



# CASLE CONFERENCE IN TANZANIA 2009

PRESENTATION OF SUMMARY  
OF ARDHI UNIVERSITY  
STUDENTS' PAPERS

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- Can the Poor get Planned and Surveyed Land in Urban Areas in Tanzania? (By Ole Moko M.),
- How Customary Land Tenure Depresses Women Rights: The case of Luo tribe in Rorya District/Mara, Tanzania (By Katete, E.),
- Access to Land for Housing by the Urban Poor in Tanzania: The case of 20,000 Plots Project in Dar es Salaam, (By G.Furaha)

# Presentation Contents...

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# Introduction

- The international community is beginning to recognize that women's lack of rights in, access to and control over land for housing and property constitutes a violation of human rights
- and contributes significantly to women's increasing poverty in urban as well as in rural settlements
- secure land rights are particularly important in helping reverse gender discrimination, social exclusion of vulnerable groups, and wider social and economic inequalities linked to inequitable and insecure access to land (UNHabitat, 1999).

# Introduction...

- Women's rights to land, housing and property are understood primarily as human rights as articulated in international human rights instruments,
- The right to land, housing and property refers to the totality of possible entitlements. This means women have legal rights in, access to and control over land, housing and property (*ibid*).

# Introduction...

- “Access to land, housing and property” means that a person can use the land (eg: for cultivation), property or housing, but that they do not necessarily have legal rights to do so. This can be through informal concessions granted by individuals to kin or friends
- “Legal rights in land, housing and property” broadly refers to security of tenure, that is, rights to own, lease, rent, mortgage or dwell on land, housing and property and the right not to be forcibly evicted (*ibid*).

# Can the Poor get Planned and Surveyed Land in Urban Areas in Tanzania?

- Demand of planned and Surveyed plots is extremely high compared to its supply.
  - E.g: in 1991-2001 demand was 150,000 plots annually while supply was 8,000 plots in all urban areas in Tanzania (Silayo, 2001; Kironde and Mabele, 2003).
  - in the same period of time, the annually plots demand was 25,000 in D'Salaam city while the supply was 5,000 plots only (Silayo, 2001).
- On average demand versus supply has bn 8:1 over the period of 1991-2009.
- This situation has caused stiff competition among plot applicants, thus edging malpractice in allocation process

# Can the Poor get planned and surveyed cont...

- The Government initiated 20,000 plots project in D'Salaam city and 5,000 plots project in Mbeya city.
- Plots were sold at prices ranging from TShs 800,000 to 1,200,000.
- These prices were unaffordable to the majority/poor, hence movement to unplanned areas continues.

# Can the Poor get planned and surveyed cont...

- Observation:
- The poor cannot afford to access planned and surveyed/serviced plots under the current procedure of demand vs supply.
- Recommendation:
- The Government should facilitate supply of planned, surveyed and serviced land in order to achieve equitable access to land by poor as well.

# How Customary Land Tenure Depresses Women Rights: The case of Luo tribe in Rorya District

- Access to land by rural popn is based on custom and tradition, provided that it is not contrary to the constitution of U.R. of Tanzania.
- National Land Policy, 1995; Land Act, 1999 and Village Land Act, 1999 provide all for equal rights of both women and men to acquire, hold, use land.
- Among Luo, women do not have right to own, control land, use and transfer or inherit land.

# How Customary Land Tenure Depresses Women Rights...

- Recommendations:
- Education on Land rights should be provided to all,
- Steer up formation of women social movements to campaign and fight against discriminatory customs, beliefs and attitudes,
- Women should be empowered economically to enable them to compete in land dealings.
- Encourage deprived women to appeal to the court of law.

# Access to Land for Housing by The Urban Poor: The Case of 20,000 Plots Project

*A success story*

# Access To Land for Housing By The Urban Poor...

- Secure Land Tenure and Property Rights are fundamental to housing development and Livelihoods for *inter alia* poverty reduction among women who are the majority of urban poor.
- The Government of Tanzania initiated several programmes to improve land access for the urban poor; notably women, orphans and the disabled,
- Such programmes included Slum Clearance of the 1960s, Squatter Upgrading, National Sites and Services Projects of 1974 – 1981 and the recent 20,000 plots project in D'Salaam city.

# Access To Land For Housing By The Urban Poor...

- All the mentioned programmes/projects did not reach the target popn, except the 20,000 plots project which gave land access to 32% of women.
- However, majority of these women are not low income earners!!
- **Observations:**
- The project enhanced security of tenure for all plots allocatees
- The project was gender sensitive.

# Access To Land For Housing By The Urban Poor...

- However, the project did not produce enough high density plots-affordable by the majority of the urban poor.
- Only 40% of the plots were small/or high density.
- Other urban poor such as orphans & disabled were not considered in plots allocation process.

# Access To Land For Housing By The Urban Poor...

- Past pro- poor government programmes on Land allocation have not been beneficial to the urban poor, instead the high income earners have taken the advantage.
- **Recommendations:**
- Reduce current high density plot size from 400-600m sq to 150-375m sq. (bigger the plots, the higher the price),
- This can be affordable, and hence minimise growth of unplanned settlements.

# Access To Land For Housing By The Urban Poor...

- Institute mechanisms that will enable urban poor to access both land and housing microfinance to erect building and basic infrastructure.
- Allow urban poor to build their houses progressively in planned neighbourhoods

**Access to General Land  
In Tanzania: A Challenge  
To Low Income People**

# Access to General Land in Tanzania...

- All land remains under Trustee of the President of the United of Tanzania,
- Land ownership is a constitutional right to all citizens.
- Right of occupancy is granted to individuals/ institutions as a right to use the land.
- Categories of land: reserved land (28% of all land), Village land (80%) and General land (2%)

# Access to General Land in Tanzania...

- Form of land tenure in Village land is customary tenure while that of General and reserved lands is Granted Right of Occupancy,
- Most General land is obtained by acquiring and converting Village land.
- Before accessing General land, it must be demarcated and surveyed.
- Various fees must be paid to the Government for successful application/access of General land.

# Access to General Land in Tanzania...

- **Observations:**
- The fees payable before accessing General land are to the tune of Tshs 2,000,000 in the City of Dar es Salaam.
- The poor consider these to be prohibitive.
- Accessing General land is accompanied by cumbersome, bureaucratic procedures that take too long waiting times and thus discouraging low income earners from accessing such land.

# Access to General Land in Tanzania...

- **Recommendations**
- If Village land has to be acquired for conversion to General land, affected villagers should be allocated plots in the same areas following completion of the planning and survey processes instead of being compensated and left without land. This will retard development of new informal settlements.
- The government should start special schemes where to resettle disadvantaged persons at subsidized rate.

# Local Administration for Equality In Property Rights & Land conflict resolution

The Case of Kipera Village In  
Mvomero District/Morogoro

# Local Administration for Equality In Property Rights...

- Land use conflicts between farmers and pastoralists have been reduced to some extent at local levels thus promoting safe access to land in rural areas.
- Livestock keeping and farming are major economic activities in Kipera Village in Mvomero District.
- Customary land tenure is dominant in villages such as Kipera.
- Another category of land ownership is public ownership through granted right of occupancy.
- In Kipera village land is owned by head clan.

# Local Administration for Equality In Property Rights...

- Because women are traditionally not entitled to inherit land, they are also denied access to other property rights such as housing.
- The laws, namely the Land Act and the Village Land Act of 1999, recognize land sharing schemes between farmers and pastoralists.
- The pastoralist tribe, namely the Maasai, is willing to adopt best ways of grazing and reduction of the number of livestock.

# Local Administration for Equality In Property Rights...

- **Observation:**
- **Kipera Village and Mvomero District Councils in collaboration with the concerned communities have managed to map and distinguish land particularly for farming and grazing,**
- **Cattle tracks to river and grazing lands have bn provided,**
- **Grazing land is demarcated and surveyed,**
- **Grazing land has allocated based on land units and soil characteristics.**

# Local Administration for Equality In Property Rights...

- **Recommendation:**
- Advance Participatory Land Use Planning should be adopted by other Village/District councils for managing farmers and pastoralists conflicts in rural areas for equitable land access.

# The end

- *Thank you all for listening to the presentation*
- *Asanteni sana na Karibuni Tanzania*
- *Karibuni Dar es Salaam*
- *Karibuni ARDHI UNIVERSITY (ARU)*