

# Community involvement in land regularization for informal settlements in Tanzania: A strategy for enhancing security of tenure in residential neighborhoods

Wakuru Magigi\*, B.B.K. Majani

*Institute of Human Settlements Studies, University College of Lands and Architectural Studies (UCLAS),  
P.O. Box 35176, Dar es Salaam, Tanzania*

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## Abstract

This paper documents and analyzes how landholders managed to uplift status of their neighborhood from hazard land as designated by the 1978 master plan to a regularized residential settlement through land regularization in Dar es Salaam city. Specifically, explores policy framework governing land regularization and how the local community explored the opportunities it offers. Documents the local community planning and land regularization processes undertaken focusing on land use planning, drainage construction, and cadastral survey and discusses how financial resources were raised, trust was built as well as factors which sustained community involvement towards meeting their interests of securing tenure. The paper also, draws challenges facing land regularization policy and recommends areas for further interventions commensurate with the human dimension challenges in securing tenure.

Underlying community involvement, those aspects of community, which have been connected to the idea of social capital namely existence of committed leadership in land development matters, embracing mechanism for participatory decision making process and educational background to local leaders were particularly important in determining success for the case. Others include economic ability to contribute, high proportion of landholder settlers, land conflict task force formulation, local consensus to solve commonly felt problems, existence of strong community organization, and unwritten norms put in place to regulate individual behavior in building construction. Weak legal recognition of informal settlement, lengthy and bureaucratic procedures in planning and approval of regularization plans, weak knowledge on land management matters, short-term title deeds with low financial betterments, political popularity are identified critical challenges.

Some of recommendations put forward include formalization of the grass-roots role in decision-making, decentralizing some of land development control functions to sub-ward leaders and training the same in basic land management matters. Others include definition of norms; by-laws and government facilitation of informal land parceling. Besides community support should be sought so as to create partnership in the promotion of security of tenure in informal areas. The study concludes that, unless land development activities ongoing in informal settlements are closely monitored and regulated as the settlement grow, it will be too costly socially and economically to retrofit once the settlement have identified.

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\*Corresponding author. Tel.: +255 748 827 552.

*E-mail addresses:* [magigi2000@yahoo.com](mailto:magigi2000@yahoo.com), [dppfa@uclas.ac.tz](mailto:dppfa@uclas.ac.tz) (W. Magigi).

## Introduction

Community involvement in land regularization has been perceived as a viable strategy to enhance security of land tenure in informal neighborhoods (Alfonsin, 1997; De Soto, 2000; Kombe et al., 1995). Community involvement, *inter alia*, discussed widely (Berman, 1997; Pretty & Frank, 2000). In this context, conceived as a process of inclusion of different actors not limited to landholders and tenants in planning, facilitating, guiding and controlling land development activities. Land regularization refers to processes and procedures involving land use planning, cadastral surveying and land registration *i.e.* upgrading and land legalization processes. Informal settlement paradigm thoroughly discussed (Nurul Amin, 1997). In this context conceived as settlements, which inhabitants do not enjoy rights to an adequate standard of living and legal rights to access occupation and use of land and therefore exposed to risks of being evicted, inadequate basic services, informal land transaction and haphazard housing development. Security of tenure refers to agreement between actors on the access, use and own land. It is governed and regulated by legal and administrative framework under written or unwritten norms.

Incorporating local community into land regularization is an alternative to the changing of non-participatory planning approaches *i.e.* master plan to participatory ones (Armstrong, 1987; Majani, 2000). The participatory approaches adoption in land management activities (in this context refers to land regularization activities) has become so common and mainstreamed in policy and practice towards securing tenure (Magigi, 2004; Meshack, 1992; Smith, 1997). Clarke (1994), Kombe (2000) and Topfer (2002) show that, despite various planning policy and legislations reforms, their implementation efforts in developing countries to promote urban development in rapid urbanization cities, their efforts have been haphazard and disjointed. The haphazard and disjointed efforts seems contributed to continued informal settling, fears of landholders eviction, inadequate manpower and finance mobilization and political interference in rapid urbanizing cities (Mabogunje, 1992; UNDP, 1998). These underline the need for understanding on growing critique of the indispensable role of grassroots institutions have to play in urban land management, in a situation where public resources capacities are inadequate for meeting problems arising from rapid urbanization.

Social capital theory deployed in exploring the case. This was important in contributing to the understanding and explaining on decisions and actions by different actors, policy interventions and on how various actors interact to effect land regularization process. Equally important, ground out why despite varying social, economic and cultural differences the local community in the case came together, joined efforts to tackle their problems to meet their objectives. Other scholars show social capital builds local knowledge and enhanced local community civic capacity (Jacobs, 1961; Putnaum (1993); Robert, 1994). Graffith (1995), Pretty and Ward (2001) and Stenlas (1999) observe significance of associations and social interactions for building trust and cooperation, societal common rules, norms and sanctions, reciprocity and exchanges and connections for community involvement success.

Mattingly (1996), Amos (1986) and Poerbo (1992) observe information dissemination, presence of external funds, institutional and legal support, spirit to volunteer in local community development initiatives and training are critical elements for local community involvement success. However, urban planning cycles, seems to have limited potential in delivering, intended results to meet community needs in social unwritten norms (Kombe, 2000; Smith, 1997). Durand-Lasserve (1990) and de Wit (1998) observe that political interest also, frustrates local communities norms and procedures guiding and controlling land development in informal neighborhood.

Dar es Salaam city in Sub-Saharan Africa has been impacted with increasing informal settlements with hitherto dead capitals. The dead capital limits landholders from accessing financial betterment (Kombe, 2000). In 2003, city was approximated to have more than 105 informal settlements, from 15 in 1980s indicating 75% of land property is dead (Mghweno, 1999; World Bank, 2002). Ubungo Darajani is a unique case in local urban planning in Tanzania, where landholders relying on their own resources, without external financial support have been able to initiate and accomplish process of plan making up to a stage of land surveying and mobilised funds for land registration to have formal land property rights. A number of other local communities have also tried to improve security of tenure and level of services in their settlements. Some have been able to construct roads, improve water supply and solid waste management. Others have prepared land

use plans. However, Ubungo Darajani residents have been able to prepare land use plan and execute joint cadastral survey covering the whole settlement. In most other informal settlements surveying of individual plots or part of the settlements is the common practice.

## Methodology

### *Case study area*

Ubungo Darajani is one of the unplanned settlements in Kinondoni Municipality in the city of Dar es salaam. It is located 9 km from the city centre. It is a low land area, experiencing flooding and covers 26 ha. The settlement has a total of 849 households and 4245 people, in which 2420 are women and the rest are men (URT, 2002). Among 849 households, 269 comprised landholders and the rest were tenants (Map 1).

### *Criteria for study area selection*

Purposive sampling was deployed in this case. The major criteria set potential for case study selection were the community:

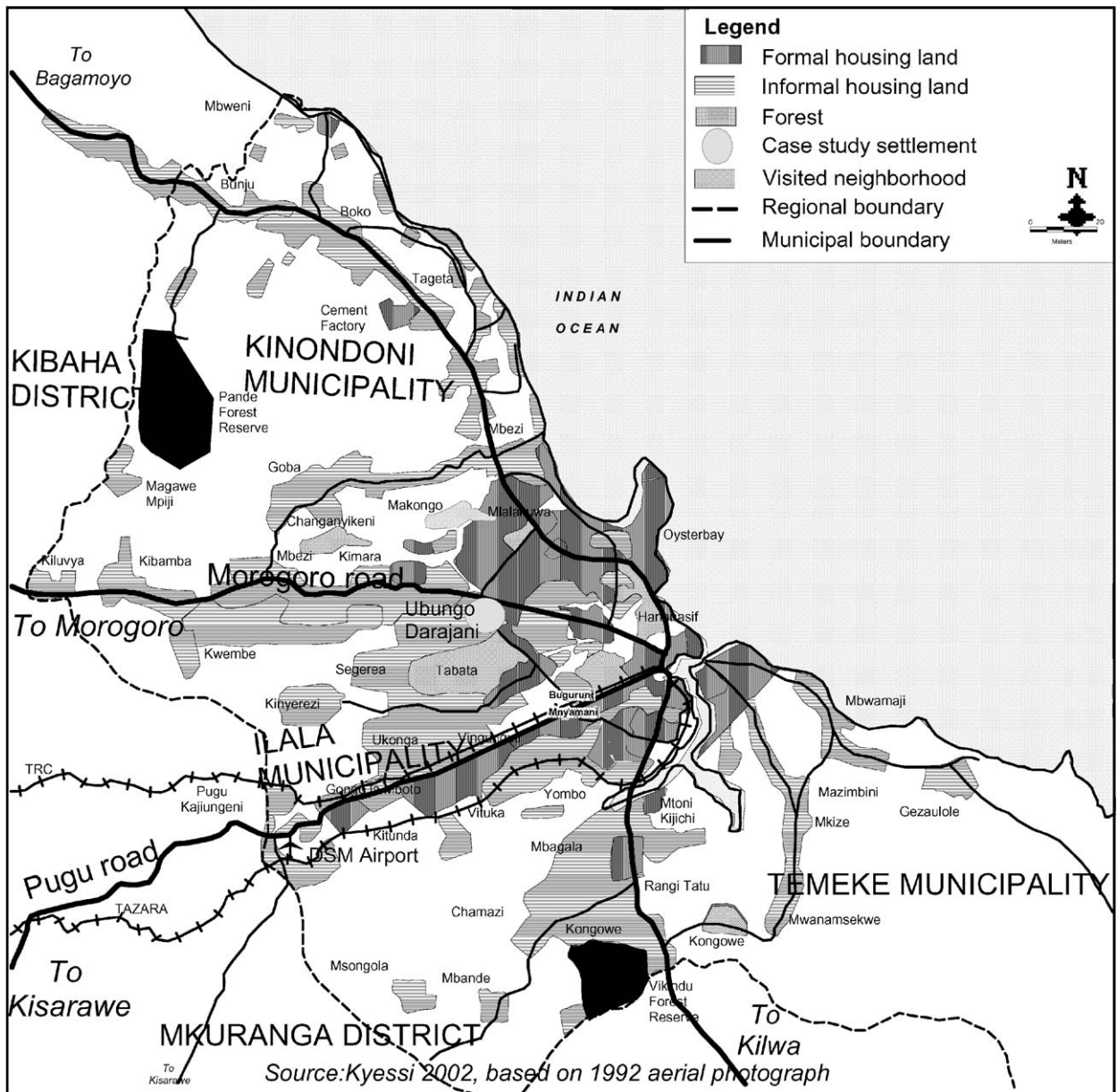
- Should have been involving in land development activities for more than 5 years. In this case only Ubungo darajani has been involved in land use planning and cadastral survey for a period of 7 years, i.e. since 1997–2005.
- Should be one of the cases where members charted strategies to subsidise those who could not raise sufficient funds to contribute in financing the process. In this case only Ubungo darajani qualified.
- Should be a case which can demonstrate how residents managed to develop and sustain trust among themselves, create relational and connectedness and use opportunities offered by the policy changes in land development to towards securing tenure. Three settlements including Ubungo Darajani, Hannasifu, Makongo qualified.
- Should have adequate information and manageable size in terms of area and population. All cases qualified.
- Settlement growth in terms of housing development potential to illustrate linkages between urbanisation and urban governance. All cases qualified.

Based on the creteria set, eight informal settlements were selected during recoinaisance including Ubungo Darajani, Hannasifu, Makongo, Changanyikeni, Tabata, Mlalakuwa, Kongowe and Buguruni (Map 1) where creteria were set. However, in both settlements visted during recoinaisance only, Ubungo Darajani met the above criteria and therefore was selected than others.

### *Study system*

The population of Ubungo Darajani neighborhood is largely comprised of people from various tribal backgrounds, with diverse social, cultural, economic and ethnic beliefs. These include the *Chagga*, *Waarusha*, *Matumbi*, *Zaramo*, *Kurya*, *Jita*, etc. The mixed social set-up seems to have created conducive metropolitan environment, which in turn, has helped in land regularization process. The presence of tribe groups, religious groups, women credit solidarity groups have constituted important source for implementing local development activities including land regularization.

The major economic and income generation activities carried out in the settlement include gardening, along Kibangu river, shops, garages, hotels and restaurants, petty trading, animal and poultry keeping. Other, activities include off-farm activities such as carpentry and sale of processed building wood. The study revealed that that 60% of landholders were employed in formal sector while 40% were in informal sector.



Map 1. Formal and informal neighborhoods in Dar Es Salaam City.

*Field methods and data collection*

Data were collected during six months period from September 2003 to March 2004. This includes both field data collection and desk search.

Purposeful sampling was adopted in picking respondents. A total of 90 respondents were interviewed including 10 local and central government officials and the rest were landholders, tenants, private sectors and tribal groups members. The respondents comprised Temeke, Ilala and Kinondoni Municipalities departments entailing: Urban planning (2), Land valuation (2) and Engineering (2). Others were Government Ministries officials (4): Ministry of Natural Resource and Tourism and Ministry of Lands and Human Settlements Development. Among the 90 respondents, 40 were female and 50 male. Local community feelings were taken and recorded directly to qualify the arguments.

Kiswahili language was used to conduct the interviews. The major research question asked reflecting the objectives set includes why and how did the various actors in Ubungo Darajani participated in land regularization process? How do country policies and legislations provide opportunities for community involvement in land regularizations process? What were the factors that influenced and sustained community involvement in land regularization process? And What challenges faced local community involvement and options for improving land regularization process commensurate with in securing tenure in informal settlements?

Data collected were analyzed using Statistical Package for Social Science (SPSS) and Map info Software. Throughout the analysis, data were differentiated regarding actors' roles and responsibility in land regularization process in understanding the collective actions and socio-ties potential for the success of this case, policy opportunities and gaps.

## Results and discussion

### *Policy and legislative environment for land regularization*

#### *Government attempts*

Tanzania has been coordinating and controlling urban land development using Master plan approach. Under this approach, 1979 Dar es Salaam Master Plan, Ubungo Darajani was zoned as hazard land, with a provision that in future could be used as industrial zone. This was done despite extensive mushroom of private housing development that already existed since 1960s. It should be noted that Master Plan was prepared without taking into account landholders views, preference and inputs. The 1979 plan proposal for Ubungo Darajani was not implemented at the time. The interviews with Subward leader revealed that majority of landholders were not even aware of the existence of such a plan. Many continued to subdivide their land for sale without regards to the 1979 plan proposal.

In 1990, the government declared the need to acquire this neighborhood for the function mentioned. However, it should be noted that the preparation of the plan adopted a top down approach and therefore landholder's exclusiveness was experienced. Non-inclusiveness may be attributed to the deficiencies in the government circulars of dissemination of approved plans at local level.<sup>1</sup>

#### *Formal process*

The scheme of regularization as stated in Land Act of 1999 section 56–60 is applied as detailed planning scheme as stated in Town and Country Planning Act (Cap 378) of 1956 revised in 1961. Actually it is the filling up of the “missing” contents of section 27 of the 1956 Ordinance (supra). The purpose of a scheme of regularization is to facilitate the recording adjudication, classification and registration of the occupation and use of land by those persons living and working in an area declared by section 56–60 of the Act to be under a scheme of regularization. The scheme of regularization as per section 60(1) include: arrangement for land use planning and boundary demarcation, arrangement for involvement of local authority and landholders in the areas, arrangement for budget and compensation in connection to scheme implementation, cadastral survey and land registration.

In summary, Land Act of 1999 sections 56–60 provides the following steps for preparation and implementation of a regularization scheme:

- The Minister may, of his own motion or request from the urban authority or village council concern either direct the Commissioner to consider or appoint an enquiry to prepare a scheme of regularization and submit to the minister for land.

<sup>1</sup>The government circular no 5 of 1999 issued instruction directing that plans prepared should comply with intentions of the Master Plan or the land use scheme in terms of density, broad zoning, major roads, approved planning standards etc. The instruction required that a copy of the approved layout plan be distributed to Regional Land Development Officer, District/Municipal Land Development Officer, Regional Surveyor, District Development Director (DDD), Valuers, Utility Agencies (Water, TANESCO, etc.) and Regional/District Engineers. Local leaders including Ten cell, Sub-ward and Ward leaders were not mentioned in this order.

- The Minister for Land pass a resolution to declare a scheme of regularization at the request of an urban authority or a village council within an urban or peri-urban area.
- The urban authority or village council appointed convene one or more meetings in the area to explain to residents of the area the nature and purpose of and procedures to be followed in the declaration and implementation of the scheme and to listen and take account of the views of the residents on the matter. In this case, the appointed authority submits to the minister reports who may determine to declare a scheme of regularization or not. If declared a draft scheme is prepared
- Where a draft scheme of regularization has been prepared:
  - (a) a summary of draft scheme of regularization shall be published in at least on Kiswahili language newspaper circulating in the proposed regularization area,
  - (b) public hearings deduced from the contents of the draft scheme and their views on the draft scheme may be obtained,
  - (c) local authority shall consider the draft scheme and sent comments to the Commissioner for Lands.
- The Commissioner for Lands serves a notice on every person occupying land affected or likely to be affected by any part of that draft scheme. In this respect the Commissioner considers the views from public, local authority for the area, continuous to the peri-urban area or any other persons, which have been submitted on the draft scheme. In this regard, if he considers it necessary or desirable to do so, revise the draft scheme and submit the revised draft scheme to the minister.
- A 14 day notice of any public meeting at which any matter connected with scheme is to be discussed and of the time by which any written or other submissions or representatives may be made on the draft scheme is given.
- The minister may after considering the draft scheme submitted by the Commissioner for lands either:
  - (a) approve the draft scheme and declare it for regularization by order published in the gazette in terms of the draft scheme,
  - (b) refer to the draft scheme back to the Commissioner for further work in accordance with any directions which the Minister may give the Commissioner,
  - (c) or reject the draft scheme altogether if conditions compel it so.

#### *Policy changes and opportunities for enhancing community involvement*

Statutory Land development Act for example Town and Country Planning Ordinance of 1956 revised in 1961 section 24, 29, 31 and 35–44, Land Act of 1999 section 56–60, Land Policy of 1995 section 6.4.1 and 6.8.1, Human settlement policy item 4.1.4.2 provide for local community involvement in managing urban land development. These are main instruments regulating land development and critical in promoting governance in urban management. On the other hand, Government Notice number 3, dated 7th January 1994 outlined 13 main functions of sub-ward leaders, the main function that indirectly related to land management is to maintain residence registers, to protect the welfare of the settlers and their properties.

The community's desire to undertake land regularization in Tanzania supported by section 60(1)(e) of the Land Act of 1999. Section 57(2)(a–i) of the Act stipulates important criteria to take into account if an area, has to be declared a regularization area. These include:

- the area should substantially built;
- substantial number of landholders in the area, lack of apparent lawful title to their use and occupation of land;
- land is occupied under customary;
- the area is ripe for development i.e. has been declared by the responsible authority;
- landholders have lived in the area for substantial period of time; and
- existence of a substantial number of residents who have invested in their houses;
- substantial number of people and community organization within the area wish to participate in the scheme of regularization.

The Ubungo Darajani met a number of these provisions and in principle qualified to use this opportunities for land regularization.

## *Community led land regularization processes*

### *Local community involvement initiatives in initial stage*

Ubungo Darajani community embarked on land regularization process in order to improve infrastructure facilities and services, preventing haphazard housing development and encroachment on roads and improving their security of land tenure. However, improving security of tenure (land legalization) was the first priority according to the landholders' decision made in 1997. Land regularization initiation in this settlement took duration of 2 years. It involved establishing contacts with local authority, consultations with various institutions for support. Retired civil servant in initiation stage catalyzed the process. Some of them had started surveying their plots but failed due to prohibitive costs. Some been had swindled by unregistered surveyors, these factors created solidarity among the settlement because they had faced common problem.

During this initiation stage, a total of 14 general meetings were recorded in which mechanism of participatory decision making were built within the settlement through the use of general meeting and use of ten cell leaders. During this period University College of Land and Architectural Studies (UCLAS) was engaged as consultants to elaborate on the regularization process and provide legal guidance. Respondents argued in initiating meetings that, the process of regularization was too bureaucratic, therefore they did to seek UCLAS.

### *Land use (layout) planning phase*

In late 1998 the Ubungo Darajani Community Organization (UDASEDA) approached the UCLAS with a view to seek their support in preparing a regularization plan. Before contacting UCLAS, the community organization had consulted local authority (i.e. Kinondoni municipality) seeking its support in preparing land use plan, cadastral survey and land registration. The authority referred the community organization to the Ministry of Lands and Human Settlements Development (MLHSD). From the interviews with local authority officials, it was revealed that the local authority was hesitant to give the community a go ahead because there were unclear issues regarding regularization policy and approach. This includes declaration protocols, appropriate planning standards, budget and compensations matters. With this respect, the local authority referred the community to the MLHSD in order to comply with Land Act of 1999 section 58(1) requirements, which states;

The Minister may, of his own motion or at the request of urban authority or a village council within an urban or peri-urban area, either direct the Commissioner to consider, or appoint an inquiry under section 18 to consider the question of whether any area to which section 60–64 declared to be an area of regularization.

When the MLHSD received the proposal, it asked the community to follow-up a reply after some weeks. After a month the Ministry endorsed the community request, but verbally advised them to contact UCLAS. However, promised its support to meet community endeavor. In a way, the MLHSD endorsed the community request informally i.e. verbally and not in writing because it was hesitant to commit itself (in writing) as it was not sure whether the community will be able to mobilize resource for carrying out regularization plan—i.e. plan preparation and its subsequent implementation including paying compensation in accordance with Land Act of 1999. The community thus, contacted UCLAS and a contract to engage was drawn. Among other things, the contract required the consultant to produce regularization plan (detailed layout plan) as one of the outcomes.<sup>2</sup> Other phases, which were considered but not included in the agreement, are cadastral survey and land registration.

In land use planning, UCLAS undertook the following activities: field reconnaissance, conducted general assembly (meeting) where the regularization process was explained and clarified to the community members. Also, preparation of base maps, forms for negotiation and property registration were prepared together with identification of areas for community facilities such as major roads and other public services. Other activities include plot demarcation through negotiations and layout planning. Submission of the layout plan to the local authority scrutiny, endorsement and presentation to the Ministry for Lands approval was also done by UCLAS. UCLAS was also involved in making follow-ups in collaboration with the community organization leaders in which, a total of 64 trips were made. The preparation and approval of the detailed layout plan in the

<sup>2</sup>The cost of its preparation amounted to TShs. 1,260,000/ = equivalent to US\$ 1167.



second stage took duration of 3.5 years. One wonders why land use planning took such a long period years despite presence of institutions and experts available within the same area of jurisdiction.

#### *Drainage construction*

After the plan prepared, the community used the plan to construct a 900-m drainage. The drainage construction helped to prevent floods especially during rain season and therefore enhancing their living environment and other health consequences. Landholders and tenants within the settlements contribution merit to US\$ 785. In this respect, inclusion of tenants made the project fruitful. In addition to that, two culverts were constructed using local labor residing in the neighborhood without payment. People with vehicle used to contribute in terms of bringing sand and cements for construction.

#### *Cadastral surveying*

After the layout plan was approved by the MLHSD in November 2002, local leaders convened a general assembly involving all landholders to inform them about the approval of the detailed layout plan and commencement of the second phase, which comprise cadastral survey. The meeting endorsed the progress and directed the community spokesman to identify a surveyor who could help to survey their area. In order to strengthen the community organization, new committee members were elected to assist the old committee namely Community Land Development Committee (CLDC). The CLDC in collaboration with UDASEDA leaders were given overall charge of the process of carrying out cadastral survey and title preparation. In an attempt to start the surveying work, UDASEDA and local leaders consulted Kinondoni municipality, who directed them to contact UCLAS. The surveying department at UCLAS submitted an estimate showing that the cadastral survey of 26 ha would cost TShs. 21 million equivalent to US\$ 19,500. Another surveyor in Morogoro (a city in Tanzania) quoted TShs. 28 million equivalent to US\$ 26,000.

The CLDC leaders informed the community about the cost quoted by the surveyors in a general assembly. The general assembly resolved that the committee should approach the MLHSD for help. On learning about this, the MLHSD referred them to Survey Consults, a private firm which agreed to undertake the work, at much cheaper charge.

After visiting the site the consultant (Survey Consults) asked the community organization leaders to submit to them an approved layout plans for costing purposes. The cost for cadastral survey by the firm was US\$ 3800 for 237 plots. This excludes the 32 plots already surveyed. In order to be in position to start the work the firm (Survey Consults) asked the community to seek survey instructions from local authority. The letter was written by the community representatives to this effect, the processing of the survey instruction by the local authority took 9 months, i.e. from February 2003 to October 2003. Following the issuance of the survey instruction, from November 2003 to February 2004, the community mobilized and collected funds for implementation. At this stage the Councilor and the Member of Parliament stepped in to sensitize the community to contribute cash in order to implement the plan (Fig. 1).

How financial resources were raised, how trust was built as well as factors, which sustained community involvement towards meeting their interests of securing tenure.

#### *Raising financial resources and subsidizing the poor*

##### *During land use planning*

Landholders and tenants living within and outside the area were involved and contributed both in cash and in kind. The study revealed that in preparation of detail layout plan only 162 (60%) landholders contributed out of 269. Forty percentage landholders did not contribute because of various reasons including misconception and distrust of local leadership and poverty. Among the 60% landholders who contributed in cash, 27% contributed in installment in which 28 were women and 74 were men. It was also, noted that 15% of landholders paid full amount among them 10 were women and 50 were men. Not only that but also 58% was contribution by high-income people to compensate those who could not raise sufficient fund. Implying that high-income peoples make the project fruitful (Table 1).

The study revealed that 20 landholders were absentees. Among 20 absentees landlords, 12 were noted living in other settlements within the city and eight were living outside Dar es Salaam city. It was reported that 4 out



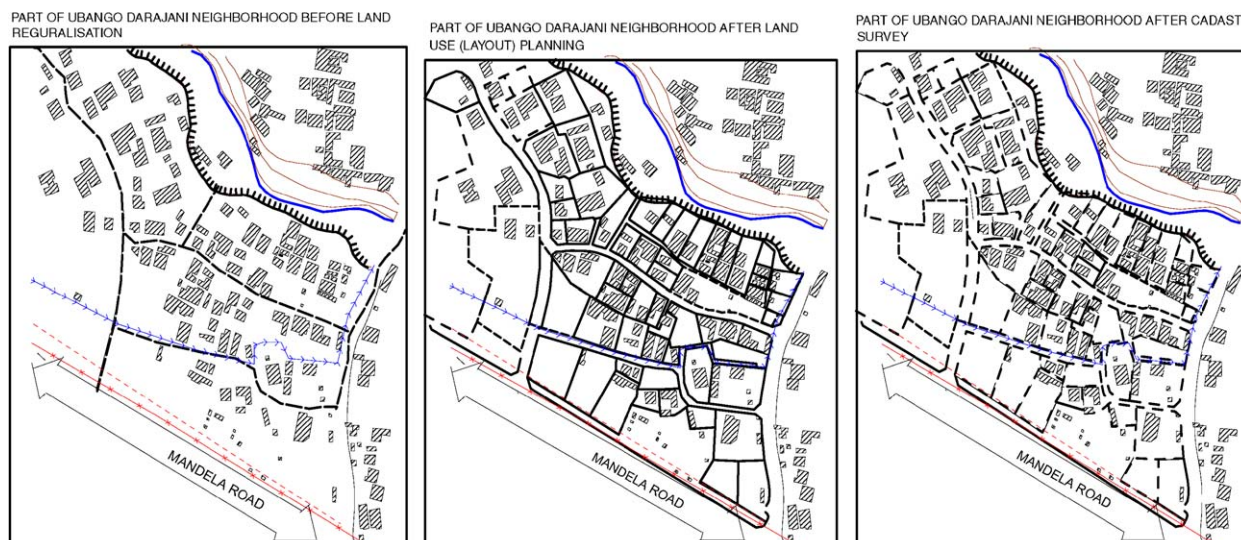


Fig. 1. Land regularization outputs.

Table 1

Landholders contribution in cash during land use planning phase

Landholders	Installment payment (TShs.2000/=)	Full payment (TShs.6000/=)	High-income volunteer-20@ (TShs.36,000/=)	Contribution %	Landholders not contributed	Total landholders
Women	28	10	—	23	42	80
Men	74	50	20	77	65	189
Total no.	102	60 (including high income)			107	269
Total amount	204,000/=	360,000/=	760,000/=			
Percentage (%)	15	27	58	100	40	100

of 12 landlords within Dar es Salaam responded and participated in regularization in cash while the two living outside Dar es Salaam responded also by contributing in cash.

Credit institution *FINCA* provided financial support to local settlers. Credit from *FINCA* to community members was granted on the agreement that the beneficiary pays an interest rate of 15% of the amount borrowed US\$ 90–270 for 6 months. Interviews with credit facility officials revealed that the institution intention was to help landholders to implement land regularization process so as to enable them to obtain title deeds. However, women group association through their credit facility (*Upatu*) provided financial support to its members. 40 women who were given the credit used for land regularization process.

#### *During cadastral survey*

UDASEDA chairperson signed a contract with the Survey consult to survey the area at a cost mentioned previously. Out of the 269 landholders (Table 2), 182 contributed in fully payment (59%) while others in installment (16%). The amount contributed sum up to 75% of the total cost in cadastral survey. This shows that 25% of the amount requested was not paid. Meaning that only 68% landholders contributed while 32% landholders did not contribute though it was noted that the latter were joining the community in cadastral survey implementation process. In this phase an banks account merit to US\$ 2780 opened and residents were depositing their contributions.

In both cases flexible payment in terms of payment for land regularization was the most important factor, which enabled the community to raise funds. People who joined then were accommodated after those people

Table 2  
Landholders contribution in cash during cadastral survey phase

Landholders	Installment payment (TShs.12,000–18,000/ = )	Full payment (TShs.30,000/ = )	Contribution %	Landholders not contributed	Total landholders
Women	38	12	28	30	80
Men	64	68	72	57	189
Total no.	102	80		87	269
Total amount	667,500/ =	2,400,000/ =			
Percentage (%)	16	59	75 (contributed)	32	100

who have to pay for them. This noted to be a sign of prestige of some landholders who contributed in the process.

#### *Women landholders contribution*

Contribution of women were seen important, 17% women landholders contributed in installment while 6% contributed in fully making a total of 23% of women contribution in the process. During the cadastral survey, it was observed that, 22% contributed in installment while 6% contributed in full making 28% contribution in the process. The women contribution in cash amounted to 19% i.e. US\$ 915 of the US\$ 4750 amount contributed in land use planning and cadastral survey phases. This shows an increase of 5% of women contribution from land use planning to cadastral survey. This signifies importance of integrating women in land development activities.

#### *Local community planning success*

- Two hundred and thirty-four plots were planned and surveyed making land to become part and parcel of formal land management system;
- thirty-two landholders offered land mutually for allowing local distributor local distributor road with 10 m while opening three roads which were encroached through mutual agreement;
- drainage construction and four culverts were constructed though local financial mobilization after land use plan approval;
- women contribution in terms of funds have increased from 28 members in Land use planning to 38 in Cadastral Survey;
- flexible standards of road such as presence of 2 m road instead of 6, 10 m instead of 20 proposed by the MLHSD standards were adopted;
- six boundary conflict were resolved out the court while one is in the court;
- linkage and networking with local government, MLHS and institution such as UCLAS Has increased and become lessons to each that the community can do without external support but requires facilitation where their aspiration fails;
- community gain confidence in proceeding to land registration after approval of their plans *Factors built trust and sustained local community involvement.*

These include:

#### *Commitment of actors in land development matters including securing tenure*

The selection of community spokesman (championship)<sup>3</sup> was an important factor. Even though the qualities outlined below were not set out from the very beginning, i.e. at the time he was elected, from the discussions with many residents it become imminent that the championship had the following qualities:

<sup>3</sup>Championship or spokesman is used to refer an elected landholder who was responsible for monitoring, making follows-up on the community initiated and activities. This landholder (Mzee Vicent Gabriel Lyimo) was elected during the first community meeting on their engagement in land regularisation in March 1997.

- was unemployed and had ample time for community activities;
- a former local leader i.e. he was a ward leader;
- lived in the settlement for at least 10 years making him well versed with community problems;
- strong interest on land management and development improvement such as spatial organization and service provision in the settlement;
- fairly informed about land development issues;
- a civil servant and aware of how government system works;
- had clean records on local community funds i.e. enjoys high integrity; and
- had good leadership quality including interpersonal and entrepreneurship skills.

The community spokesman made several follow-ups and provided feedback. He also collected contributions (funds) from the landholders and deposited the same in the project account. However, the spokesman was the leading actor in follow-ups both within and outside the settlement. His role was critical in the achievements recorded.

The study revealed that community desire and commitments to solve commonly felt problems to resolve their problems and achieve concrete outcomes motivated individual landholders to rally behind their local leaders. The land use planning and cadastral survey outputs attracted even settlers who initially were against the regularization process to contribute towards land registration. The championship devoted his time to ensure community goals in land development and management are attained. The study noted that commitment by a community without persons who are catalyst for actions e.g. ready to take a lead and who are continuously follow-up decisions and issues cannot guarantee success. Many and good ideas and decisions are brought up by groups in or even community assemblies, but not implemented because of lack of follow-up and commitment to see outcomes.

The new committed leadership came to power in 1998 after the former leadership proved failure in mobilizing residents to implement development initiatives. The new leadership was able to mobilize the residents to implement land management activities in collaboration with community organisation. Inter alia the leadership was carrying out its activities in a transparent manner, including openly displaying information about ongoing land management activities. The transparency in information dissemination also enhances trust and hence encourages residents' participation and contribution to land regularization project.

#### *Embracing mechanism for participatory decision making process*

The literature shows that information dissemination, as a participatory decision making mechanism to the community is an important factor for community involvement. This study has also noted that proper information was important to get messages from sub-ward level to individual households. Invitation of politicians such as the Councilor and the Member of Parliament to chair, community meetings and sensitise residents, use of flip charts to displays information and contribution from various community social groups within the settlement were also important.

#### *Existence of strong community organization and links with other local institutions*

Community organisation in Ubungo Darajani played a decisive role towards success or failures in land management. The study noted that good linkages with external institutional, good education background of the CBO leaders were useful in the strength of the CBO. The linkage with and use of grassroots, ten cell leaders especially in resource mobilization, information dissemination to residents, enhanced participation in land regularization.

Ubungo Darajani land regularization project was operating under supervision of an unregistered community organization. However, the community organization was linked with sub-ward<sup>4</sup> and ten cell

<sup>4</sup>The author engagement in Upgrading of Ibungilo and Isamilu unplanned settlement in Mwanza City in Tanzania, January 2002–July 2002 revealed that the community organization leaders were also the sub-ward leaders. This kind of leadership sustains the process in planning phase. However, the community based organization that was also unregistered succeeded to organize landowners in fund contributions and resolving conflicts. Political interference in the process and swindling local community funds by local leaders led to collapse of the project. Not only that but also withdrawal of DANIDA from funding the process created more threat for the community to proceed to cadastral survey phase, infrastructure provision and land titling.

leaders who played active role during meetings, sensitization, and mobilization of funds. Other linkage created by the community organization included consultation with institutions such as MLHSD, local authority and UCLAS. These linkages assisted to build trust among landholders and tenants to participate and contribute, even though the community organisation had not been statutorily recognised. Indeed, even though the CBO had its leaders, its working process involved many other Non-CBO leaders to include Sub-ward and ten cell leaders. This enhanced the popularity and strength of the CBO. In other community some CBO have failed or become weak because of the failure to link with other grassroots institutions. This helped to build confidence and commitment among residents to contribute in land development and management.

#### *Educational background to local leaders*

The literature shows that imparting education through training is an important aspect in sustaining local community involvement (Meshack, 1992; Poerbo, 1992). In the case of Ubungo Darajani this was found to be true also. The Land Development Committee, comprised 10 members, of whom one member had Masters degree in economics, eight were middle school (standard eight leavers) with experience in development issues, while an experienced leader, but without formal education. Good education enabled the committee to better comprehend the problem, be innovative on how to mobilize, sensitize and approach government institutions as well as use local potentials for enhanced land development and management. It is the authors' opinion that fairly good education was an asset that facilitated the leaders to come together to share their problems and successfully evolve strategies to resolve them. Of course, varying real life experience of the leaders also provided important inputs to the entire process.

#### *Deployment of grassroots leaders (ten cell) and social groups*

The community organization operating in the settlement deployed ten cell leaders to assist in information dissemination and resource mobilization. Ten cell leaders were for instance active in information dissemination, sensitization and mobilization of the tenants and landholders living within their cells. This enhances the role and position of the CBO in the city because the grassroots were actively involved. For instance, involvement of the ten cell leaders who are closer to the residents seems to have created trust and been instrumental in the collection of contribution and commitments (including cash) from households.

On the other hand the role played by religious groups, women credit association (*upatu*), business people, credit and savings institution such as FINCA particularly in sensitisation, mobilisation and information dissemination were crucial. Their role for instance, helped the local leaders to get in touch with those who were too poor and could not contribute in cash. These were excluded from cash contributions.

#### *Awareness of landholders and other actors to create awareness of community welfare*

The community selected the land development committee during the general meeting with ten members. The land development committee particularly played a key role in strengthening the community organization by assisting it to make follow-ups, collect contributions from within and outside the settlement and ensure each landholder get information on project execution within the settlement. For instance, every Wednesday the committee used to meet to discuss the progress made towards implementing decisions made on for instance collection of cash contribution and layout strategies for further work.

#### *Economic ability to contribute*

This involved contribution by high-income settlers and flexible payment modalities helped to the fruitfulness of the project. Out of the TShs. 1,260,000/= earmarked for land use planning phase, the local community contributed TShs. 564,000/= (42%). About 20 high-income landholders contributed the rest. High-income contributors contributed because they were motivated by the good response from the community members. They also wanted to acquire land titles. On the other hand because some of the leaders who were involved in

the project were fairly affluent people, some high income joined them as a matter of prestige i.e. to be associated with the rich.

#### *High proportion of landholders*

Presence of high percentage of land owning settlers enhanced land regularization initiatives and decisions making process. Out of 269 houses occupied by landholders noted, only 20 were living outside the settlement, of which out 12 are in Dar es Salaam, the rest are in Morogoro, Tanga, Mara or Mwanza. High proportion of landholders living within the settlement was important social capital because facilitated more people including ten cell leaders, land development committee members and actors in social groups to commit themselves to improve living environment. This was more so because often land or property owners are more responsible and concerned about the welfare if they live in their property or within the area.

#### *Existence of locally enforced norms*

Community leaders put in place norms for housing construction that were adopted to shape road patterns as well as spatial structure. Such norm includes requiring builders to get a permit, inform their respective ten cell, sub-ward and community organization leaders about intentions to subdivide and sell their land. The ten cell leaders were given mandate to report to the offices house construction activities-taking place in their location. This norm was formulated because of a community reaction to a landholder who had encroached upon the public way. Before regularization plan in place, houses were constructed without any regulated framework. These norms had shaped the area, and are increasingly being observed.

#### *Formulation of community task force*

In resolving these conflicts the community established a task force to deal with conflicts and other land disputes that emerged during the process. The task force comprised sub-ward leaders, ten cell-leaders, community champion/representatives, and experts from UCLAS who gave technical advice. Sub-ward leader issued letters to be sent to parties in conflict and their ten cell leaders who also informed the neighbors. The letters were signed by the Sub-ward leader to show that the committee has given mandate. Conflict resolution process involved invitation of parties to the conflict in a meeting where parties presented their position to the committee and through negotiations and involvement of friends and relatives of the disputants/parties in conflict; three conflicts were resolved out of the court. The major constraints reported by respondents include some landholders going against community agreements and sue local leaders in the court by preparation and implementing land regularization and therefore affects their property without following legal procedure.

### **Challenges, recommendation and areas for further interventions**

As discussed previously, Tanzania observed as one among Sub-Saharan Africa countries established opportunities for local community involvement in land regularization activities. For instance, putting in place Land Policy of 1995 and subsequent enactment of Land Act of 1999 (section 56–60). Despite good policies and legislations intentions, exists a vacuum regarding operationalization at the grass-root level. For example, land regularization scheme as per Land Act of 1999, the power to determine whether or not, to declare regularization scheme and its implementation falls under Minister for lands. The Minister is also empowered to delegate functions to Commissioner for Lands for scheme execution. However, the substantive involvement of private sectors, popular sector institutions to initiate and implement seems not emphasized in regularization process. Thus, the Act in one way, places landholders and their local authorities including village council on difficult position to directly and promptly intervene in an area, which has to be regularized. The situation may discourage local community involvement in land development and management initiatives. The situation point out the need to decentralize land regularization powers from central to local government, training the same and putting in place power of local community to initiate and implement land regularization scheme.

With this respect, local authority and central government could facilitate where the local community constrained.

The community wanted regularization agreement forms, which should be issued, to confirm plot boundary negotiations and agreement. Landholders in the case denied to remain with agreement forms, unfortunately, no one had such document to validate signed agreement. Provision of such documents i.e. agreement forms however, goes against Land Act (1999) section 22(1)(e), which prohibits issuance of unofficial document to land unsurveyed. This may be a sound position in legal terms but looked at the local context the need for a paper to authenticate and document agreements reached particularly with respect to boundaries is justifiable and logical demand. Otherwise one wonders how can disputes be handled if any of the parties involved passes away or transfers his/her properties after the agreement.

*Bureaucratic procedures* for the proposal get approved was a constraint in fostering community involvement in land management. Land use planning procedures including preparation of the plan, presentation and endorsement by the Municipal Council to final approval by the MLHSD took a total of 5 years. For person wishing to use the land title or wishing get his/her land regularised, this is too long and may be disincentive. The study calls for the reduction of time for processing and approving layout plans, issuance of building permits and consents. If the process takes too long (say 5 years), this will demoralise those at the grassroots who want to participate and contribute towards regularization.

Some of residents noted *existence of short-term titles* experienced or offered by Local authority in urban land occupation discourages landholders' investment. For instance one landholders who were looking for title deeds for his land before the community come into collective asserts this:

I have got a title deed, but I have been constrained by the short term nature of title given (i.e. 10 years). Credit institutions refuse proving a loan arguing that the title has low betterment value.

This quote shows that even though the residents are aspiring to get titles as tool asset betterment, the lease is too short and unattractive to credit institutions. Therefore, there is a need to consider granting a long-term title i.e. 99 years leasehold to attract informal property betterment to fight poverty for community development.

*Political interest and undefined facilitation role of the government* in decision-makers influenced the land regularization process. For example, it has been noted politicians were hesitant to enter direct to assist the local community due to low profile of the settlement itself for instance in terms of population which seems not to give rise of political votes if participated. Not only that but also the government role of facilitation is a paradigm which seems not understood as community attempts were verbally replied in the case. This may open up rooms for community involvement important for fostering land security.

## Conclusion

Community involvement in land regularization activities stemmed from common felt problems obliged them to come together as discussed. The community is seen as an instrument for engendering social capital and a strategy for resource mobilization towards securing tenure. Social capital, which emerged, was not only because some landholders have personal gains but because participated, contributed cash and they wanted to be associated with the community achievements. This is the power of collective and social theory and networking. However, factors sustaining local community involvement observed are general or which do influence community role and involvement in local development initiatives; there are also context specific factors, which may lead to a success in one settlement but not in another. Thus, the study concludes that, unless land development activities ongoing in informal settlements are closely monitored and regulated as the settlement grow, it will be too costly socially and economically to retrofit once the settlement have identified.

The study aimed at documenting and analyzing how community managed to change their neighborhood from hazards land to planned residential area towards understanding the inherent factors and success to

contribute to improvement to policy, practical gaps and environment quality. The research was not exhaustive due to limited resource and therefore more works needs to be directed to:

- Determining to what extent people need title deeds?
- Determining the chances and limits of private-public-partnership in land management towards securing tenure under given country polices and legislative framework?
- What mechanism to accommodate poor aspiration and preferences of the urban poor shifting to urban fringes after land regularization and therefore limiting them from exposing to high poverty vulnerability?
- What is the best time to regularize is it when a settlement already saturated, at infancy or at a consolidation stage? This is important to inform current policy makers as well as reduce the criteria, which a settlement has to satisfy before it qualifies for regularization.

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