



TANZANIA LAND POLICY **ACTION NODE**
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THE CHALLENGES OF LAND OWNERSHIP IN RURAL TANZANIA: WHAT NEEDS TO BE DONE?

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LAND OWNERSHIP

The right to own land in Tanzania is vested only to citizens, where as non-citizens (investors) are subjected to a derivative right of occupancy (right to occupy and use land created out of a right of occupancy issued by Tanzania Investment Center). Tanzanians can access land through a number of ways such as: inheritance; allocation by the Village Council or Commissioner for Lands; gifts; purchase; and lease.

In regard to ownership, Tanzania has dual land tenure systems namely: customary (deemed right of occupancy whereby village land with or without time limitation is allocated to an individual or group of individuals; and statutory (granted right of occupancy) where reserve land is allocated through a periodic title deed of 33, 66, or 99 years depending on type of land use.

The Commissioner for Lands is the only authority responsible for overall administration of the above land ownership categories, though such powers may be delegated to land officers at lower authorities like districts or municipals.

In Tanzania, land is one of four major natural resources including, forestry, water and minerals. Land affects other sectors which are of paramount importance to the economy. For instance, it

employs nearly 67% of the population (Chachage, 2010). The country has a total area of about 945,000 square kilometers, of which about 440,000 square kilometers is arable land (88% found in rural areas). However, only 23% of the total arable land is currently utilized, which implies that Tanzania has vast tracks of unused land with potential for large-scale agricultural investments. Hence, there is an escalated move to attract large local investments and Foreign Direct Investment (FDI) (Chachage, 2010).

Land Ownership in Tanzania: A Historical Brief

Land tenure in Tanzania has evolved over time. In pre-colonial times, landownership was based on customary laws derived from traditions and customs. Under this land tenure regime,



ownership was predominantly communal, owned by a tribe, clan or family. During colonial time, a different tenure system was introduced first by the Germans and later by the British. Although customary land tenure was still in place the new system introduced elected village councils who replaced the chiefs, headmen and elders.

In the post-colonial era, land ownership powers were essentially shifted to the newly independent Tanganyika government. However, in the 1990s the Tanzania government realized a need to formulate and implement a coherent and comprehensive land policy that would enable proper management as well as allocation of land in both urban and rural areas. Thus, the government formulated the National Land Policy of 1995 which stated that: The president is a land trustee on behalf of all Tanzanians; land is classified into 4 categories namely; general lands, village lands, reserve lands and urban lands; and the commissioner for lands was and still is responsible for overall administration of all types of lands.

The National Land Policy of 1995 was followed by the Village Land Act No.5 of 1999 which was implemented through the provision of Certificate of Customary Right of Occupancy (CCRO) to ensure equitable access to land. Despite the existence of the National Land Policy of 1995, the Village Land Act No.5 of 1999, its implementation and its subsequent amendments, Tanzania has been constantly facing several challenges related to land ownership particularly in rural areas.

Land ownership: Recent experience

The experience drawn from several land studies in Tanzania has shown that land ownership has been subjected to a number of challenges (ESRF, 2013). One such study was conducted by the Tanzania Land Policy Action Node (TLPAN) in 2013 to track people's awareness of the provisions of the Village Land Act, especially among

smallholder farmers and women. This study was conducted in three districts namely: Kilombero (Morogoro), Mbozi (Mbeya) and Wanging'ombe (Njombe). 150 respondents in five wards from each district were interviewed. The survey found that most of the households owned between 1 to 10 plots with the average of 3 plots per household under customary laws. However, the owned plots were mainly used for human settlement (17.8%), agriculture (58.9%) and a combination of human settlement and farming (%) indicating that the largest proportion of land is used for agricultural activities, especially in the rural areas.

Furthermore, the study observed that 64.7% of the plots were owned without formal documentation (rights of occupancy, residential licenses, inheritance letter etc), and that there was widespread lack of information and land insecurity in the villages. This situation could be the major causative agent of several challenges (farmers-pastoralists conflicts, tenure disputes, and alienation of peasants) facing land ownership in rural areas. It was highly recommended that land education be provided to the masses in addition to simplifying land titling procedures.

Challenges Facing Land Ownership in Rural Tanzania

In spite of the existence and implementation of the National Land Policy, a number of challenges still exist especially in rural areas. These include:

- Conflicts regarding land use particularly between farmers and livestock keepers.
- Continuing land disputes emanating from rapid urbanization which involves lessening of farming areas.
- Tenure conflicts between customary and granted land rights.
- Massive relocation of people done by big national and multinational investment companies with a motive of expanding production scale thus leaving small-scale producers landless.

- Insufficient and uncoordinated land information available to the majority of people. This has resulted in poor planning when it comes to land utilization in terms of unplanned buildings and farming practices, especially in the villages.
- Pronounced land tenure insecurity problems amongst small land holder farmers. This problem is attributed to a number of factors including low education levels, unfriendly policies, and the legal and institutional environment governing land management in Tanzania.

Land Policy Implications and Recommendations

There are several policy options available for Tanzania to take into account in an endeavor to create proper handling of land ownership issues. The findings suggest that land policies in Tanzania should accommodate mass land education to address issues of land insecurity and lack of information. Additionally, the policies should opt for eased titling procedures to allow more people to own land. Other relevant land policy options entail state authorization of land selling, land quantity acts to avoid monopoly and excessive ownership by individuals, land expropriation for the public good where necessary, land banking, as well as explicit women entitlement to land ownership.

Authorization of bare land selling also has far reaching implications like commoditization of land (affecting its market value), controlling theft, and other land business malpractices. The limiting of ownership for individuals and expropriation are essential to ensure the possibility of the majority having access to land, hence the Village Land Act

(VLA) should be amended to empower the Village Land Councils (VLCs) to deal with such land malpractices.

Moreover, the land relocation compensation criteria should be improved. Compensation must reflect land market rates instead of the set indicative prices so as to reduce compensation dissatisfaction.

There is a need to further improve the duality of land rights in land ownership which means the customary land rights and granted rights of occupancies should complement and not conflict with each other though they fall under different organs, i.e. the Village Councils and Commissioner for Lands respectively.

Policies should advocate civic education on land issues so as to increase awareness on rights to land and titling.

Furthermore, it is recommended that security of tenure for smallholder farmers is introduced which will enable them to perform their productive activities without fear of losing their land.

Generally, all land ownership problems facing Tanzania's rural areas have to be given immediate attention, and properly accommodated in the countries policies and Acts.

References

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