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Challenges Facing Land Ownership in Rural Tanzania: What needs to be done?

By Charity Mugabi

ABSTRACT

Currently, Tanzania faces numerous challenges related to land ownership, especially in rural areas. The challenges include farmers-pastoralists conflicts, tenure disputes, and alienation of peasants. To address the challenges, the current policies and approaches used in the country need to be changed on the grounds that their inherent shortcomings make the policies unable to meet rampant land problems that the country has faced in recent years and continue to experience. In a study that assessed land ownership in Tanzania, it was found out that there is rampant land insecurity in the villages and lack of land information amongst the people. Based on the study findings, it is recommended that Tanzania should introduce authorization of land selling, and enact land ceiling acts for avoiding monopoly and excessive ownership by individuals. The country should also opt for land expropriation for the public good, land banking, women entitlement to land ownership, land education to the masses, and eased title procedure policies. These policies do not only favour the majority, especially the poor but also bring gender equity in land ownership.

Introduction

Land in Tanzania constitutes one of the major four natural resources namely land, forest, water and minerals. As the primary resource, land affects other sectors which are of paramount importance to the existence of the nation-state. For instance, in Tanzania land is still inextricably tied to labor as it provides employment to nearly 67% of the population through agricultural activities which employ about 82% of the total rural population. As such land ensures food security and national security in general. The country has a total area of about 945,000 square kilometers, of which approximately 44

million hectares are arable land for agricultural activities. It is estimated that about 88% of this arable land is found in rural areas (Chachage, 2010). However, of the total arable land, it is estimated that only 23% is currently utilized. This status insinuates that Tanzania has vast tracks of unused 'virgin land' potential for large-scale agricultural investments. Thus, at the moment, there is a move to attract huge local and foreign direct investments in village lands in sectors such as agriculture, mining, tourism and bio-fuel production.

According to Hayuma and Conning (2004), "before Tanzania was subjected to colonialism,

landholding was based on customary laws of the different tribes (in all 120 tribes in Tanzania).

Thereby, title to the land was based on traditions and customs of the respective tribes. Ownership of land was predominantly communal, owned by a tribe, clan or family. Chiefs, headmen and elders had the powers of land administration in trust for the community. These powers continued through the colonial era though they were limited by the newly introduced German and later British land tenure systems under which all lands were declared to be subject to the crown and public lands respectively. The customary land tenure is still in place [to this date], but since 1963 the chiefs, headmen and elders have been replaced by elected village councils.”

Upon attainment of Tanzania’s mainland political independence in 1961, the government realized that there was a need to develop a coherent and comprehensive land policy that would define the land tenure and enable proper management as well as allocation of land in both urban and rural areas. According to Hayuma and Conning (2004) such a policy could help to: Accommodate changes in land use and increasing human population in the country; Control large stock population which increases demand for grazing land and creates serious land degradation; and Protect the environment from extension of cultivation to marginal areas. Thus, policies such as Tanzania National Land Policy 1995 and the 1997 National Land Policy were formulated by the government.

Challenges Facing Land Ownership in Rural Tanzania

Despite that Tanzania has the National Land Policy that aims at promoting harmonious land ownership in the country’s rural areas; there exist numerous challenges as far as land

ownership is concerned. These challenges include:

- Conflicts on land use in rural areas especially between farmers and livestock keepers;
- Persistent land disputes resulting from rapid expansion of towns encroaching on surrounding farming areas;
- Tenure conflicts between customary and granted land rights (Simbarashe, 2012);
- Alienation of the people through accumulation of land in the hands of big national and multinational companies, leaving small-scale producers landless (Chachage, 2010),
- Absence of adequate and coordinated land information. This is mainly manifested in the lack of awareness about land information amongst the people. Such a problem has created enormous poor planning for land utilization, and it has eventually led to the building of houses without planning, especially in the villages;
- Additionally, in several parts of Tanzania, there is land insecurity amongst small land holder farmers, especially women (ESRF, 2013).

The existence of such challenges is partly attributable to problems inherent in the land policies of the country. The National Land Policy of 1997, happens to have both strengths and weaknesses in handling land ownership matters in the country. The strengths of the policy are such as: its ability to ensure that land is put to its most productive use to promote rapid social and economic development of the country; it promotes an equitable distribution

of and access to land by the citizens; and it promotes sound land information management.

Its weaknesses include: Land conflicts that still exist among agriculturalists (pastoralists and agro-farmers) especially in rural areas despite the policy objectives of settling such problems; While land is still allocated to individuals, private firms including foreign investors regardless their proven ability to develop them, the policy does not have specific statements which are for reversing this; and Information system based in various aspects on land such as the names, addresses, size, location and the use of parcels is still ambiguous that is why some homes are being destroyed from development projects such as road construction, the policy is silent on this. Moreover, while women still have inferior land rights relative to men including their access to land which is indirect and insecure, the policy is not concomitant to principles of natural justice that can ensure non gender biased land ownership.

Land Policy Options

Tanzania's policies for land can be improved so as to provide solutions to the challenges that the country is currently facing. In other words, there are policy options which Tanzania can consider for the sake of proper handling of land ownership matters, especially in the rural areas. The finding suggests that land policies in Tanzania need to opt for land education for the masses so as to address the problems of land insecurity and lack of information. The policies should also opt for eased titling procedure to allow land ownership amongst the people. Other options for Tanzania's land policy are such as state authorization of land selling, land ceiling acts for avoiding monopoly and excessive ownership by individuals, land expropriation for the public good, and land banking, and women entitlement to land

ownership.

Authorization of sale of bare land also has far reaching implications such as commoditization of land and thereby creating a market value. Authorisation can also help to limit theft and other malpractices in land business. The limiting of ownership for individuals and expropriation are advantageous since they ensure the possibility of more people to have access to land.

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Also the policy options named above, can contribute to individual property rights while threatening communal access to and enjoyment of their rights to land and land based natural resources like forests, water sources and pastures. It should be noted that more than 80% of land in Tanzania is held under customary tenure regime by rural communities which live in village settings. The law recognizes such customary rights of occupancy. (Yefred, 2005)

Recommendations and the Way Forward

It is high time for policy and legal reformist to pay attention to the voices of the poor which are increasingly demanding inclusion in policy processes with little success (if any) so far. We recommend that the government should engage seriously in policy dialogues and processes with stakeholders. Through public policy debates, differences could be realized in local policies and practices taking into consideration issues of common people.

Furthermore, national, regional and municipal governments should increasingly provide support to rural communities on matters related to land ownership. It is important that these bodies of governments should tirelessly provide regulations and guidelines to ensure fairness in the handling of land matters. Besides, Tanzania needs to have a village land topographical mapping, especially for rural areas. This will enable village authorities and the villagers in general to build on their land in an organized way, and it will limit the issues of illegal land ownership.

The land policies should also affirm existing rights in landholding, especially customary rights of small holders in rural areas. The rights should also be recognized, clarified and secured in law. Policies should also provide for provision of civic education aimed at increasing awareness on land information management in order to make people especially in rural areas aware of their rights on land, what they are supposed to have, for example land titling documents and the importance of such documentation.

Basically, all land ownership problems facing Tanzania's rural areas have to be accommodated in the countries policies and acts. It is high time that the problems are addressed. Fortunately, the recommended policy options in this policy brief have the potential to significantly contribute towards addressing of the problems.

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The Economic and Social Research Foundation (ESRF)

51 Uporoto Street, Ursino Estate.
P.O Box 31226, Dar es Salaam, Tanzania
Tel: +255 22 2760260/2760758/2760751-52
Fax: + 255 22 2760062 • E-mail: esrf@esrf.or.tz
Website: <http://www.esrf.or.tz>