Tanzania inherited a land tenure system from the colonial governments with a blend of customary and statutory elements. The land tenure constitute the granted right of occupancy which is statutory, and the deemed right of occupancy which is a title of a native or a native community using or occupying land in accordance with native law and custom.

Most of the land occupied by the rural agrarian community is governed by the deemed or permissive right of occupancy. This land tenure system is less secure as it lacks legal support compared to the granted right of occupancy though it has operated well under the subsistence traditional settings.

Socio economic reforms of the mid-eighties lead to the establishment of the new land policy of 1997 and subsequent enforcement of the Land Act No. 4 and the Village Land Act No. 5 of 1999. Enhancement of tenure security and equal access by all to land under Village jurisdiction is one of the issues advocated in the Village Land Actno.5 of 1999. Adjudication of farmers land holdings and provision of Certificate of Customary Right of Occupancy (CCRO) is implementations of the Land Act which aim at enhancing security of tenure. According to this Land Act, the anticipated benefits of CCROs include: increased security; access to bank loans; fewer land disputes; protection from losing land without recompense; and protection of women's rights.

The objective of land titling and issuance of Certificate of Customary Right of Occupancy (CCRO) includes providing equal chance to access land and securing land to facilitate and encourage investments for profitable and sustainable use. Its implementation been done in pilot districts with differing approaches and funding support. This Policy Brief provides some experiences of the exercise drawn from a follow up study in selected districts. Finally, it underscores some areas of improvements to achieve the desired change.
THE PROBLEM

Adjudication of land and provision of CCROs have been initiated in selected villages of pilot districts with differing experiences and outcomes relative to expectations. The question being asked is “has the provision of CCROs brought about the anticipated benefits for small holder farmers?”

METHOD

The study involved 3 districts of Mbozi, Wanging’ombe, and Kilombero which implemented land titling and issuance of CCROs. Two villages from each district were picked for the study. A cross sectional approach was used to acquire data and information on land tenure related issues from the study areas. Secondary data and information were sourced through literature review. Primary data were obtained through focus group discussion, household-level surveys, and expert interviews using a guided questionnaire. Information was collected from individuals at three levels which were; District administrative and technical staff, Village leaders and farmers taking gender aspect into consideration. A total of 20 household questionnaires were administered per village.

LAND TENURE SECURITY TREND

Traditionally, landholding in Tanzania was based on customary laws of the different tribes. Land was communally owned under the prevailing customary regulations governed by the individual who exercised effective authority over the community in the area such as the chief, clan head, or lineage authority. Landholdings were passed to the next generation largely through inheritance.

The traditional tenure continued through the colonial era though its strength was limited by the introduced German and later British land tenure systems which declared “all land, whether occupied or not as public land and vested in the head of State, except claims of ownership which could be proved by documentary evidence”. The land tenure system was now gauged as the Right of Occupancy which was either granted or deemed right. The granted right of occupancy was statutory, while deemed right was customary, which is a title of a native or a native community lawfully using or occupying land in accordance with native law and custom.

Only settlers engaged in cash crop cultivation at that time such as sisal, coffee, rubber and cotton, could obtain their title as granted right of occupancy and enjoyed security of tenure. The native lands fell under the category of deemed rights of occupancy which was not secure. Consequently during the Colonial regime, some of the best lands amounting to 4.8 million acres were alienated from the native lands in favour of settlers.

The independent Government of Tanganyika and later Tanzania inherited the land ordinance of British rule and vested land in the State with the President as the ultimate landlord and maintained more or less the same colonial land policy and practices with some minor reforms till 1997 when major reforms were made. The customary land tenure continued to operate. However, in 1963 the chiefs, headmen and elders roles were replaced by elected village councils which further diminished the powers of the traditional tenure system.

POLICY AND LEGAL REFORMS

Socio economic reforms of the mid-eighties which lead to among others increased demand for land and also increased land disputes, necessitated review of the land tenure system and eventually resulted in the establishment of the new land policy of 1997. Subsequently the Land Act No. 4 and the Village Land Act No. 5 of 1999 were enforced. This new Land Policy and associated Land legislations have been enforced to promote and ensure a secure land tenure system that encourages the optimal use of land resource
and facilitates broad-based social economic development without upsetting or endangering the ecological balance of the environment.

The Strategic Plan for Implementing Land Laws (URT, 2005) is an implementing organ which provides an avenue for equal access to land including vulnerable groups thus counteracting land discrimination practices. Implementation of the strategy started in selected villages of pilot districts where adjudication of farmlands and issuance of Certificates of Customary Rights of Occupancy (CCROs) was undertaken.

**STUDY RESULTS**

The results from the study show the following experiences of CCROs.

- About 37% of farmers with land in the study registered their land while 63% did not register their lands.

- Some farmers underscored that boundary conflicts are likely to continue especially under annual crop production in the absence of permanent boundary marks.

- Some respondents did not see the need to register land indicating low education/awareness on the importance of the exercise.

- In some villages land titling has benefited few farmers who are able to pay for cost of land titling defeating the desired end of enhancing tenure security to rural community

- About 72% of respondents across the study area acquired land through inheritance suggesting that, the traditional male dominated inheritance still pre-dominates land acquisition defeating the desired results of equal access, poverty reduction, economic growth and development. Consequently land allocation by village government which is supposed to leverage land discrimination is still low.

- Most farmers reported the use of CCROs as collateral to be a major factor that induced them to register their land followed by security purpose and avoiding conflicts. This indicate that there was overemphasis of the use as collateral to be the main benefit of CCROs

**POLICY RECOMMENDATIONS**

From the observations above, it can be concluded that, land titling and provision of CCROs has not fully solved problems of land security for small holder farmers. The following recommendations are therefore proposed to enhance security:

- The adjudication process should be supported by establishment of permanent farm boundary marks such as beacons or pegs to strengthen security and minimize conflicts. This will minimize conflicts such as border disputes between neighbouring farmers especially under seasonal crop production which still occur.

- Access to land by all has not improved substantially. Customary norms favouring men in the ownership and inheritance of land still predominates. Children are also vulnerable to the system. The government should establish a law or by laws to safeguard access of land by the vulnerable group of the society (women, children, disabled, old age).

- Land registration using the spot approach is expensive and can not be afforded by most farmers especially the poor. As a result expectations of these disadvantageous farmers have not been met. The government should therefore fund and coordinate the adjudication and issuance of title deeds preferably using the systematic approach to enhance security of the land tenure to all. The government may establish a long term cost recovery such as annual land tax which can be judged by the land productivity or farm size.