these have been put into anxiety. Many residents of such areas argue that their land is not as hazardous as judged by the field staff. Moreover, since the licence is valid only for two years, and since the government has no immediate plans to clear or relocate residents of hazardous areas, there is possibly no harm in giving these people the licences for economic empowerment.

6.4 Security of Tenure is the Main advantage

The government is putting much emphasis on the possibility of economic empowerment of property owners who take the residential licence. Interested property owners and
financial institutions are worried about the short duration of the licence and the continued poor accessibility of the properties after the issuance of the licence. The key pro-poor attribute of the project is the increased security and recognition from the government, of property owners in unplanned areas.
POSSIBILITY OF SCALING UP THE RESIDENTIAL LICENCE PROJECT TO COVER WIDER TENURE SECURITY PROBLEMS

7.1 It is government intention to scale up the system

The characteristics of the informal settlements in other urban areas in the country are similar to those obtaining in Dar es Salaam. They are built haphazardly, they lack security of tenure, they have inadequate or sometime completely lacking infrastructure services like water supply, solid waste management, sanitation, electricity and so on, they lack standards roads and open spaces, all of which contribute to poverty.

The registering of informal properties and issuing residential licences with an eye to eradicating poverty through the land sector, which has been initiated in Dar es Salaam is a pilot project. Its success will lead to replication of the project in other unplanned areas in Dar es Salaam and in other urban areas. It should be noted that one of the specific objectives of the Project is: “To build capacity within the Ministry to undertake such projects in other urban centres”

In considering the question of scaling-up a number of issues need to be looked into. These include:

- Technological Factors
- Human Capacity
- Financial Resources
- Local Government Empowerment (Institutional set-up)
- Community Mobilisation
- The Role of the Private Sector
- The role of academic and research institutions

7.2 Technological Factors

The residential licence project was relatively high tech. The base map was the aerial photographs that were used to identify the various properties. There is a general agreement that without such photographs, it would be very difficult to implement the Project. However, taking such photographs is expensive. It has been suggested that satellite images and computer data processing can facilitate, at limited cost to get a credible cartographic base in order to prepare a simplified register of informal occupation. The use of satellite images is more convenient and provides wider flexibility to manipulate the scales (Trindale, 2005). In the case of Phase 1 of the Residential Licensing Project in Dar es Salaam acquisition of Satellite Images (Quickbird) cost USD 50,310. Supporting equipment such as GPS’s, Digital Cameras and Laptops cost USD 167,000.
While the hi-tech approach is commendable, besides the high cost of acquisition, other problems of this approach that need addressing include staff training, power shortages, and general shortage of resources to support the use of IT.

Moreover, the issue is not just the initial acquisition of the relevant data, but its continued updating and servicing. It is important that an upgradeable and accessible system is put in place.

7.3 Human Capacity

In order to build human capacity, the Residential Licence Project took deliberate measures to train staff from the Ministry of Lands, the DLAs and urban authorities from other parts of the country. This means capacity has been built to some extent, but more needs to be done. Given that there many graduates coming out of Universities with IT knowledge, human capacity may not be a big constraint, if there are the resources to pay them. Nevertheless, issues that have dogged cost recovery schemes in the past need to be addressed.

7.4 Financial Resources

Financial resources is a major constraint. The Ministry of Lands used US$ 1,613,440 for Phase I of the Residential Licences Project and expects to use US$ 1,200,000 for Phase II. However, given the fact the Project will enable the collection of government revenue in form of land rent, licence fees and stamp duty, the amount invested can be recovered and therefore create a sustainable financial base.

7.5 Local Government Empowerment

The Project was centred within the Ministry of Lands. According to the Land Act, residential licences are supposed to be issued by local authorities. It is true that it is the municipal councils, which give residential licences but the officer who signs these is authorised by the Commissioner for Lands. The Project write-up was carried out by the Ministry of Lands, which in fact got all the financing and prepared the strategy and is overseeing the implementation of the Project. Indeed one has to ask oneself how the Land Act envisaged the implementation of this Project by the urban authorities.

In future, if replication if to be realised on a large scale, there is need to empower the local authorities to plan and implement the project on their own with advice from the Ministry of Lands. This means giving them financial, technical and managerial skills to implement the Project. The way things stand, if the Ministry of Lands was to pull out, then the whole exercise of issuing residential licences is likely to collapse.

7.6 Community Mobilisation, CBOs
The Project was implemented from the top downwards. This means communities or their organisations did not play a major role. This may be addressed in the future. Communities need to play a crucial role in the whole process to issue the residential licences. Experience obtained from community based regularisation in Ibungilo and Isamilo in the City of Mwanza (Kyessi, 2004), and Ubungo in Dar es Salaam can be modified and put to use to implement the residential licence exercise. CBOs need to be brought on board.

7.7 The Private Sector

It does not appear like the private sector played a significant role in Phase I of the Project. This could be unfortunate since the private sector can be a key partner in the scaling up exercise especially when it comes to managing the database.

7.8 Academic and Research Institutions

Just like is the case with the private sector, academic and research institutions appear to have stood by the site as the project was being implemented. Scaling up may benefit immensely from inputs from the academic staff and students from institutions related to land
POSSIBILITY OF UPGRADING THE RESIDENTIAL LICENCE TO FULL TITLE AND INTEGRATION IN THE TITLING SYSTEM

8.1 Status of the Residential Licence

A number of countries do issue a ‘junior’ or ‘starter’ title in informal areas. In some cases, these can easily be upgraded to a full title. In other countries one has to start anew, meaning that the junior or starter title is an end in itself and is not an input into a future upgrading. In this Chapter we discuss the possibility of upgrading the residential licence issued under the Land Act in Tanzania to full title.

The residential licence is a derivative right, which is defined under the Land Act as “a right to occupy and use land created out of a right of occupancy and includes a lease, a sub-lease, a licence, a usufructuary right and any interest analogous to those interests”

The residential licence in Dar es Salaam is being issued after the creation of entity polygons formed on the basis of boundaries delineated from photographic images taken from the air or from the satellite; and after the groundwork to establish the identity of the owner and the plot boundaries where an agreement between neighbours is sought and a form is signed.

While the licence confers right and responsibilities to the licensee, it is of a very short duration. This is because the original idea of the residential licence was that it was a short-term or stopgap measure towards regularisation.

The Residential Licence is not registered under the Land Registration Ordinance 1954 (Cap 334). Instead it is registered under the Registration of Documents Ordinance (Cap 117).

8.2 Is the Residential Licence upgradable?

For the residential licence to be upgradable, it requires to meet certain principles as outlined also in the existing laws including the Land Survey Ordinance (Cap 390) of 1957, and the Land Registration Ordinance (Cap 334) of 1954. Basic principles of a cadastre mean that each plot must be accessible, and the boundaries must be recoverable. The latter means that there must be co-ordinates or survey marks which can be used as a reference to establish or re-establish boundaries to within accepted levels of accuracy.

The Land Registration Ordinance specifies that a certificate of title to a land parcel must describe the land by making reference to a cadastral survey plan, which has been approved by the Director of Survey and Mapping. To this end, an extract from the survey
plan known as the “deed plan” is annexed to the certificate of title to evidence the legality of this fact. Such a title as well as the boundaries of the respective land parcel, are guaranteed by the Government (Silyo, 1997:17). Land that has not been surveyed cannot be registered as nobody can certify its special location, shape and size (Silyo, 2005).

Most of the expert opinion suggests that the level of accuracy in the mapping of plots for residential licences in Dar es Salaam is rather low. In particular it does not include any co-ordinates. Besides a good number of the properties are shown to have no road access (see Appendix VII). For most properties, the land area shown has a large margin of error.

Although property owners were required to sign an agreement form with regard to boundaries, this does not mean that what was signed is what is on the ground and is what is on the map. Again although the register was open for property owners to inspect, many cannot comment on areas shown unless there are glaring distortions. Many property owners have no knowledge of reading maps and determining areas. In a small study for this study involving 21 property owners, 8 said what was recorded is correct, 8 said they were not sure or did not know and 5 said what was recorded was inaccurate.

Given the standards that are being applied to these areas with regard to minimum plot size and road width and other space requirements, a lot of demolition will be necessary in existing unplanned areas, if a regularisation scheme is carried out, and is based on an ideal town planning scheme. Consequently, there will be need to issue new titles to property owners who will remain behind. This again suggests that the residential licence in its current form cannot be upgraded. As one observer pointed out: “It is just a permit to occupy land” (E.H. Silyo personal communication, September 2006)

8.3 Usefulness of the Residential Licensing exercise

The residential licensing exercise has provided an opportunity to collect data on existing property owners, house occupancy rates, the level of services, the economic status of the property owners, and the existing land use in the area. The socio-economic survey also provided an idea as to how much can be raised by the government and how willing are the residents to contribute to the cost of upgrading of the area (see Appendix IV, the questionnaire). Thus the residential licensing exercise provides important information for a future regularising exercise. It should be recalled as well that property owners are not allowed to subdivide or develop without permission from the authorities.

8.4 Improving the Licence towards upgrading it to a Full Tile

The type of titles that are offered in Tanzania include a short-term title. This is of a duration of 1-5 years It is issued over land where there is an approved land use scheme (Town Planning Drawing) but whose cadastral surveying is going on. It is also issued to a person who is unable to meet development conditions particularly affording to construct in permanent building materials. A short-term title is registered under the Registration of Documents Ordinance.
The long-term right of occupancy is for a period of 25, 33, 66 or 99 years. This is issued over land, which is surveyed. The survey is usually based on an approved land use scheme. The survey must be approved by the Director of Survey and Mapping and the land over which a certificate of title is issued is shown on an extract from the survey plan, commonly known as a deed plan. The grant of a right of occupancy also carries development conditions detailing the allowed use and also the period in which development must be started and completed. Conditions related to the payment of land rent and other charges are shown.

Thus for the residential licence to be able to upgrade to a full title, the above conditions must be met. This means there must be a town-planning scheme forming the basis of a cadastre survey. Licences issued over land that is likely to remain if a cadastre survey is carried out can be upgraded to full title later.

8.5 Making the residential licence exercise more useful

Since the first Phase of the residential licensing exercise was a pilot, improvements could be made in the coming phases or in replication in other arts of the country. The following are proposed:

- The preparation of the land use should be based on a participatory approach, involving whole neighbourhoods so that an agreement is obtained on major issues that are required for the land use plan to form a future basis for a cadastre survey. Some professional surveyors have proposed that borders should be marked on the ground and on a given day an aerial photographs could be taken to record these borders.

- There is need for the surveying profession to find a way of accepting GIS products as documents that can form an approved survey plan.

- The minimum space standards are too high for unplanned areas and need to be revised downwards, otherwise it is not possible to live up to the current ones, unless massive demolition is envisaged. A minimum plot size of say 150 square metres is quire acceptable in many countries, and can bring on board many of the current land owners in unplanned areas.

Otherwise, there is a danger that the residential licences will be an end in themselves, and are likely to remain static. If the residential licence is not upgradable – and it would appear that there was no road map of upgrading the residential licence in the project document – its use becomes restricted.
The decision by the Government of Tanzania to issue residential licences to property owners in unplanned settlements has generated a lot of interest both within and without the country. There are useful lessons that can be learnt so that when Phase Two is undertaken, or if replication is implemented in other urban areas, past mistakes are avoided.

The security of tenure that the issuance of licences imparts to property owners is most commendable. Nevertheless, in order to avoid doing the same work twice, it is recommended that once the fieldwork identifying each property and the owners is completed, a town-planning drawing should be prepared for the area. This town-planning scheme must be done with the full co-operation of the property owners. Once approved, this TP Drawing should form the basis of issuing the residential licences. The taking up of residential licences should be compulsory; that is some kind of compulsory registration. Boundaries can then be established, utilising fast modern methods based in developments in technology. Once boundaries are established, it should be then possible to move from the licence to an offer for a right of occupancy, to a full title.

There is need to formulate space standards and development conditions and procedures that fit the interests of low income households in unplanned areas. The minimum space standards must be revised to reduce plot sizes and increase the intensive use of land. Likewise space for roads must also be formulated to avoid applying the current standards, which can only mean a lot of demolitions if roads are to be instituted in unplanned areas. Standards and development conditions must be developed with as many stakeholders as possible.

Full utilisation of community approaches, revising the standards and upgrading of the licence to a full title will work for the poor, whether the latter take up loans or not. Scaling up the Programme under the current conditions may not be useful, except that the government may collect more revenue, which in part can generate the resources to invest in unplanned settlements. Upgrading of the current licence is possibly impossible unless regularisation is carried out. Thus it makes sense to take an approach that is clearly beamed towards regularisation.

The current project is led and supervised by the Ministry of Lands. For the future, there is need to build capacity within local authorities so that they carry out the undertaking themselves. Even within local authorities, there is need to build capacity at lower levels such as the level of the Mtaa, or neighbourhood. Under the current project, development control is supposed to be enforced at the Mtaa level, but there is no capacity at this level to do that, nor is the set-up within local authorities envisaging development control to be enforced at this level of the Mtaa.
There are various projects on the drawing table, or going on in Dar es Salaam, addressing unplanned settlements. These include the CIUP, and the Cities Alliance Programmes. There is need to ensure that there is co-ordination between these projects to avoid duplication or contradictory approaches.

The current Project is not very gender sensitive in its instruments and approaches. This is an area where remedial action is required. Sensitisation is important, but also there is need to include gender sensitive considerations in the instruments used to implement the Project.

It is strongly advised that the government takes stock of the advantages and shortfalls in Phase I of the Residential Licence Issuing Project and put in place remedial measures before embarking on Phase Two, or before undertaking wider replication.
APPENDICES

APPENDIX I: LIST OF DOCUMENTS CONSULTED AND REFERRED TO


CIUP (Community Infrastructure Upgrading Project) (2002), Proposed Community Selection Process for Unplanned settlements Ranking and Prioritisation for Upgrading Dar es Salaam City, President’s Office, Regional Administration and Local Government.


Journal of the Institute for Spatial Planning, Faculty of Geography, University of Belgrade, Serbia and Montenego.


Tanganyika (1957), Land Survey Ordinance (Cap 390), Government Printer, Dar es Salaam.


<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ms Sarah Kyessi</td>
<td>Project Manager, Residential Licences Project</td>
<td>MLHHSD</td>
</tr>
<tr>
<td>Mr V. Mugemuzi</td>
<td>Project Manager, 20,000 Plots Project</td>
<td>MLHHSD</td>
</tr>
<tr>
<td>Mr R. Bagenda</td>
<td>Land Surveyor/Geomatician</td>
<td>MLHHSD</td>
</tr>
<tr>
<td>Ms B. Komba</td>
<td>Valuer</td>
<td>MLHHSD</td>
</tr>
<tr>
<td>Mr M. Mahingila</td>
<td>Land Rent Officer</td>
<td>MLHHSD</td>
</tr>
<tr>
<td>Prof. A.M. Hayuma</td>
<td>Projects Advisor</td>
<td>MLHHSD</td>
</tr>
<tr>
<td>Ms C. Kamara</td>
<td>Senior Land Officer</td>
<td>MLHHSD</td>
</tr>
<tr>
<td>Mr F. Mutakyamirwa</td>
<td>Ag Registrar of Titles</td>
<td>MLHHSD</td>
</tr>
<tr>
<td>Mr. M. Nyerembe</td>
<td>Municipal Land Officer</td>
<td>Kinondoni Municipal Council</td>
</tr>
<tr>
<td>Ms C. Mwing’uri</td>
<td>Assistant Registrar of Documents</td>
<td>Kinondoni Municipal Council</td>
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<tr>
<td>Ms T. Mwakasitu</td>
<td>Property Tax Officer</td>
<td>Temekte Municipal Council</td>
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<td>Mr J. Rwechungura</td>
<td>Municipal Valuer</td>
<td>Temekte Municipal Council</td>
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<tr>
<td>Mr. I Simba</td>
<td>Land Lawyer</td>
<td>UCLAS</td>
</tr>
<tr>
<td>Dr E. Mtalo</td>
<td>Remote Sensing Expert</td>
<td>UCLAS</td>
</tr>
<tr>
<td>Mr E. Silayo</td>
<td>Land Surveyor</td>
<td>UCLAS</td>
</tr>
<tr>
<td>Eng. L. Salema</td>
<td>Project Manager</td>
<td>PBFP</td>
</tr>
<tr>
<td>Dr. M. Burra</td>
<td>Town Planner</td>
<td>UCLAS</td>
</tr>
<tr>
<td>Mr H. Lyoba</td>
<td>Municipal Valuer</td>
<td>Morogoro Municipal Council</td>
</tr>
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## APPENDIX III: LIST OF PROPERTY OWNERS CONSULTED

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Settlement</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>Suna Said Chambusa</td>
<td>Manzese Midizini</td>
</tr>
<tr>
<td>2.</td>
<td>Habiba Halfan</td>
<td>Manzese Midizini</td>
</tr>
<tr>
<td>3.</td>
<td>Francis Temba</td>
<td>Ubungo Mabibo</td>
</tr>
<tr>
<td>4.</td>
<td>Emmanuel Njauzi</td>
<td>Ubungo Mabibo</td>
</tr>
<tr>
<td>5.</td>
<td>Michael Ngoti</td>
<td>Ubungo Mabibo</td>
</tr>
<tr>
<td>6.</td>
<td>Samson B. Ponera</td>
<td>Ubungo Mabibo</td>
</tr>
<tr>
<td>7.</td>
<td>Fatuma Athuman Ndee</td>
<td>Ubungo Mabibo</td>
</tr>
<tr>
<td>8.</td>
<td>Onaufoo N. Nderingo</td>
<td>Ubungo Mabibo</td>
</tr>
<tr>
<td>9.</td>
<td>Halima Ramadhani Mshauri</td>
<td>Ubungo Mabibo</td>
</tr>
<tr>
<td>10.</td>
<td>Pili Ntirugelegwa</td>
<td>Ubungo Mabibo</td>
</tr>
<tr>
<td>11.</td>
<td>E. Manyanga</td>
<td>Ubungo Mabibo</td>
</tr>
<tr>
<td>12.</td>
<td>Deo Kilawe</td>
<td>Ubungo Mabibo</td>
</tr>
<tr>
<td>13.</td>
<td>Ramadhani Mohamen Ntumba</td>
<td>Ubungo Mabibo</td>
</tr>
<tr>
<td>14.</td>
<td>Redempta Clement Massawe</td>
<td>Ubung Kisiwani</td>
</tr>
<tr>
<td>15.</td>
<td>Islam Ramadhani Rukwaro</td>
<td>Ubungi Kisiwani</td>
</tr>
<tr>
<td>16.</td>
<td>George Kisasi</td>
<td>Ubungo Kisiwani</td>
</tr>
<tr>
<td>17.</td>
<td>Peter K. Mrema</td>
<td>Ubungo Kisiwani</td>
</tr>
<tr>
<td>18.</td>
<td>Elia A. Mwaisumo</td>
<td>Ubungo Mabibo</td>
</tr>
<tr>
<td>19.</td>
<td>Nicas Callist Salla</td>
<td>Ubungo Mabibo</td>
</tr>
<tr>
<td>20.</td>
<td>Athuman Mwabombo</td>
<td>Ubungo Mabibo</td>
</tr>
<tr>
<td>21.</td>
<td>J. Kisanji</td>
<td>Ubungo Mabibo</td>
</tr>
<tr>
<td>22.</td>
<td>Silva Silvester Bilegeya</td>
<td>Ubungo Mabibo</td>
</tr>
<tr>
<td>23.</td>
<td>Patrick Mboya</td>
<td>Ubungo Kisiwani</td>
</tr>
</tbody>
</table>
APPENDIX IV: COPY OF SOCIO-ECONOMIC QUESTIONNAIRE

APPENDIX F: HOUSEHOLD QUESTIONNAIRE FOR DARESALAAM UNPLANNED LAND PROPERTY REGISTER PROJECT

Form Number………………………………          Date…………………………

1.1  GENERAL INFORMATION

NAME OF INTERVIEWER

NAME OF INTERVIEWEE

RELATIONSHIP WITH OWNER

MUNICIPALITY     LOCATION         Prop. Tax No

WARD        MTAA           HOUSE NO.

FIST NAME  SECOND NAME LAST NAME

EMPLOYMENT

NAME OF OWNER

Tel. No

e-mail

NO. OF HOUSEHOLDS: K

NO OF PERSONS

NO OF ROOMS

1.2  TENURE AND DEVELOPMENT STATUS  [MARK with “V” ]
### TENURE TYPE
- OWNER OCCUPIER
- TENANTS ONLY
- OWNER AND TENANTS
- OTHERS

### DEVELOPMENT STATUS
- VACANT LAND
- COMPLETE
- UNDERCONSTRUCTION

### RENT PER MONTH

### BUILDING VALUE

### LAND USE
- Residential
- Commercial
- Comm/res
- Service trade
- Industrial

#### ACCESS ROAD
- Primary road
- Secondary road
- Tertiary
- Footpath
- No access

#### WATER SUPPLY
- On plot connection
- Neighbour’s
- Public kiosk
- Water well
- Bore hole
- Buying

Is your land surveyed? Yes/ No
Reg Plan No  
Letter of offer No.  
Are you connected to electricity? Yes / No  
Do you have telephone? Yes / No

### BUILDINGS CHARACTERISTICS

Main Building area  \( m^2 \)  
Back building area  \( m^2 \)

Mark “V” in the correct answer  
M  Main building  
S  Small building
<table>
<thead>
<tr>
<th>BUILDING TYPE</th>
<th>M</th>
<th>S</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single storey</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mansonatte</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Block of Flats</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Area for other buildings</th>
<th>1 (m²)</th>
<th>2 (m²)</th>
<th>3 (m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BUILDING USE</th>
<th>M</th>
<th>S</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gest house</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bar</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail shop</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grocery</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pharmacy</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hair Saloon</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kiosk</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Livestock keeping</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carpentry</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Garden</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nursery school</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Others (specify)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ROOFING MATERIALS</th>
<th>M</th>
<th>S</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tiles</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corrugated Iron Sheets</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asbestos</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tins</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grass straw</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BUILDING CONDITION</th>
<th>M</th>
<th>S</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fair</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Poor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>WALLS</th>
<th>M</th>
<th>S</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concrete blocks</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cement Blocks</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burnt blocks</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sun dried</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mud and wattle</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wood</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CIS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SANITATION</th>
<th>M</th>
<th>S</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sewer system</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Septic tank</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pit latrine</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No toilet facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
2. How long have you lived in this area (years) 

3.1 Does your household possess one or more of the following assets? Mark ‘V’

<table>
<thead>
<tr>
<th>Asset</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Radio cassette/cd player</td>
<td></td>
</tr>
<tr>
<td>Bicycle</td>
<td></td>
</tr>
<tr>
<td>DVD Player</td>
<td></td>
</tr>
<tr>
<td>Motorcycle</td>
<td></td>
</tr>
<tr>
<td>Fan</td>
<td></td>
</tr>
<tr>
<td>Salon car</td>
<td></td>
</tr>
<tr>
<td>Air conditioner</td>
<td></td>
</tr>
<tr>
<td>Pickup</td>
<td></td>
</tr>
<tr>
<td>Refrigerator</td>
<td></td>
</tr>
<tr>
<td>Lorry</td>
<td></td>
</tr>
<tr>
<td>Electric cooker</td>
<td></td>
</tr>
<tr>
<td>Sewing machine</td>
<td></td>
</tr>
<tr>
<td>Other assets</td>
<td></td>
</tr>
</tbody>
</table>

3.2 Do you own land/house in Dar es Salaam other than this one/ Yes/No

<table>
<thead>
<tr>
<th>Asset</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>House</td>
<td></td>
</tr>
<tr>
<td>Farm</td>
<td></td>
</tr>
<tr>
<td>A plot</td>
<td></td>
</tr>
<tr>
<td>Garden</td>
<td></td>
</tr>
</tbody>
</table>

Total value of (3.2) In TSh 

3.3 Does your household possess animals/poultry? Yes/No

<table>
<thead>
<tr>
<th>Animal</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cattle</td>
<td></td>
</tr>
<tr>
<td>Chicken</td>
<td></td>
</tr>
<tr>
<td>Pigs</td>
<td></td>
</tr>
<tr>
<td>Goats/sheep</td>
<td>Others</td>
</tr>
<tr>
<td>------------</td>
<td>--------</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
4.0 HOUSE HOLD INCOMES

4.1 How many members contribute to the household income

4.2 Household income per month (total income of all contributing members)

<table>
<thead>
<tr>
<th>Source of income</th>
<th>No</th>
<th>Income (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Employment (salary)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) Production (.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) Business (shop, bar e.t.c)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) Remittances/ Grants from relatives</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(5) Other sources</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5.0 COLLECTION AND DISPOSAL OF GARBAGE

5.1 How is garbage from your household collected and removed from the neighbourhood?

Write the correct answer

- (1) Garbage is burned and/or buried in the yard
- (2) Garbage is deposited and kept outside the house
- (3) Garbage is thrown in the drain or nearby river or randomly
- (4) Garbage is collected by a private company
- (5) Garbage is collected by the Municipality

For No 4 and 5 above

6. What is the collection frequency per month?

7. How much do you pay per month (£).

6.0 ENVIRONMENTAL CONDITIONS.

6.1 Are there any local factories/workshops or other activities considered to be environmental nuisance?

Yes/No

Activities and type of environmental nuisance. Mark “V”

<table>
<thead>
<tr>
<th>Activity</th>
<th>Waste water</th>
<th>Dust</th>
<th>Bad smell</th>
<th>Noise</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Factory</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) Garage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) Dump</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) Bar</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>(5)</td>
<td>...............</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(6)</td>
<td>...............</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(7)</td>
<td>...............</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
7.0 PRIORITIES FOR DEVELOPMENT OF INFRASTRUCTURE AND OTHER FACILITIES IN THE NEIGHBOURHOOD

7.1 Priorities for development of infrastructure and other facilities

<table>
<thead>
<tr>
<th>Type of service/infrastructure</th>
<th>Priority</th>
<th>Suggestions for improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water supply</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drainage system</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local roads</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roadside drainage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solid waste collection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public toilets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street lights</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Environment</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

List priorities 1, 2 or 3.
(1) Most needed    (2) Needed    (3) Useful

7.2 Is your household willing to participate and contribute for improvement program?
Select the correct answer
A. Contribute labor
B. Contribute cash
C. Contribute cash and labor

7.3 How much is your household willing to pay for the prioritized improvement?
(1) TShs
(2) TShs
(3) TShs

7.4 Do you have any suggestions on how to implement infrastructure/service improvement programme in your community?

…………………………………………………………………………………..
…………………………………………………………………………………..
…………………………………………………………………………………..
…………………………………………………………………………………..

8. Do you have any boundary dispute with your neighbours Yes/No
Boundary agreement form no
BOUNDARY AGREEMENT FORM

Mtaa .................................................................

Ward............................................................... 

Name of Property Owner........................................M/F 

House Number....................................................

Date of agreement.............................................

Owner’s Signature. .............................................

Witnesses

<table>
<thead>
<tr>
<th>No</th>
<th>Name of Witnesses</th>
<th>Signature.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Signature of Mtaa Chairman
.........................................................Date.............

Extra information
...........................................................................
...........................................................................

Plan/sketch

THANK YOU FOR SPENDING TIME AND PARTICIPATING IN THIS INTERVIEW.
APPENDIX V: SAMPLE APPLICATION FORM FOR LICENCE

LAND Form N0.73

OMBI LA LESENI YA MAKAZI
SHERIA YA ARDHI YA 1999,
(NA 4 YA 1999)
(Fungu la 23 na 179)

HALMASHAURI YA .............................

SEHEMU YA I: (IJAZWE NA MWOMBAJI/WAOMBAJI)
(1) Jina la mwombaji /waombaji
(i).............................................................................Ke/Me Umri.....Uraia: Mtanzania/siyo
Mtanzania
(ii).............................................................................Ke/Me Umri....Uraia: Mtanzania/siyo
Mtanzania
(iii).............................................................................Ke/Me Umri....Uraia: Mtanzania/siyo
Mtanzania
2. Aina ya umiliki binafsi/ familia/taasisi/kampuni
3. Anwani (1)........................................................................................
........................................................................................
(2)........................................................................................
........................................................................................
(3)........................................................................................
4. Mahali ilipo Ardhi/Nyumba inayombewa Leseni:
(1) Namba ya nyumba.................................................
(2) Mtaa.................................................................
(3) Kata.................................................................
(4) Wilaya.................................................................
5. Wastani wa eneo la ardhi.........................m²
6. Matumizi ya Ardhi kwa sasa hivi ni..............................................................
7. Matumizi yanayopendekezwa au yanayokusudiwa (kama ni tofauti na inavyotumika hivi sasa)……………………………………………………………..

8. Saini/dole gumba la mwombaji/waombaji
(i)………………………………………………………………………………
(ii)………………………………………………………………………………
(iii)………………………………………………………………………………
SEHEMU YA II: (Uthibitisho)
Maoni na mapendekezo ya Mwenyekiti wa Serikali ya Mtaa.
Nathibitisha kwamba mwombaji ni mmiliki /msimamizi/si mmiliki halali wa
nyumba tajwa hapo juu.
Mwenyekiti:
Jina.............................................Saini.................................Tarehe.....................
Afisa Mtendaji
Kata:Jina....................................Saini..............................Tarehe.....................

SEHEMU YA III (Kwa matumizi ya ofisi tu).
Ada ya Shs .......................imelipwa kwa stakabadhi
Na..........................ya tarehe.................
Mimi.................................................................Afisa Mteule
nakubali/sikubali* apewe Leseni ya Makazi kama
alivyoomba/walivyoomba.
*Toa sababu za kukataa ombi hilo
(i).................................................................
(ii).................................................................

Saini............................................Tarehe.................Mhuri
HALMASHAURI YA ........................................

SHERIA YA ARDHI YA 1999,
(NA 4 YA 1999)

LESENI YA MAKAZI

( Chini ya fungu la 23&179)

NA......................................................

Ardhi na nyumba Na.................................

Kata.....................................................

Mtaa/Kitongoji.........................................

Makisio ya ukubwa wa Ardhi ni ..............m²

Halmashauri ya ....................................kwa leseni hii inatoa KIBALI
CHA MAKAZI kwa ..............................................................

..............................................................................................

juu ya ardhi na nyumba kama inavyofatanuliwa hapo juu.

Kibali hiki kinatolewa kwa masharti yafuatayo:

1. Muda wa leseni ni miezi/mwaka /miaka ............
   kuanzia tarehe....................... Mwezi........... Mwaka....................
2. Kodi ya shilingi. .........................italipwa kila mwaka, chini ya kifungu cha 23(3) (c) kiasi hiki kinaweza kubadilishwa na Kamishna wa Ardhi kwa mujibu wa Sheria.

3. Matumizi ni ...................... na shughuli nyingine zozote ambazo zinaendana na makazi na hazitaathiri majirani kimazingira. 

4. Ujenzi wowote juu ya ardhi hii au umegaji wa ardhi lazima upate kibali cha Manispaa kupitia Serikali ya Mtaa ambayo ndiyo itasimamia kwa karibu utekelezwaji wa masharti haya na maendeleo ya ardhi ya eneo hili. 

5. Mmiliki/wamiliki wataheshimu na kuhifadhi haki za njia zilizopo.

Kibali hiki kimetolewa leo tarehe...............Mwezi.........................
Mwaka.........................kwa niaba ya Halmashauri ya.................................na:

<table>
<thead>
<tr>
<th>Lakiri/ Muhuri</th>
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<tbody>
<tr>
<td>Jina.........................</td>
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<td>Tarehe........................</td>
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<table>
<thead>
<tr>
<th>Jina</th>
<th>Saini/Dole gumba</th>
<th>Picha</th>
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<td>(2).....................</td>
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<td>(3).....................</td>
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<tr>
<td>Maelezo ya eneo na mipaka yake</td>
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<tr>
<td>Na ya Nyumba:...................</td>
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<tr>
<td>Ukubwa wa eneo:..............m²</td>
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<td>Halmashauri ya:..................</td>
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<tr>
<td>Kata/Kitongoji:...................</td>
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<tr>
<td>Kama inavyoonyeshwa kwenye ramani hapa kulia</td>
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</tbody>
</table>
APPENDIX VII: EXTRACT FROM MAP OF AN UNPLANNED AREA

NAMBA YA ENEO LA ARDHI: KND/KJT/ALMB25/94
KITALU:
MTAA: ALIMAUJA B
KATA: KIJITONYAMA
MANISPA: KINONDI
ENEO (MITA MRABA): 202
APPENDIX VIII: TERMS OF REFERENCE

UN-HABITAT/SHELTER BRANCH/LAND AND TENURE SECTION

Land Tenure Specialist

DRAFT TERMS OF REFERENCE (ToR) August 2006 - September 2006

Background

The Land and Tenure Section, Shelter Branch, Global Division, has the mandate within UN-HABITAT to develop normative approaches in regard to urban land, innovative residential tenures, affordable land management/administration systems, land related regulatory/legal frameworks and tools, particularly for women.

The Land and Tenure Section focuses on research and tool development also to backstop the Global Campaign for Secure Tenure, to supply technical advice to Member States and to backstop the Regional offices and other sections of UN-HABITAT.

Tools provide a resource for understanding how to carry out and perform actions. While there has been extensive global discussion around land policies that work for the poor, there has been insufficient attention paid to the development of methods for implementing these pro poor land policies. Consequently what is required now are pro poor land tools that are affordable and accessible for all sections of the populations. This is essential for creating societies where there is sustainable equal access to land and equal access to the use of land. Work has already started on all these approaches, both for developing and post conflict societies. Incremental up scaling of this work over time, as capacity is developed, is envisaged through the establishment of a Global Network for Pro Poor Land Tool (GLTN) development.

The GLTN seeks to document, develop and disseminate pro poor gendered land tools which work at scale or which can be scaled up. GLTN aims to establish a continuum of land rights, rather than just focus on individual land titling; improve and develop pro poor land management, as well as land tenure tools; unblock existing initiatives; assist in strengthening existing land networks; improve global coordination on land; assist in the development of gendered tools which are affordable and useful to grassroots; and improve the general dissemination of knowledge about how to implement security of tenure. GLTN covers both rural and urban areas, and includes partners who are focused on urban and rural areas (see www.gltn.net).

GLTN partners have identified a range of land tools which need to documented and/or developed and disseminated globally, in order to be able to deliver the MDGs in regard to tenure security especially for the poor. One of these tools is focused on the delivery of security of tenure by using different legal instruments, aside from individual land titling.
The cost factor of delivery is critical in the assessment of new land tools, as well as the development of such tools. Too often this aspect has been neglected and it is not possible for countries to ascertain whether or not piloted or planned land tools are scalable or not. This is of critical importance given the enormous costs that could be involved in delivering security of tenure in a way that would benefit all citizens.

As women are generally disadvantaged in regard to their access to land in their rights to access, owning and controlling land, special emphasis is laid on this aspect by GLTN partners, to ensure security of tenure for both men and women. Women’s security of tenure is often dependent on their relations with their fathers, husband, brothers or other male relatives. In many countries inheritance and marital property rights are not equal and favour males over females. Cultural biases also play a large role in excluding women from enjoying independent or joint rights to land. Land administration systems often disadvantage women. There are fewer women involved in land tool development. One aspect of the GLTN is the evaluation of existing land tools to assess to what extent they deliver security of tenure to both men and women.

**Partnership**

The World Bank is one of the partners of GLTN. UN-HABITAT has been working with the World Bank for a number of years to identify pro poor land tenure types in Sub Saharan Africa. The World Bank is currently undertaking research in Tanzania on the land certificates in rural areas in regard to their investment profile. UN-HABITAT will co-finance a similar quantitative study for the urban areas. UN-HABITAT will also finance independently a land tenure study that will contribute to the overall research on the Residential Licenses in Tanzania. This consultancy is the independent land tenure study (see below).

**Tanzanian Background**

Most property rights in land on mainland Tanzania are not mapped or registered to facilitate land transactions. Only about 150,000 land parcels are formally registered nationwide. Consequently, about 90 percent of Tanzanians cannot be located through a property registry system which might allow them to more fully exercise their rights as contracting parties and citizens.

There is considerable informality in the fast-growing urban sector in Tanzania, particularly in Dar es Salaam, where the population is estimated to be expanding at a 4.9% annual rate. The formal system has fallen far behind in its ability to service the fast rising demand for land for housing, and as a consequence unplanned urban settlements and informality have proliferated. The MLHSD estimates that there are 500,000 housing units in Dar es Salaam and that at least 400,000 (80%) are in unplanned settlements. Between 1990 and 2001 the Dar es Salaam City Council and MLHSD together surveyed and allocated only 8,029 lots. Recently the MLHSD surveyed 30,400 plots in Dar es Salaam in a bid to address the plot shortage.
Until recently residential dwellers had no authentic documents in the unplanned settlements and as such they had no tenure security. In a bid to address the enormity of the situation MLHSD has been implementing a sweeping project to issue Residential Licenses throughout Dar es Salaam. The project activities include undertaking community assisted field campaigns to map and register house plots in unplanned settlements and public awareness campaigns to encourage residents in applying for Residential Licenses. Efforts to assist and support the process of establishing registries in local authorities are also underway. By November 2005 more than 200,000 properties had been mapped and registered in Dar es Salaam and by January 2006, about 9,000 Residential Licenses had been issued.

Under the Land Act a Residential License is a derivative right, which is not transferable, has a term of at least 6 months but no more than 2 years, and is renewable for a like term. Under the Land Act the Government must however pay compensation for compulsorily acquiring the property of a person who has held a Residential License for 3 years. Although residential licenses confer only partial ownership rights upon residents, it is likely that the mapping, registration and licensing activities nonetheless increases tenure security (particularly for those residents who renew into a third year), and may contribute to changed economic behavior and increased levels of economic activity.

**Activities and Tasks**

The consultant should:

- Briefly describe the historical context of the introduction of the Residential Licenses;
- Describe in detail the system by which Residential Licenses are awarded in Dar es Salaam, including the de jure and de facto system, from the beneficiary or user through to the surveyor general, registry and municipality, emphasising the pro poor aspects.
- Work out provisional costs for the allocation of a Residential Licence, to the state and including that paid by the user/beneficiary (cost elements to be shown);
- Evaluate to what extent the Residential Licence system is gender friendly, particularly for poor women and if not;
- Evaluate to what extent the Residential License system is pro poor and useful for ordinary people;
- Evaluate to what extent the Residential License system is scalable to address the wider tenure security problems in Tanzania;
- Evaluate to what extent the Residential License system certificates can be upgraded to titled properties at some later date, and to what extent the system is capable of being integrated into the titling system;

A range of methodologies should be used by the consultant, namely desk reviews, structured interviews, participant observation. The research methods chosen should lead
to a qualitative rather than quantitative report, as this study will also be used as a context for quantitative analysis and interpretation of results.

The consultancy should consist of 10 working days and be conducted over the period 28 August, 2006 to the 10 September, 2006 in order to prepare for a planned workshop. The 10 working days include, obtaining the information, writing the report and attending the workshop, where it might be necessary to make a presentation on the findings of the consultancy. The daily fee will be USD 380.00 for a total fee amount of USD 3,800. There will be no reimbursable costs.

**Outputs**

A report of not less than 35 pages and not more than 100 pages. The report should include an executive summary, a content page, a list of people interviewed and be in Times New Roman Font 12. There should be no photographs except on the front cover, if desired.

An **interim report** should be made available to UN-HABITAT and the World Bank by the 10 September, 2006, in soft copy file sent to ulrik.westman@unhabitat.org and kdeininger@worldbank.org.

After comments from these two organisations, a **final report** should be sent to these organisations and individuals by the 31 September, 2006.

The consultant should attend a **workshop** planned by the World Bank in Dar es Salaam sometime between the 10-14 September, 2006, and be ready to make a **presentation** on the report if required.