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REVISITING LAND DISTRIBUTION POLICIES AMONG LAND-BASED SECTORS IN TANZANIA

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ABSTRACT

Context and background

Despite the robustness of various land instruments and legal and institutional regulations on various sectors, Tanzania's land distribution related policy implementation and practice is facing numerous challenges. Tanzania is not only experiencing poor land conditions, but also poor land management and ineffective policy implementation. Areas of concern includes public policy actions on land conflicts; settlements and housing problems; and conflicting demand for land for mining, large scale agriculture, conservation, tourism, ranching and pastoral nomadism. This study highlights that the land sector in Tanzania is in a state of instability due to inability to secure rights to land, issues around transparency and ongoing disputes and misunderstanding within society as demand for land increases.

Goal and Objectives:

The study tries to find out the potential of land and available related policies incongruent with the future land distribution and land use for sustainable land use in Tanzania by recommending the proper land distribution policy directions for feasible outcomes.

Methodology:

Secondary data analysis was applied to support the existing scenario in land policies regarding land use and the land distribution paradox. A review of land use, distribution, ownership in Tanzania has been conducted by focusing on land use and land cover distribution, size of public land, land claims by major sectors, and land ownership in Tanzania..

Results:

The study recommends that the government should go beyond land reforms and new legal regulations, but rather concentrate on innovative, participatory, and sustainable land development policy approaches. More emphasis on the operational land market, land information system, land rights, and security of tenure should instead be heightened. Again, effective coordination with relevant sectoral agencies can enhance the implementation of existing policies towards achieving sustainable land and resource management.

Keywords

Land ownership, land tenure, land distribution, Tanzania

1. INTRODUCTION

The debate over land distribution among land-based sectors has been lingering more specifically in the squabbles of land resources time after time beside significant land reforms. Land distribution policies determine the sustainability of land-based sectors and thriving all kinds of livelihoods that depend on land for their survival. Again, securing rights to land is one of the priority areas for development due to increasing demand of land and its uses (Toulmin, 2009) which is very critical for socio-economic development of Africa, and it is indispensable because most African countries depend on land resources for their economic prosperity (Toulmin, 2009; Kimaro et al., 2014). Agriculture in many African countries, among other sectors contributes more than 50% of their national income; and most people's lives depend on agricultural activities. However, many African countries are still facing numerous challenges to achieve transparent distribution of land because of poor governance, land administration and management, budgetary constraints for sustainable land development, climate change, desertification, and rapid urbanisation pace which affects rural or peri-urban land use (Kironde, 2015, Kironde, 2019; Ahsan, 2020; Kombe, 2010; Kombe and Kreibich, 2006).

Tanzania, as one of the East African countries, is endowed with enormous land resources with an area of 947,300 square kilometres of which 885,800 square kilometres is occupied by land and remaining area by water bodies including rivers, lakes and the Indian Ocean (World Bank, 2020; NBS, 2012). Tanzania creates a home for an abundance of prime land suitable for natural resources like forest reserves, coastal plains, mining sites, substantive mixed agriculture and pastoralism activities carried out on land as daily economic activities (URT, 2013). According to the World Bank, the population of Tanzania is about 58 million with an annual growth rate of 3% of which 65.5% live in rural areas. Country's protected and reserved land constitutes 38.2% of the total land area while the demand for land for agricultural, livestock keeping, mining, greater investment, and human settlement activities is on a constant intensification (Uisso and Tanrivermiş, 2021; Lugoe, 2011b).

Despite the abundance and significant potential wealth of natural resources, the majority of Tanzanians are engaged in land-based activities and informal small business enterprises (Diao et al., 2018). Tanzania's land resources and its distribution pose policy challenges from its policy planning, implementation, and harmonisation of land-based and distribution policy instruments. Reducing tensions in land resource distribution and land use among the land-based sectors is of greater importance to ensure social and economic development (Deininger et al, 2012). Therefore, the study highlights the existing policies, implications, for land-based sectors in Tanzania with the help of systematic desktop review and the analysis of the available literature to reveal the existing challenges in land and policy issues in Tanzania. In this way, the study tries to find out the potential of land and available related policies incongruent with the future land distribution and land use for sustainable land use in Tanzania by recommending the proper land distribution policy directions for feasible outcomes.

2. METHODOLOGY OF THE STUDY

In this study, secondary data analysis was applied to support the existing scenario in land policies regarding land use and the land distribution paradox. Due to the nature of the study, it does attract literature analysis in the first place which was accomplished under desktop review of different policies and review of different government records and at the second part was achieved through scientific and academic published materials to materialize and come up with the evidenced existing situation in the land distribution and management by land-based sectors' in Tanzania. A review of land use, distribution, ownership in Tanzania has been conducted by focusing on land use and land cover distribution, size of public land, land claims by major sectors, and land ownership in Tanzania.

A manual content analysis technique was used to find out the gaps and overview of land distribution policies in this study. It has been identified that the land distribution policies have been crosscutting matter and important agenda as per National Land Policy, 1995; Agriculture and Livestock Policy, 1997; Livestock Policy, 2006; National Forest Policy, 1998; Mining Policy, 2009; Wildlife Policy, 1998 and some cross-sectoral policies and land distribution in Tanzania. These policies were reviewed within the perspective of the prevailing situation and challenges on land use and distribution among the land-based sectors and the future needed actions. Though this study is limited to the secondary sources provides a scholarship on review of land legal instruments and benefits from land reform and/or from land and other related policies on the land sector focusing on Tanzania to be timely and of interest for the readership of multidisciplinary fields.

3. RESULTS AND DISCUSSIONS

3.1. State of Land Sector in Tanzania: An Overview

3.1.1. Size of Public Land

It has been observed that there is insufficient data and information on the size, existing use, and quality of public land vested in the president as well as future land use plans and distribution (Locke and Henley, 2016; Kombe 2010; Lugoe, 2008), although it has been stipulated that 70 % of total land falls within the village land category, 2% general land for urban settlement and 28% as reserve land (Tenga, 2015; Brockington, 2008; Sundet, 2005). The major land uses in Tanzania are crop agriculture, livestock agriculture, forestry, mining, wildlife reserves, settlements, and infrastructure corridors (Lugoe, 2011b). The reserve land has expanded to 38.15% in 2018 due to the declaration of new reserve areas (Uisso and Tanrıvermiş, 2021; World Bank, 2018) despite lacking of a guideline for land distribution. On the other hand, according to the National Land Policy 1995, 75% of Tanzania's land is identified as a difficult land to manage due to relief, tsetse flies, poor soils, unreliable rainfall, national parks, forest reserves, and mountains (Locke and Henley, 2016; URT, 1995) and about 407,578 square kilometres or 46% of the total land area is forest and woodland, while 40% is permanent pasture (URT, 1995). With these understated policy statements, it is hard to know the exact size of land which remains to support the activities in land-based sectors in their capacity and effectiveness.

3.1.2. Land Use and Land Cover Distribution

There are a variety of secondary data depicting Tanzania's population, land size, land cover, and land use. However, it is difficult to reach successful interpretations due to inadequate statistical information and data on the precise categorical land use and distribution.

Table 1: Land use change in Tanzania (2002-2012) (URT, 2013)

Land Use Composition in 2002			Land Use Composition in 2012			% of change
Land Use Type	An area in Sq. Km	% of Land Use	Land Use Type	Area in Sq. Km	% of Land Use	
1 Conservation	271,832	28.7	Protected Areas for Conservation	294,932	31.2	8.50
2 Village Settlements, Grazing, Hunting & Woody Area	97,568	10.3	Grazing	98,297	10.4	0.75
3 Scattered Village Settlements, Agriculture & Mining	198,253	21.0	Scattered Settlements & Agriculture	172,583	18.3	-12.95
4 Urban Settlements, Agriculture & Mining	160,388	17.0	Settlements & Agriculture	203,250	21.5	26.72
5 Water Resources Uses	62,865	6.7	Waterbodies'	58,610	6.2	- 6.77
6 Woody & Non-Woody Production	154,181	16.3	Woody & Non-Woody Harvesting	117,415	12.4	- 23.85
Total	945,087	100		945,087	100	

Table 1 shows the summary of data from the National Land Use Framework Plan 2013– 2033 has mentioned land use and cover change from the national land-use plan from 2002 to 2012. It focused on a significant change of land use within 10 years in the areas of settlements in the villages, agriculture, mining land uses water bodies and woodlands. It is estimated that the land used for village settlements has decreased by 12.95% during 2002 and 2012 and urban settlements and agriculture have increased by 26.72%. During the same period, land use for woody and non-woody production has decreased by 23.85% and water bodies have decreased by 6.77%. However, the protected areas for conservation have increased by 8.50% (MLHSD, 2013). The following table 2 below represents land-use typology and its area in sq. km.

Table 2: Land use typology and its area (Compiled from The World Bank data and NBS 2020)

Type of land	Land area (sq. km)	%
Surface area	947,300	
Land area	885,800	100.00
Inland water	61,500	6.94
Agricultural land (as share of land area)	396,838.4	44.8
Total area equipped for irrigation	3,640	0.41
Arable land (as a share of land area)	134,641.6	15.2
Permanent cropland (as a share of land area)	21,259.2	2.4
Forest land (as a share of surface land area)	457,072.8	51.6
Other lands	22,470	2.54

Note: The typology of land use in Tanzania as it has been summarised from table 2 it's not exhaustive since the amount of land located for mining exploration and rangelands for livestock activities is still missing.

3.1.3. Urbanisation and Land Ownership Pattern

The land ownership scheme in Tanzania is still operating under legal pluralism mixed up with traditional and those which were adopted from western legal systems (Tenga, 2015; Kombe, 2010). Only 15% of the total land assets have been surveyed and the remaining land area is unregistered land, and traditional methods still used to govern the use of the land assets in question (Uisso, 2018; Locke and Henley, 2016; Tenga, 2015; Lupala, 2015). In addition, the nature of urban population growth in Tanzania is facing challenges due to higher demand of serviced plots, and challenges associated with land administration and management (Kironde, 2019; Nuhu, 2019; Ndjovu, 2016; Locke and Henley, 2016; Tenga, 2015; Kironde, 2015; Kombe, 2010). As per Ministry of Lands, Housing and Human Settlement Development, approximately 80% of the Tanzanian population in 2018 are in unplanned settlements while only 15% of the total land in Tanzania is surveyed (Oates et al., 2020) and the capacity for the formal land delivery was estimated to cover only 10% of the actual demand of surveyed plot with approximately 68% of all buildings in the city vicinities does not comply with the approved plan (Deininger et al., 2012). The land delivery process appeared to be overwhelmed due to technical and financial capability reasons among others, and consequently, most of the citizens live in unplanned areas and develop properties illegally, as the failure of the government to provide serviced and planned land on time, due to inadequate ability to undertake sustainable national land registration (Oates et al., 2020; Nuhu, 2019; Locke and Henley, 2016; Toulmin, 2009).

The predominant trends of urban population growth and demographic structure in Tanzania have created a huge demand for well-planned spatial needs and serviced plots for real estate's development in urban areas amid land tenure and insecurity challenges (Nuhu, 2019; Locke and Henley, 2016; Lugoe, 2008). Planned land which is also referred to as surveyed plots is not sufficient, of presently its demand is hiking significantly due to urbanisation pace. It was estimated that un-surveyed or unplanned land counts for 50-80% of all developed land (Oates et al., 2020; The Citizen 2019; Magembe-Mushi et al., 2015) while most urban households in all major cities are identified to continue to reside in informal settlements (Kyessi and Sekiete, 2014; Wenban-Smith, 2015).

3.2. Land Tenure, Use and Land Cover Distribution by Sector in Policy Perspective

Like many African countries, Tanzania has experienced a series of different land regimes from the pre-colonial to post-colonial periods. Before the colonial period, land was owned predominantly by communal tribes, clans, or families under the control of cultural and tribal ways referred to as customary norms (Tenga 2015; Kironde, 2009; Hayuma and Conning, 2006). During colonial times, a different kind of tenure system was introduced at first by the Germans colonies and later by the British administration (Tenga 2015). The inception of new land ownership system did not withdraw the existence of the previous customary land tenure. Instead, there was a dual tenure system i.e., statutory land tenure and customary land tenure (Kironde 2015; Kombe, 2010). Figure 1 represents the land tenure and ownership system in Tanzania.

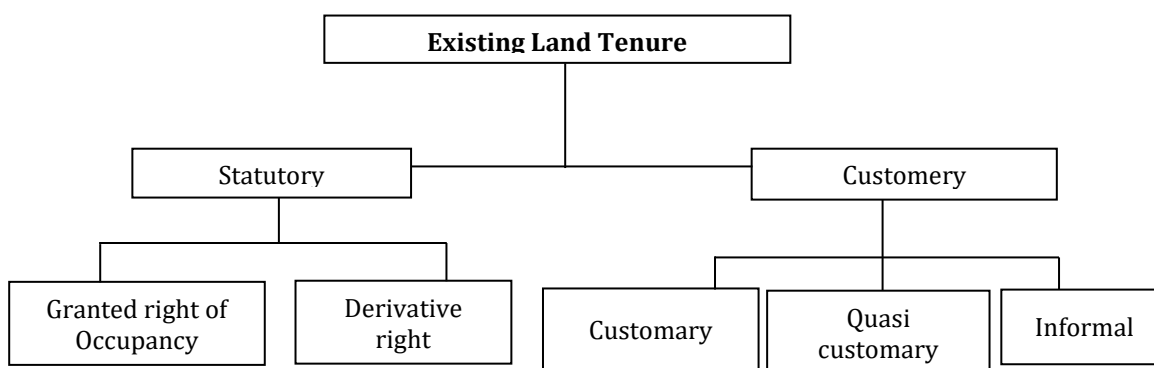


Figure 1: Land tenure systems in Tanzania (UN Habitat, 2010)

In the post-colonial era, land ownership powers were shifted to the newly independent Tanganyika government under the presidential title (Tenga, 2015; Kironde, 2009; Kombe, 2010). Apart from the adoption of colonial land laws and the administration, the land reforms had some impactful challenges emanated from the enactment of various laws and policies such as Land Acquisition Act number 47 of 1967, which gave the president a radical and absolute right to execute expropriation power for land acquisition for national or public interest; the 1967 Arusha Declaration, the Village and Ujamaa village Act of 1975, the Tanzania Rural Lands (Planning Utilisation) Act, Rural Lands (Planning Utilisation) Act 1973; the Land Regularisation Act of 1982 and the Local Government District Authorities Act number 7 of 1982, with the nationalisation of properties and repealing of freehold and the inception of leasehold system in land ownership (Fitzgerald, 2017; Sylvester, 2013). All of these laws had a significant impact on land tenure and ownership rights to landowners, particularly rural most indigenous and marginalized groups, and thus failed to transform the land tenure system into a better state in areas accommodating expectations. Again, the most remarkable and important reform in land was formation of Ujamaa villages, alias “villagisation program”. The villagisation was supported by socialist policies that failed to achieve the intended goals due to gross violations of land and human rights, particularly for rural-based small producers, and forced them to accept IMF economic conditions and liberalisation (Fitzgerald, 2017). The following sections are discussed briefly about land distribution as per different land-related policies.

3.2.1. Land Distribution according to National Land Policy, 1995

Following the enactment of Land policy in 1995 and henceforth the enactment of basic land laws in 25 years back, these reforms still reckon that all land in Tanzania continues to be public land vested to the president and therefore, all the citizens remain with possessive rights (Fitzgerald, 2017; Sundet, 2005), individualized control of resources in the farming areas is permitted and private investments are promoted for economic gain (Tenga, 2015; Lugoe, 2008). Within the framework of land reforms, land policy recognised that land has a market value if there is “unexhaustive improvement”: expenditure or capital investment found on it (Fitzgerald, 2017). Furthermore, the president had a radical title for the right of expropriation of landed properties if it was deemed necessary for the cause of public interest, and the project affected people could be compensated for the loss (Ndjovu, 2016). However, it is argued

that the preparation of land use plans is shaped and mediated by mainly state actors and investors (Walwa, 2017).

Nevertheless, the national land policy focuses on promoting the security of land tenure; efficiency of land management and administration; reducing land conflicts; establishing proper land information and management systems; recognizing rights in unplanned areas; establishing cost-effective mechanisms for land survey and housing for low income; regulating and confirming the effect of previous land reforms, accommodating the land-based sectors (settlements and urbanisation, livestock keepers, farmers, miners, and the like); land use and population growth; encouraging optimal use of land and facilitating sustainable development (Fitzgerald, 2017; Kironde, 2009; Tenga, 2015; Lugoe, 2008; Hayuma et al., 2004). If securing a land tenure system can be well stressed, it can enable peasants, farmers, and herders, including other marginalised groups to have assurance of their rights to use the land as well as the socio-economic development of the community.

3.2.2. Land Distribution according to Agriculture and Livestock Policy 1997 and Livestock Policy 2006

Around 39% of the share of agricultural land in Tanzania is characterised mainly by having small-scale farmers which are mainly producing for subsistence. Agriculture and Livestock policy connotes that only 24% of arable land is under cultivation and utilisation for crop production (URT; 2016; Kimaro et al., 2014; Lugoe, 2011). Among the 60 million hectares that are suitable for livestock and grazing, only 40% of the hectares are utilized while the remaining cannot be accessed mainly because of tsetse fly infestation (URT, 2016; URT, 1997). Conferring to the policy statements of Agriculture and Livestock Policy 1997, conforming to the constitutional rights, provides the rights for all citizens to have equal and equitable access to land. The policy also provides a special emphasis on women's access to land by considering that they produce about 70% of the food crops and bear substantial responsibilities on crops and livestock production (Tenga, 2015; Lugoe, 2011). However, the policy did not specify the maximum size of landholding that an individual or a family can own. This policy urged agricultural policy to meet the demands of new land policy and to assist peasants and herdsmen to make optimal use of land and provide a proper mechanism for proper land access and ownership of land (URT, 1997).

The 2006 livestock policy aims at developing the sector due to its potential for the country. The livestock sector is among the largest land users in the economy. However, social conflicts between livestock keepers and other land users are frequent due to the lack of security of tenure in the land (Walwa, 2017; Lugoe, 2011a). The Livestock Policy 2006 acknowledges that lack of proper arrangement of allocation of land and giving ownership of grazing rights in areas are the main causes of the land tenure problem (URT, 2006). The government also acknowledges that there is a lack of awareness within the livestock sector on the importance of a proper land-use plan and the importance of utilizing land resources for sustainable livestock management, like land acquisition and legal land ownership but lack of expertise and technical staff and limited priority for livestock rangelands and land use. Therefore, proper land use and land distribution with a well-defined security of tenure system are required for livestock production in Tanzania. Most of the pastoralists are in squabbles with the other land users, such as conservationists

and farmers because they don't have specific grazing areas which makes them mobile (Olengurumwa, 2016).

3.2.3. Land Distribution according to National Forest Policy 1998

The first National Forest Policy of Tanzania was articulated in 1953 and revised in 1963 to manage forest and tree resources sustainably to meet the needs of the society and the nation. The latest National Forest Policy prepared in 1998 has had 24 years till now with 20 years of the basic forest law of 2002. According to the forest policy, Tanzania has about 33.5 million ha of forest and woodland and out of 33.5 million ha, 2/3 consists of woodland on public land which lacks proper management. Furthermore, about 13 million ha of total forest land has been gazetted as a forest reserve, 80,000 ha is plantation forest and 1.6 million ha remains under underwater catchment management (URT, 1998a).

The forest policy of 1998 concentrated more on ensuring land rights and natural resources, access, and land use for equitable development as well as sustainable environmental development. When equitable access, secured land rights, and use of natural resources are ensured, sustainable environmental management and protection can easily be achieved. As per policy statement (5); "To enable sustainable management of forests on public lands, clear ownership for all forests and trees on those lands will be defined." However, the absence of security of tenure or formal user rights over these forest resources provides a little incentive for systematic and sustainable forest management (Ministry of Natural Resources and Tourism, 1998b).

3.2.4. Land Distribution according to Mining Policy, 2009

The mining policy of Tanzania came forth in 2009 after the amendment of previous national mining policy in 1997. The Ministry of Energy and Minerals published the 2009 mineral policy in September 2009. In this policy, Tanzanian nationals are given exclusive rights to play key roles in the small-scale mining sector whereas large-scale mining is open to international companies with the needed capital and experience. Among others, the policy further aimed at strengthening the integration of mineral sector with other sectors of the economy, strengthening environmental management, bringing up harmony, etc. (URT, 2009). Just like national land policy statement, all mining in Tanzania is public property and it was vested to the president as the trustee for all citizens of Tanzania, and anyone dealing with mining activities must have a license to explore prospects or mining. The right to possess land in Tanzania is quite separate from the right to explore minerals. The policy provides the conditions for providing appropriate directives and guidelines to large-scale investors by enabling aspects like proper conflict resolution, compensation for the land taken, and resettlement plans for the affected livelihoods (URT, 2009).

However, the mining rights that have been granted to big miners and investors are contrary to the sustainability of the livelihoods that existed before exploration activities started and do affect their land rights, grazing rights, gathering of woods and other natural resources, farming, and more likely settlement, especially in rural areas (Tenga, 2015; Lange, 2008). Furthermore, there is no proper mechanism for dispute resolution between land resource owners and the big investors in areas with

rich minerals, operations such as evictions and dispossession from land is prevalent to set the scene for large scale mining exploration without good resettlement plans and compensation (Tenga, 2015; Lugoe, 2011b).

The challenges associated with customary land rights in rural areas where most mining and exploration activities occur are commonly observed, as is a lack of legal stance because only a few villages out of 12319 villages in Tanzania were registered and qualified to provide certificate rights of occupancy, at the very least to give landholders legal assurance to reduce land and resource conflicts among government, investors, and villagers (Tenga, 2015; Lugoe, 2011b). Environmental pollution and land restoration after and during the mining activities were not well addressed and brought some impacts to land users due to the accumulation of rubble and mountains of land from the mining activities on prime land which was used for food production and other activities.

3.2.5. Land Distribution according to Wildlife Policy, 1998

Tanzania's protected land comprises about 28% of total land area referred to as reserve land in legal and land policy statements of which about 4% comprises 12 National Parks, 1% makes up Ngorongoro Conservation Area (NCA), 15% is covered by 31 Game Reserves and 8% consisting of 38 game-controlled areas. Consequently, according to the National Wildlife Policy 1998, 19% of Tanzania's land is strictly protected land without the coexistence of human and wildlife activities, including livestock grazing while on the other hand, 9% to 10% were set aside to allow the coexistence of both humans and wildlife activities. The conservation and protected land do not only fall under wildlife but also extend to forests and wetlands, whereby around 15% of the total surface area in Tanzania is a forest reserve and 3% of it intersects between protected areas under wildlife and forests (URT, 1998c).

Nevertheless, it has been observed that there is a greater expansion of protected areas. In 2020 areas of Biharamuro, Burigi, Kamisi, Ibanda, Rumanyika, Ugala, Kigosi, and Nyerere were declared as new protected areas, which is crossing the legal and policy statement threshold of reserve land (TANAPA, 2020). Table 3 represents the expansion of protected land from 1990 to 2018 in Tanzania.

Table 3: Expansion of protected land from 1990 to 2018 (World Bank, 2020)

Years	Protected land to the total land in Tanzania (%)	Population trends
1990	27.01	25,459,604
2000	28.29	34,178,042
2014	32.02	52,234,869
2018	38.15	55,572,201

Conferring to the policy statement, it was determined that 9% of protected areas that allow the coexistence of both wildlife and human activities were tightly converged and repealing people outside the conservation areas time after time, the good example is from reported cases from Loliondo and Ngorongoro residences (Ngoitiko and Nelson, 2013). According to the World Bank, Tanzania has approximately 38.15% of total land set aside as terrestrial protected land (World Bank, 2020; Brockington, 2008). Considering yearly trends and the expansion of conservation areas for tourist and protection purposes in Tanzania from early 1939 to present dates forceful eviction of pastoralists and

relocation of local communities are noticeable (Sachedima and Nelson, 2010; Sirima, 2010; Brockington, 2008). The trends of protected areas and conservation areas (such as forests, game reserves, national parks, wetlands, and the like) that count reserve land among the categories of land as stated in the National Land Policy of 1995 as 28% of all land, will not be the same, rather is supposed to be increased to more than 35% of the total land in Tanzania. The fact that land is the same in size and its requirements have increased with the needs of the population increase, implies that other land categories will always change with time. Changes in land use and the expansion of protected areas tend to create land conflict in one way or another among the land-based sectors (Fitzgerald, 2017; Lugoe 2011b).

3.2.6. Cross-sectoral policies and Land distribution in Tanzania

The cross-sectoral policies related to land distribution in this context can be cited and discussed from the Strategic Plan for the Implementation of the Land Laws (SPILL) and Tanzania's Property and Business Formalisation Programme, known by its Swahili acronym MKURABITA. The SPILL is designed by the Ministry of Lands and Human Settlement Development after the needs assessment research to foster the implementation of new Land Acts. No. 4 and 5 of 1999 and Land Dispute Act of 2002 were enacted under the umbrella of the National Land Policy of 1995. The SPILL was divided into two phases: SPILL I of 2005 and SPILL II of 2013. The first SPILL was set upon to identify areas in the land sector that need an immediate effect to address, to modernise the land, and alleviate poverty such as; land governance matters (relating to leadership, management, and administration essentially to land) and land issues only (land rights, condition of use, ownership, gender, disposition and the like), strengthening the land delivery mechanism, land disputes mechanisms, tenure security, land markets, geodetic and mapping, registration, titling and formalizing land rights, capacity building, expert training, inclusiveness, participation on land matters, and decentralising land administration system within selected 15 districts among others (Fitzgerald, 2017; Tenga, 2015; Lugoe, 2008; Lange, 2008; Lugoe et al., 2005). The SPILL was time frame bounded and identified areas for the implementation were put in place.

The second SPILL of 2013 was put forward to cement the land governance and to integrate and harmonize other economic development strategies which heed for poverty alleviation, the National Strategy for Growth and the Reduction of Poverty (MKUKUTA), the Local Government Reform Programme (LGRP), the Rural Development Strategy (RDS), the Agriculture Sector Development Strategy and Programme (ASDS and ASDP), and the Property and Business Formalisation Programme (MKURABITA) (Tenga, 2015; Makwarimba et al., 2012; Lugoe 2008). The major objective of SPILL was to commercialize the landed property by promoting greater security of tenure and alleviating poverty (Fitzgerald, 2017).

On the other hand, the MKURABITA program aims to reduce poverty by registering poor people's wealth (land, houses, and other property) in a unified system of property rights and businesses, thereby giving them access to credit (Clark et al., 2007). The expectation was that poor landowners must use their title after formalisation to earn credit (Sundet, 2006). This was the initiative carried out following the recommendations of Hernando de Soto a Peruvian economist who clings to the theory of the mystery of

capital (De Soto, 2000). The foundation of MKURABITA relies on the formalisation of properties which in one way or another were operating extralegally and they appear to lose their significance in the land market and the eyes of financial institution's considerations (Makwarimba et al., 2012; Lugoe, 2008). The MKURABITA was expected to transform the so-called dead capital from informal property landowners to formal property which will be easily legally recognised by financial markets and institutions and bring benefit to landowners by using them as collateral for earning credit (Tenga, 2015; Lugoe, 2008; Lange, 2008; Sundet, 2006). The process was geared with among others recognizing, registering, and documenting the informal landed properties to formally and legally recognize landed property to enhance the security of tenure (Tenga, 2015; Lugoe, 2008).

4. CHALLENGES

Since the adoption of significant land reform in the 1990s propagated by the Presidential Commissions for inquiries and then after the first National Land Policy of 1995/1997 and another relevant legal instrument for land use and distribution, land challenges have been recurring year after year (Fitzgerald, 2017; Tenga, 2015; Shivji 1999). The National Land Policy was followed by the enactment of Land Act No. 4 and Village Land Act No. 5 of 1999 which were implemented through the provision of Granted Right of Occupancy for urban and rural land is Certificate of Customary Right of Occupancy respectively, to ensure equitable access to land. Despite the existence of the National Land Policy of 1995, the Land Act No.4 and 5 of 1999, and its subsequent amendments, Tanzania has been constantly facing several challenges reported in the several research findings and reports related to land ownership particularly land compensation, conflicts in land use resources, land grabbing in the face of investment, corruption, and poor land governance (Nuhu, 2019; Kombe, 2010; Kironde, 2009; Lugoe, 2008; Kombe and Kreibich, 2006).

Land resources and related policies such as agricultural, livestock, forest, wildlife, and national reserve policies seem to collide within themselves on the aspects of land demand and land use distribution among the land-based sectors. The Agricultural and Livestock Policy of 1997 and the Livestock Policy of 2006 for instance, are good examples of having incomparable policy statements when checking the amount of suitable land for grazing and the vulnerable land which is prone to tsetse flies and diseases. In addition, Tanzania is continuing to witness land conflict and disputes, almost daily as a result it continues to keep a large portion of land with a lot of threats being out of effective and efficient use. It stands out as a national paradox with a span of more than 25 years now since the establishment of national land policy. With the land sector framework reforms that include national land policy, new land laws, and strategic plans but still, lands conflict and even bloodshed were experienced with a great proportion of it were occurred with a very significant impact on the land sector (Lugoe, 2011b; Olengurumwa, 2016). The series of reported land conflicts among the land-based sectors affects the sustainability and prosperity of the economy since approximately 80% of the majority of economic activities depend on land. It has observed that instead of people concentrating on economic activities they have been losing a lot of resources including time by concentrating on resolving land conflicts while others have a fear of losing their potential land and try to protect them through their means (Deininger

et al., 2012; Lugoe, 2011b). Again, property and business activities are observed to be carried under informal and extra-legal business formations without any formal recognition. This is due to the incapacity of the existing institutions to cope with the demand of the increasing population due to urbanisation pace and population increase (Locke, 2016; Kironde, 2009; Kombe and Kreibich, 2006). Therefore, government is losing a notable amount of revenue from property tax which could have been harnessed with the well-functioning land registry and land surveys but with the massive growth of informal settlements without legal ownership (Wenban-Smith, 2015).

The formation of cross-sectoral policies and strategic plans such as SPILL and MKURABITA were established purposely to foster the land sector and unlock the potentials within land resources by formalising the informal landed property and transforming them from dead to liveable capital and hence be used as collateral to financial institutions. Consequently, high budget constraints appeared to be a challenge into achieving the desired results for the SPILL and in some parts of the MKURABITA implementation and this also has been observed in the current ongoing land development and regularisation appeals which were implemented in the cause of formalisation of urban land (Andreasen et al., 2020; Kironde, 2019; Fitzgerald 2017; Wenban-Smith, 2015).

5. RECOMMENDATIONS AND CONCLUSION

In Tanzania, the issues like the security of tenure, propagation of informal settlements, land conflicts among land-based sectors, mishandling of land demands among land-based sectors, investment in land, and inoperative land markets are mostly hurdles to the prosperity of land administration and management in Tanzania. It has been observed that sectors that could benefit from land reform were unable to reap the significant, adequate benefit and support in economic growth and prosperity as a result of land-use conflicts and disputes, improper land management, and poorly defined property rights, which force people to protect their property rights, wasting most of their time forcing and attempting to protect their land ownership rather than being engaged in production and development. Difficulties and uncertainties of land access, land use, and land distribution in rural and urban areas, show the existing land based policies on national economy has not yet benefited from land reforms of the 1990s. The study recommends that the potentials of land and resource policies and other related instruments on the land-based sector realized through the presidential committee of inquiries following land reform in the 1990s be thoroughly checked, revisited, and implemented.

Again, the review of land survey and data about the amount of land available must be realized to have proper data for the proper records and data in a good land-use plan in the future. There is a need of having a census and good documentation on land which should be done within an interval of time to know whether there is an increase or overlapping of the available land allocated to the land by major sectors. There is an opportunity of using digitalised technomogy to accomplish this aspect.

The policies of land, land distribution, and land-based sectors should be addressed and reviewed with the existing needs of people focusing on population shift, land-use change, land use needs as land is static compared to the needs and pressure created on land. In this way, land ownership and distribution matters can be handled properly, more specifically in the rural areas whereby to the greater extent have

experienced some challenges due to customary land ownership and being prone to all land use development and investments. The policy should address land transfer from one to another, especially for large-scale investment to reduce misunderstanding. Review of land and legal instruments will help to ease the confusion due to legal pluralism and heterogeneity that exist within the land-based sectors because of separate institutions operating on land distribution among the land-based sectors.

Land delivery mechanisms should be reorganized to reflect land policy objectives, with an emphasis on simplified and innovative approaches that improve land registry, land planning, land survey, and land ownership. On the other hand, land speculation can be avoided by setting a land ceiling for land ownership, land acquisition for the public interest, enhancing the functioning of land banking, land market, and protecting the rights of marginalized groups. Nevertheless, promotion of innovative land delivery and land development approaches like land readjustment, land value capture, and betterment fees, which were implemented in developed countries, will help to realize the policy objectives if well-integrated and implemented. The policy and legal options should be taken into consideration the greater population to enhance their development through land ownership. The land use and land distribution including all land-based sectors should consider population projections and planning for forecasting the long-term plans. Furthermore, in order to reduce land distribution problem there is a need to strengthen the capability of government institutions to manage land resources participatory and inclusively to ensure sustainable land management.

Furthermore, awareness and education should be taken into consideration to transform the mindset that regards land as just a space for building/dwelling and farming rather than a major source of income-generating in the eyes of financial institutions. This will motivate many squatter dwellers to be well-informed and act promptly to formalize their properties. Finally, effective intersectoral coordination should be followed to ensure harmony in the land distribution among the land-based sectors.

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8. AUTHOR CONTRIBUTIONS

¹**Amani Michael Uisso**; As the main author, I have prepared the current study.

²**Yeşim Tanrıvermiş**; As a supervisor, I provided close supervision throughout the study.

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11. KEY TERMS AND DEFINITIONS

Land tenure: It is the legal right in which land is owned by an individual.

Land distribution: It is change of ownership from government/private landowners to the people.

Land distribution policy: Land distribution policies determine the sustainability of land-based sectors and thriving all kinds of livelihoods that depend on land for their survival.