

Enhancing Security of Land Tenure in Informal Settlements: The Case of Wat-Human Settlements Trust in Hanna Nassif Settlement, Dar es Salaam, Tanzania

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Abstract

The question of security of land tenure is increasingly becoming more important especially in developing countries, Tanzania inclusive. In the past, the role of promoting security of land tenure was rather top-down and was mainly viewed as a public domain. Recently, Non-Governmental Organizations (NGOs) and Community-Based Organizations (CBOs) are playing a significant role enhancing security of land tenure, more so, through informal settlements regularization and formalization. This article discusses the role of Wat-Human Settlements Trust, a National NGO, operating in Hanna Nassif, on how it facilitated plot surveying in the area with an ultimate aim of enhancing security of tenure to the property owners. The lessons from this case are presumed to assist in addressing Goal 7 Target 11 of the Millennium Development Goals especially in urban areas.

Key words: security of land tenure, informal settlements, participatory planning, Hanna Nassif

1.0 Introduction

Tanzania has been experiencing a rapid rate of urbanization of up to 8% per annum. Within the last forty years, the urban population increased from 5% in 1967 to 23% in year 2002 (URT, 2003). The rapid urbanization that is largely taking place without guidance has resulted into fast growth of informal settlements. One of the characteristic features of these informal settlements has been the lack of security of land tenure. The diminishing capacity of urban local authorities has resulted into limitations in terms of provision of affordable shelter, basic infrastructure and secured land tenure. The lack of provision of adequate planned and serviced plots for shelter development has been a major hindrance to secured land tenure to most developers in urban areas. To cope with the deficiency in surveyed plot supply, individuals or households turn to informal settlements which are less secured in terms of land holding. It has been estimated that more than 90% of the land property owners in the informal settlements have no formal security of tenure. For instance, out of 500,000 residential houses built in Dar es Salaam alone, 400,000 or 80% are found in informal settlements without long-term titles to land (Kyessi, S. & Kyessi, A., 2006).

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2.0 Land Tenure Security for Urban Informal Dwellers: A Review

The United Nations Human Settlements Programme defines security of tenure as protection against eviction, the possibility of selling and transferring rights through inheritance, the possibility of having a mortgage and access to credit under certain conditions (UN-Habitat, 2003). Palmer (1998) cited in Lamba (2005) contends that the doctrine of secure property rights rests on the assumptions that:

- economic development is stimulated when people can easily defend their rights against the claims of others;
- social stability implies secure and clear property rights that can be easily defended preventing property disputes and resolving others; and
- resource management which is concerned with information about land and holders of property rights allows government agencies to manage land resources better, and to enforce environmental and social regulations more effectively.

In addition, central and local governments get revenue accruing from land rent and property tax respectively. There are many other benefits, especially to the property owners, that are attached with security of land tenure including the ultimate goal of poverty reduction. De Soto (2000) ascertains that people living in informal settlements own properties, which are termed as dead capital, but if formalised and hence granted formal property rights they can be used as collateral to raise cash, or in other ways transform the assets into productive capital.

Apart from regularization of informal settlements by provision of basic infrastructure and social services, the most recent challenge faced in the management of land in urban areas is that to do with land tenure (UN-Habitat, 2003; Kironde, 2006). Lack of secure tenure has often been attributed to inadequate investment in housing and infrastructure development, therefore, negatively impacting urban human settlements and hence decreasing livelihoods of the people especially the poor. The argument behind is that once tenure is secure, property owners especially the poor themselves can invest in their own homes and neighbourhoods (UN-Habitat, 2001:85).

Under informal tenure systems, the conventional land management approaches cannot work well. Thus, the governments in developing countries are implementing land reform programmes that are geared towards secure tenure. However, the responses to tenure insecurity vary according to local contexts, to the types and diversity of informal settlements, to governments' political orientations, and to pressures from residents (Durand- Lasserre and Royston, 2002).

The Government of Tanzania has since the 1990s come up with clear policies and strategies of addressing the issue of insecure tenure in informal or squatter settlements. These include the Land Policy of 1995, the Human Settlements

Enhancing Security of Land Tenure in Informal Settlements

Development Policy 2000, Land Act 1999 (Act No. 4 of 1999) as revised in 2004 and the Urban Planning Act 2007, all of which have been enacted to include provisions that provide for security of tenure of property owners in informal settlements (URT, 1995; URT, 2000; URT, 1999; URT, 2007). Also, a National Housing Programme for Tanzania was prepared in 2002 and is partially being implemented (Nnkyia *et al.*, 2002). The policies, laws and programme recognize the importance of the informal settlements in provision of shelter in urban areas especially to middle and low-income residents. The Land Policy of 1995 states that "the existing squatter areas will not be cleared, but will be upgraded and provided with facilities for adequate sanitation and other basic services except for informal housing in hazardous areas". This implies that the policy acknowledges upgrading as a step towards enhancement of land tenure to informal settlement dwellers.

The Land Act 1999 which translated the National Land Policy into law took cognisance of the fact that a lot of people had acquired and developed land in informal settlements (Kironde, 2006). Section 3 (1)(b) of the Act, reiterating one of the fundamental principles of the National Land Policy noted that all persons exercising powers over land should seek to ensure that existing rights in, and recognized long-standing occupation and use of land are clarified and secured by law.

After endorsement of the Land Act 1999, true squatters - those occupying land illegally - are few in urban Tanzania (*ibid.*). In other words, landowners in the informal settlements were now legally recognized. It was from this understanding that many unplanned or squatter settlements are referred to as informal settlements, implying those settlements which have developed outside the conventional urban development system, i.e. without surveyed and serviced plots and granted building permits. They do not have authentic documents like the Certificate of Right of Occupancy. Citizens living in these settlements are usually denied access to credit institutions because the later demand titles to immovable assets such as land and housing to be used as collateral to borrow money for economic activities. The shortfall in the land management and administration necessarily contributes to persistent poverty, social-economic imbalance, insecurity and a wider gap between the rich and the poor among urban dwellers.

Due to the extensiveness of informal settlements, especially in urban areas, Section 23 of the Land Act 1999 provides for issuing derivatives right of occupying land known as Residential Licenses in informal settlements by a local authority having jurisdiction in that area where land is situated. The provisions in section 23 of the Land Act mean that occupiers of land in informal areas are deemed to have a licence of occupation from year to year and a local authority can grant an occupier of land in an informally developed area a renewable residential licence for a minimum of 6 months to a maximum of five years. The authority may impose

conditions that it deems fit and these could include payment of fees and other charges, or development or subdivision conditions. A licence is not granted on customary land (such as land in a registered village in an urban area), or over land over which a granted right of occupancy subsists. While the license is not assignable (i.e. it cannot be passed on to somebody else for their own use), it can be mortgaged. Conditions applying to the licensee apply as well to the licensee's successor.

Sections 56-60 of the same Land Act provides for the regularization of informal settlements. The purpose of regularization is to facilitate recording, adjudication, classification and registration of the occupation and use of land by those persons living and working in the area declared to be subject to a scheme of regularization, with the ultimate aim of issuing them with certificates of right occupancy.

Some of the recent interventions by the Government of Tanzania and its partners including NGOs and CBOs are focusing on using the land sector in reducing poverty through enhancing security of tenure in the informal settlements where the majority of urban Tanzanians conduct their economic activities. As noted by Senje (2007), the overall objectives of providing security of tenure to residents in informal settlements is to enhance the economic and social development through secure land rights for women and men. This is in line with implementation of the National Strategy for Growth and Reduction of Poverty (NSGRP or *MKUKUTA* in Kiswahili) in Tanzania. Among the objectives of *MKUKUTA* include increased access to decent shelter and sustainable environment, and effective public service delivery and poverty reduction. It is believed that enhancing security of tenure will motivate owners to improve their properties and also invest more on land.

3.0 Partnerships with Communities in Enhancing Security of Tenure

Since the 1990s, the central governments in collaboration with local authorities and other grassroots actors have initiated and implemented upgrading and formalization projects which have followed the participatory approach with the ultimate goal of enhanced security of land tenure to informal settlement dwellers (Kyessi, 2004; URT, 2004). When Durand-Lasserve and Royston (2002) were writing on the experience of tenure security enhancement in Brazil, South Africa and India, they observed that participatory schemes can limit the effects of exclusion especially women and thus improve their access and tenure security to land and housing which legal or administrative measures have been unable to do.

The governments themselves seem not having sufficient capacity to address the question of security of land tenure in informal settlements. Thus, some NGOs have come in to complement the government's efforts. Over the last 20 years, growing numbers of NGOs including Community Based Organizations have diversified from service provision into policy arenas and processes from which they were

Enhancing Security of Land Tenure in Informal Settlements

previously excluded (Senje 2007 citing Kanji *et al.*, 2002). Although NGOs involved in urban development and urban land rights are by no means a new phenomenon, there has been a rapid and sustained growth in their numbers across the globe and recently in most developing countries including Tanzania. Considerable evidence shows that they are having significant impact on human development processes ranging from economic development to democracy.

In Kenya, NGOs like *Pamoja Trust*, *Kituo cha Sheria* and *Shelter Forum* are involved with activities which promote land rights. These NGOs and others focus most of their work at the community level in order to build capacity for policy influence, promote credit and savings groups, to bring communities in informal settlements together and to build community structures capable of addressing land and housing tenure issues. They nurture informal settlement dwellers who are affected by evictions, train paralegal workers within informal settlements and create awareness through workshops on legal rights especially those related to land tenure. Moreover, at community level, they conduct community-based training workshops to inform residents about land rights and shelter improvements, advocate on problems facing women on land matters in informal settlements and also organize exchange visits and support communities through partner CBOs in physical planning and housing design (*ibid.*).

In Mozambique, NGOs play a facilitating role in interpreting land laws so that legal rights to land are made clear to the communities, they also facilitate cadastral services to local communities. Examples of the NGOs working in the field of land rights include *Rural Association for Mutual Help (ORAM)*, *National Union of Peasants (UNAC)*, and *Nampula Provincial Centre for the Land Campaign (NPCTN)* (*ibid.*).

In Tanzania, NGOs which work in the area of land rights and human settlements engage themselves in promoting adequate and affordable shelter with secure tenure through community mobilization and sensitization both in urban and rural areas. They also deal with awareness creation, empowering individuals, creation of housing cooperatives, capacity building through provision of technical support, and lobbying and advocacy. NGOs lobby for policy dialogue and change using informal contacts with the government authorities and politicians, but also use the media to voice opinions on land tenure issues. Some of the NGOs engaging themselves on land rights issues include the *WAT-Human Settlements Trust* and *Haki Ardhi* based in Dar es Salaam city and *Tanzania Grassroots Development (TAGRODE)* based in Iringa Municipality (*ibid.*).

4.0 Formalization of Properties in Informal Settlements

Although the Government of Tanzania took several initiatives in improving land tenure rights from the 1960's up to the end of last century, little achievements were

registered especially in the shelter strategy. For instance, the number of informal settlements in Dar es Salaam increased from about 10 in 1962 to 25 in 1979 and more than 54 in 1999 (Kyessi, 2002). Presently, there are more than 100 major informal settlements (including incorporated villages) in Dar es Salaam City (see Figure 1). By 2004, most of the properties had not been formally registered and hence fell in the category of informal settlements (URT, 2004).

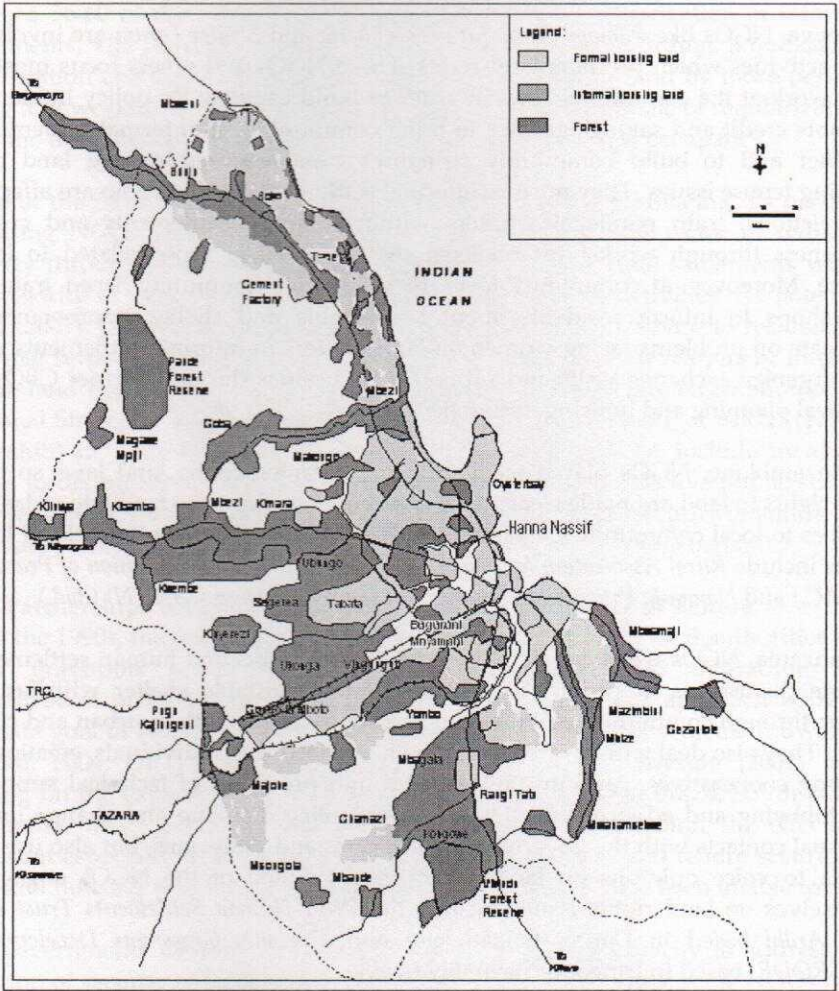


Figure 1: Informal Settlements in Dar es Salaam and location of Hanna Nassif

Enhancing Security of Land Tenure in Informal Settlements

Starting from the year 2004, the Ministry of Lands, Housing and Human Settlements Development, in collaboration with the Dar es Salaam Local Authorities, decided to register those properties in informal settlements. The intension was to issue residential licenses that could enable owners of informal properties to access credit in financial institutions (*ibid.*). The strategy was combined with a community infrastructure upgrading programme that has also been ongoing in Dar es Salaam since mid-1990s. Much success is steadily being registered in the two-tier strategy of improved tenure security and improved standard of living hopefully leading to poverty reduction. The government initiated the project on ensuring security of tenure and regularization of informal settlements by registering properties in informal settlements and issuing residential licenses for the landed properties with the ultimate aim of enhancing security of tenure to land. The formulation and implementation of this project is one of the Government's strategies for economic empowerment of Tanzanians by enabling them to utilize their land as capital.

Through the formalization project, it is anticipated that regularization of informal settlements, registration of property owners and issuing of residential licenses for properties in informal settlements will enhance security of tenure, facilitate access to credits in financial institutions and contribute towards achieving economic empowerment leading to poverty reduction (Kyessi, *et al.*, 2007). Furthermore, it is anticipated that the project will accelerate the integration of informal land and housing markets and economic activities of property owners into the sphere of the formal economy. Other benefits envisaged from this project include increase in land and property value, improvement of housing structures, stimulation of accessibility to credit facilities, and attraction of investment in home-based activities which play a major role in poverty alleviation.

Many NGOs have emerged to support governments' efforts of meeting the needs of the people at the grassroots level (Kyessi, 2002; Senje, 2007). Their growth is also related to a shift in thinking of international agencies which see a reduced role of the state in development activities and the growing importance of non-state actors (UNCHS, 1996). In addition, the growth in the number of NGOs has been attributed to several factors such as enabling political environment, people's response to harsh economic environment, easy access to donor funding, growth of a spirit of volunteerism, and increase in interest groups such as women, the youth, people with disability and the willingness of government to involve local actors in community development activities. NGOs bring creativity, innovation and develop strong community links thereby playing a catalyst role in improving the delivery of various types of services including tenure security (*ibid.*).

5.0 Role of Wat-Human Settlements Trust

5.1 *NGO Facilitation in Hanna Nassif*

Wat-Human Settlements Trust is an NGO which was registered in 1989 as a Trustee under the Trustees Incorporation Ordinance of 1956. Formally, it was known as *Women Advancement Trust (WAT)* but changed its name to *Wat-Human Settlements Trust*. The NGO works primarily in the area of human settlements. While there are many NGOs in the country dealing with women rights, Wat-Human Settlements Trust is distinguished as an organization that deals specifically with issues pertaining to women's rights to access decent shelter. The overall development goal for Wat-Human Settlements Trust is to empower low-income communities particularly women to participate fully and effectively in all aspects of human settlements development. The mission of Wat-Human Settlements Trust is to promote adequate and affordable shelter with secure tenure of low income earners particularly women through community mobilization and sensitization; awareness creation; empowering individuals, housing groups and cooperatives; capacity building through provision of technical support; and lobbying and advocacy.

Wat-Human Settlements Trust has worked in several settlements including Hanna Nassif where most of the low income earners reside. The NGO has organized property owners in Hanna Nassif, for the purpose of improved security of tenure through collaborative neighbourhood planning, participatory land surveying and formalization of property rights through issuance of titles. Hanna Nassif Ward is an informal settlement situated in Kinondoni Municipality and located about three kilometres from the Dar es Salaam City centre. It is one of the densely populated settlements with about 500 people per hectare, covering an area of 45 hectares of land. The National Population Census of the year 2002 shows that Hanna Nassif Ward had a population of about 32,023 with 8,231 households (URT, 2003). However, the upgraded parts of Hanna Nassif, which is referred to in this article, had a total population of about 22,000 people housed in about 639 residential units.

5.2 *Land Tenure in Hanna Nassif*

Discussing with local leaders in Hanna Nassif, Senje (2007) discloses that in the late 1960s and 1970s issues related to security of tenure did not arise during land transactions, because, then, land was abundant and demand for the same was met. Nonetheless, the practice of involving neighbours during plot demarcation and hand-over, built in some confidence to the transferee. In fact, the latter was in a way an act of instituting security of tenure and the guarantee against re-allocation or trespass by the neighbouring settler (*ibid.*).

A closer examination of the early land conveyance system (including the land demarcation process) shows that as population expanded and demand for the

Enhancing Security of Land Tenure in Informal Settlements

limited land in the settlement increased, land transfer and tenure system became complex. For instance, in the past, most buyers relied on mutual trust between them and the seller. There were no papers certifying allocation or transfer of land. However, gradually, mutual trust gave way to written documented evidence. One rarely acquires or transfers land or property (landed) without documented evidence signed by several witnesses (Kombe, 1995.). Thus, as time passed-by, a form of security of tenure became imminent and this required one of the following:

- (a) The recognition of land owners by the respective local administrative structures, i.e. Ten Cell Unit or Sub-ward leaders with whom residents are identified and associated.
- (b) Recognition by neighbouring land or property holders.
- (c) Possession of selling or transferring agreement papers normally signed by the local leaders (the Sub-ward or the Ten Cell leader) and other witnesses chosen by buyers and sellers (Kombe, 1995).
- (d) Issuance of letters of offer and Certificate of Right of Occupancy.

5.3 Securing Security of Land Tenure in Hanna Nassif

The process of securing security of tenure in Hanna Nassif informal settlement started with participatory layout design and plot surveying. In all the steps, about five aspects were taken into consideration, i.e. community organization, sensitization and awareness creation, community participation, resources mobilization and technical support in spatial planning and land surveying. Wat-Human Settlements Trust in close collaboration with Ardhi University (then University College of Lands and Architecture Studies - UCLAS) adopted the five aspects in implementing the process of ensuring enhanced security of tenure for the land property owners in Hanna Nassif. Participatory base map updating and layout design were done through technical support from Ardhi University. Surveying of 1,423 plots was done by a private company. Wat-Human Settlements Trust commissioned the two institutions as consultants for the job. The survey of plots was completed and the survey plan was approved by the Director of Surveys and Mapping of the Ministry of Lands, Housing and Human Settlements Development. The other step was issuance of letters of offer and Certificate of Right of Occupancy for property owners.

5.3.1 Community Participation

In order to ensure success of the community project, it was critical that the community participated in all stages of the project formulation, design and implementation. Wat-Human Settlements Trust made sure that residents of Hanna Nassif were involved in the needs assessment study carried out in the settlement by Ardhi University in 2003. The study revealed that 70% of the property owners

were fully aware or had adequate knowledge of the purpose of security of tenure. The remaining 30% had little knowledge on the issue; they linked the process of security of tenure with government intension to institute a property tax collection system. They did not differentiate between the property registration system for property tax collection and the security of tenure, existing at that time. In this regard sensitization and awareness creation was necessary to obtain common understanding.

5.3.2 Sensitization and Awareness Creation

Awareness creation through public sensitization meetings, traditional dances, use of media (TV and Radio broadcastings, leaflets, newspapers and placards) were successfully applied by Wat-Human Settlements Trust to sensitize the residents of Hanna Nassif to enhance and create more awareness among them (Mbyopyo, 2004). The problems of land in cities were echoed in the traditional dances and drama. Among the issues emphasized during the sensitization phase included the problems that people living in informal settlements were facing, the negative impacts of subdividing and illegal selling of land, disadvantages of insecure tenure, importance of surveyed plots and benefits of having Right of Occupancy.

5.3.3 Organizational Set-Up

The existence of a good organizational set-up and clear roles and responsibilities of different actors that avoided duplication of activities helped in the successful implementation of the project. Ardhi University together with Hanna Nassif Community Development Association had already, since 1999, subdivided the area into six housing clusters (known as zones) to ensure that all members of the community participated easily in the process of plot demarcation and settlement layout design. Negotiated and participatory planning was embedded in the process. The exercise however, could not be completed in time due to lack of funding (Kyessi, 2006).

In early 2004, Wat-Human Settlements Trust picked up the issue again. The NGO in collaboration with the Ward and Sub-ward leaders set-up an organizational framework of the tasks to be undertaken in the process of obtaining security of land tenure. The stakeholders who had a role to play in the implementation of the project included land owners and other community members including tenants, Hanna Nassif Community Development Association, Ward and Sub-ward Leaders, Ardhi University, Wat-Human Settlements Trust, and private companies including the survey firm (Geomatic Integrated Company). Other stakeholders were Kinondoni Municipal Council, the Ministry of Lands, Housing and Human Settlements Development and the National Programme for Business and Property Formalization (MKURABITA). The stakeholders and their specific roles are summarized in Table 1.

Enhancing Security of Land Tenure in Informal Settlements

Table 1: Stakeholders in the Process of Formalization in Hanna Nassif

Actor	Roles	Remarks/Comments
1. The Hanna Nassif community	<ul style="list-style-type: none"> • Participation in meetings and provided information based on their local knowledge • Participated in decision-making 	<ul style="list-style-type: none"> • The community expressed their worries in organized housing cluster meetings
2. Property owners	<ul style="list-style-type: none"> • Contribution of surveying fees • Involved in plot demarcation exercise • Participated in layout plan negotiation 	<ul style="list-style-type: none"> • The contribution of surveying fee was rather slow and prompted for an alternative strategy
3. Sub-ward leaders	<ul style="list-style-type: none"> • Creation of zones • Coordination and organization of meetings • Mobilization of the community 	<ul style="list-style-type: none"> • Sensitization meetings were conducted in the housing clusters created in the settlement
4. Hanna Nassif Community Development Association (HNCDA)	<ul style="list-style-type: none"> • Mobilization and sensitization of the community • Creation of zones • Coordination and organization of meetings 	<ul style="list-style-type: none"> • HNCDA is one of the active CBOs in the settlement • Sensitization and awareness creation were successful
5. Wat-Human Settlements Trust	<ul style="list-style-type: none"> • Organization of the community and conduction of meetings • Sensitization and awareness creation of the community • Mobilization of funds and technical support • Coordination and supervision of the project • Identification of technical support from Ardhi University and the private sector • Lobbying for financial and technical support from development partners • Collecting surveying fees from property owners 	<ul style="list-style-type: none"> • Wat-Human Settlements Trust as an NGO applied its long experience of working with local communities to register success • Each registered property owner was obliged to pay Tsh 30,000/= as surveying fee
6. Ward leadership	<ul style="list-style-type: none"> • Mobilization and sensitization of the community • Coordination and link with other stakeholders including upper organs of the city 	<ul style="list-style-type: none"> • Horizontal and vertical collaboration was highly successful
7. Kinondoni Municipal Council	<ul style="list-style-type: none"> • Deliberated on and endorsed the layout plan through the Urban Planning Committee • Provided professional and technical support 	<ul style="list-style-type: none"> • A layout plan is normally endorsed by an urban local authority before approval by the Ministry of Lands, Housing and Human Settlements Development
8. Geomatics Integration Company (Private Survey Firm)	<ul style="list-style-type: none"> • Made follow-up of approval of the participatory layout plan • Carried cadastral survey of the plots 	<ul style="list-style-type: none"> • It took 3 months to survey 1,131 plots at a cost of Tsh. 30 million

9	Ardhi University (then University College of Lands and Architectural Studies)	<ul style="list-style-type: none"> • Mobilized and organized the community into housing clusters • Carried out Needs Assessment • Facilitated the participatory plot demarcation and layout design 	<ul style="list-style-type: none"> • Participatory approach was adopted by Ardhi University in plot demarcation and layout design at a fee • Students were used to do the needs assessment and plot demarcation
10	MKURABITA (President's Office)	<ul style="list-style-type: none"> • Issued a credit facility to Wat-Human Settlements Trust for carrying out the surveying of plots and facilitation of issuance of letters of offer 	<ul style="list-style-type: none"> • The credit facility speeded up the surveying work and catalyzed payment of the fees by the property owners
11	Ministry of Lands, Housing and Human Settlements Development	<ul style="list-style-type: none"> • Approval of Hanna Nassif layout plans (TP DRG Nos.KND/MISC/21/82004A and KND/MISC/21/82004B) 	<ul style="list-style-type: none"> • There was some delay of 12 months in approving the plan

Source: Modified from Senje, 2007.

5.3.4 Resources Mobilization and Cost Recovery

For a community project to be implemented successfully, it requires several resources like finance, materials, labour and good governance. In implementing the Hanna Nassif project, Wat-Human Settlements Trust through its own initiative solicited funds, materials, personnel and committed its time on the project. The NGO paid, from its own budget line, for the costs of awareness creation and sensitization activities as well as the costs for preparation of the layout plans and purchase of relevant materials. A total of Tsh 6,161,000/= was spent for organization and planning. Each land owner was required to contribute Tsh 30,000/= as surveying fee. Due to the delay by the land owners in paying the fee, another source of funding had to be sought by the NGO. Thus, Wat-Human Settlements Trust prepared a project write-up for soliciting financial assistance from different donor agencies and managed to secure a loan from MKURABITA amounting to Tsh 42.69 million which was the total cost for surveying all plots in the study area. This money was credit to the NGO to be recovered after the land owners had paid the survey fee. The exercise of surveying went fast because of the prompt availability of the funds from MKURABITA. Community members volunteered unskilled labour at a negotiated fee during the period of carrying the cadastral surveys.

5.3.5 Technical Support

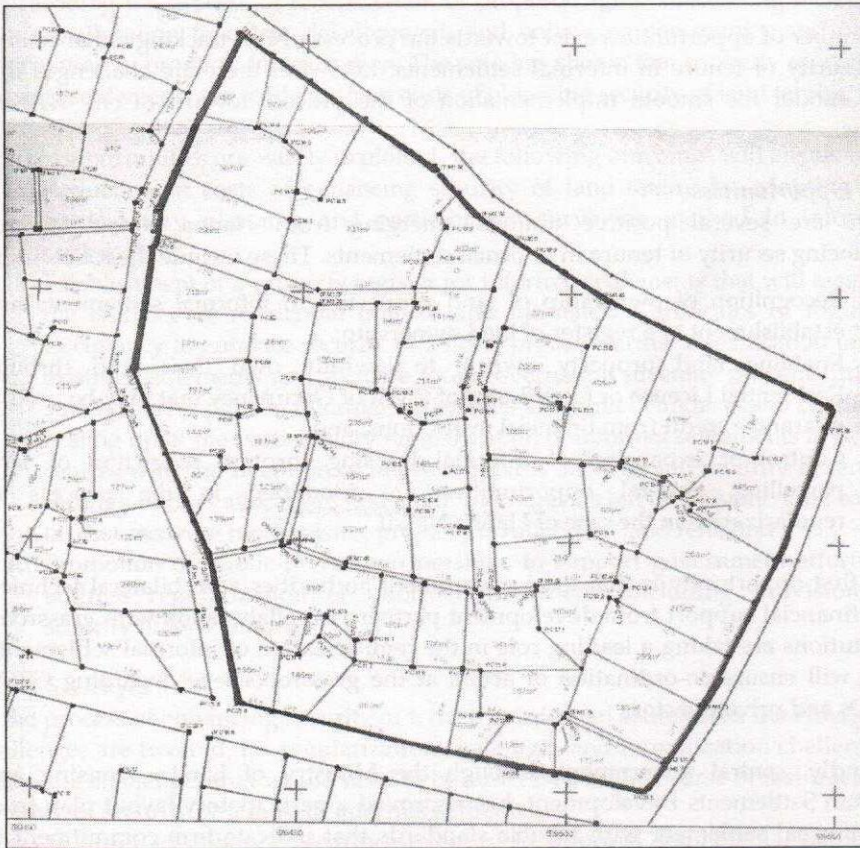
The process of ensuring access to formal security of tenure is technical in nature and hence a community would require external support and skilled personnel in its implementation. In this project, Wat-Human Settlements Trust had to seek technical support from Ardhi University who have professional skills in land matters and had been working with local communities in informal settlements. Their input was on individual plot demarcation, boundary negotiation and participatory layout

Enhancing Security of Land Tenure in Informal Settlements

planning whereby a plan comprising of 1,423 plots of different uses was prepared. Also, support was sought from Geomatics Integrated Company Ltd. who carried cadastral survey of the area at a cost of Tsh 30,000/= per plot. Support was also sought from Kinondoni Municipal Council and the Ministry of Lands, Housing and Human Settlements Development in matters of policy interpretation and approval of the town planning layout and the survey plan.

5.3.6 Approval of Survey Plan and Issuance of Letters of Offer

After approval of the survey plan (Figure 2), letters of offer for those land owners who had already paid for the survey fees were prepared by the Kindononi Land Office.



Source: Senje, 2007

Figure 2: Part of the Participatory Approved Survey Plan (No. D1 571/69 Block 6)

6.0 Opportunities and Challenges of Enhancement of Security of Land Tenure

On 19th December 2007, Wat-Human Settlements Trust organized an event whereby 25 land owners were presented with their letters of offer by the Honourable Minister of Lands, Housing and Human Settlements Development. During the event various stakeholders were invited to participate; these included representatives from the Canadian Embassy, MKURABITA, Kinondoni Municipal Council, Ministry of Lands, Housing and Human Settlements Development, the Member of Parliament from Kinondoni Constituency, Local Leaders from Kinondoni Ward and the Mtaa Offices. More than 600 people participated in the event. By June 2009 about 753 letters of offer had been issued while 104 Certificates of Right of Occupancy had been prepared and issued to land owners.

A number of opportunities exist towards the process of fast tracking enhancement of security of tenure in informal settlements. Likewise, there are challenges that may hinder the smooth implementation of the process towards a city without slums.

6.1 Opportunities

There are several positive outputs emerging from Hanna Nassif towards enhancing security of tenure in informal settlements. These include the following:

- Recognition of ownership of land properties in informal settlements and establishment of a register of land ownership;
- Enabling land property owners to lawfully own their land through Residential License or Certificates of Right of Occupancy that may be used to guarantee credit from financial institutions; and
- Control of expansion of informal housing through restriction of land parcelling. Several opportunities are identified in the process of regularization in the case of Hanna Nassif.

The first opportunity is that local government authorities with bilateral technical and financial support from development partners in collaboration with grassroots institutions are taking a leading role in the regularization of informal settlements. This will ensure co-ordination of actors at the grassroots level including CBOs, NGOs and private sector.

Secondly, central government, through the Ministry of Lands, Housing and Human Settlements Development, has approved a participatory layout plan from an informal settlement with flexible standards that indicate firm commitment in the implementation of the Land Policy 1995, the National Human Settlements Development Policy 2000, and the new Land Act 1999; all emphasizing regularization of informal settlements.

Enhancing Security of Land Tenure in Informal Settlements

Thirdly, the private sector and training institutions have been mobilized to take part in planning and surveying of plots in informal settlements at an affordable price to the property owners if the exercise is to be done collectively rather than each individual surveying own plot.

Fourthly, a credit facility has been arranged to hasten the exercise of property formalization and property owners have shown readiness to pay for surveying fees.

Lessons learnt show that there are vivid government efforts in streamlining the machinery for planning, surveying and granting security of land tenure; spearheading the process of formalization of property rights; stimulating increased resource allocation to urban development; and enhancing community and NGO participation in property formalization. The case has shown that property owners in informal settlements are ready to share costs of obtaining security of land tenure.

If these opportunities are wisely exploited, the following outcomes will ensue:

- (a) Reduction of costs of enhancing security of land tenure by adopting the participatory planning and participatory surveying method in informal settlements;
- (b) Establishment of a property register for informal settlements that will assist in the issuance of residential licenses and ultimately Certificates of Right of Occupancy to enhance security of tenure, prevent further densification in the existing settlements and increase local government revenue, prevent further subdivision of plots in informal settlements and limit boundary land conflicts;
- (c) Scaling up of the participatory regularization of informal settlements in urban centres with the intention of improving basic services and security of tenure through budget allocations and credit mechanisms but at the same time based on cost recovery mechanisms, property taxation and land rent; and
- (d) Promotion of public-private-partnerships to support government efforts to address regularization of informal settlements including provision of security of land tenure.

6.2 Challenges

In the process of enhancing security of tenure in informal settlements the emerging challenges are twofold, i.e. regularization challenges and formalization challenges. Below are challenges that would need to be addressed in the course of fast tracking issuance of security of tenure in informal settlements:

- (a) In order to enhance security of tenure in informal settlements, planning followed by upgrading of infrastructure and regularization of the settlement is a pre-requisite.
- (b) Improvement of security of tenure by a participatory approach is tedious and time consuming; implementation of projects takes long time to be

completed and to show tangible benefits. So the challenge is building capacity in training and retraining of professionals in participatory planning approach in fields related to land regularization, shelter delivery and human settlements development.

- (c) It is expensive to finance formalization and provision of security of tenure processes prompting for innovative ways of resources mobilization and participatory formalization. An effective cost recovery mechanism to ensure sustainability in the formalization process is also a major challenge towards scaling up of the exercise because of income poverty among the land owners.

7.0 Conclusion

Lessons from the case show that NGOs and CBOs can very well assist in fast-tracking achievement of Goal 7 (Target 11) of the Millennium Development Goals. Grassroots institutions have the skills of working with local communities and also can link with other supportive institutions that have technical skills like planning and surveying in order to hasten the processes. NGOs in close collaboration with other key stakeholders need to be supported to implement programmes of regularization and formalization.

However, little is still known on the degree to which security of land tenure has reduced poverty which is one of the objectives of formalization of properties in informal settlements, where the majority of the poor people reside. In addition, the nature and extent of the use of security of tenure to access finance is not well documented in Tanzania whilst there are other benefits and perhaps constraints that accrue from the formalization process that need to be understood. There is therefore a need to assess the impacts of formalization of property rights for the purpose of building up convincing new knowledge to facilitate scaling up of the process to all urban centres in Tanzania.

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Enhancing Security of Land Tenure in Informal Settlements

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Alphonse G. Kyessi

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