Land in Tanzania

UJAMAA COMMUNITY RESOURCE TEAM-(UCRT )
A PRESENTATION on Tanzania land issues at country level (policies, legislation, background, ect) presented to THE NIGERIAN DELEGATION THROUGH THE LEARNING ROUTE - 26 September 2017.

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Important Laws and Policies

- The land Policy 1995
- The Land Act No.4 1999
- The Village Land Act No.5 1999
- The Land use Planning Act No.8 2007
- The Local Government Act 1982
- The Land Rent Restriction Act 2002
Land in Tanzania

- Land in Tanzania is public property vested under the trusteeship of the President.
- The President retains a radical title to all land – powers to revoke any land at anytime – for what is often refereed as public interest purpose-
- Individuals and collectives rights to land are limited right of use only; to specific time subject to conditions attached to the certificate of occupancy
- Land is categorized into three mainly Villages Land, Reserved Lands and General Lands
- President enjoys power to convert any category of land into another category following procedures provided by the relevant land laws.
- Compensation is legally possible but does not come on time...
- Village Land 70% simply means land within defined boundaries of the registered village.
- Non-Villagers are not allowed to own land in village.
- Reserved Land 28% is land protected (mostly for conservation).
- General Land 2% is any other land that is not reserved land and village land – lands in urban areas - land who government builds are
There is Land acquisition by government and compensation is by law prompt paid later, or sometimes never paid at all. What is paid as compensation is the extent one may have developed the land – if no development is done (physical structures – building etc) there will be no compensation - (alternative land, relocation) "unexhausted improvement"

'land" includes the surface of the earth and the earth below the surface and all substances other than minerals and petroleum forming part of or below the surface, things naturally growing on the land, buildings and other structures permanently affixed to land”. (wildlife, forests, gas, petroleum are excluded etc
There are two certificates of rights of occupancy issued by land laws which are Certificate of Right of Occupancy (CRO) and Certificate of Customary Right of Occupancy (CCRO) all of which have same legal status.

Village council is composed of representatives of elected body of 25 people who manages the land village on behalf – General Assembly.

The village land Act creates two mechanisms of solving land related disputes at local level which are the Village Land Tribunal and Ward Land Tribunal - people sitting and presiding are elected among villagers with experiences in cultures & traditions.
Land related challenges in Tanzania

- The radical title vested with president, land right owners shall always be in insecure,
- Limited rights of use – Right of Use only
- Compensation under our laws is narrowly defined in terms of improvements done or put unto the land (physical structures, tree planting etc)
- Under this narrow definition, certain lifestyles rights are put at disadvantages positions such as pastoralists and hunter gatherers.
- Land for pastoralists/grazing is often treated as positioned/potential for conservation for future use
Challenges ....Cont’d.

- Some livelihoods are not recognized by law – hunting and gathering
- Confusion in definition between village land and general land - the unused village land is sometimes treated as general land
- Land conflicts emerge between farmers and pastoralists
- Not all land titled
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