

Full Length Research Paper

Dynamics of land for urban housing in Tanzania

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Accepted 30 July, 2010

With increased movement of population in search for better settlement and employment, more people tend to be concentrated in urban areas. This article identifies the dynamics of land for urban housing in Tanzania with specific reference to Songea municipality. The article remarks on one hand, weaknesses in the existing institutional framework for urban planning and delivery of land services, unnecessary prolonged procedure and actors in the process with overlapping authorities, roles and lines of accountabilities has been identified as contributing factors to such dynamics, on the other hand, lack of technical capacity, limited financial resources embedded with cumbersome procedures in the whole process of preparation and approval of detailed plans as prepared by land experts has been a catalyst for the low capacity of the municipality in allocating land for housing development to the developers. With the increasing influx of population towards town and cities, land grabbing, institutions need to be reformed to take into account the rapid population dynamics within the society. Municipalities need to be empowered with both technical and financial capacity to facilitate in provision of effective and efficiency services of providing land for housing.

Key words: Land, urban housing and urbanization.

INTRODUCTION

Land is central to livelihoods and even identity for many millions of people in the Tanzania who subsist on agriculture and natural resources such as land. It is not surprising, then, that a recent wave of large-scale land acquisitions in these countries has sparked a major debate. Through these acquisitions, interests in richer countries are buying or leasing large tracts of farmland for agricultural investment in Africa, and at the same time, demands are also high by the natives creating rapid urbanization challenges. The continuing process of rapid urbanization in most developing nations is confronted by socio-economic, cultural, political and technical problems. Settlements are dynamic and expand in the course of time due to their socio-economic development.

Rapid population growth resulting from rural urban migration has lead to rapid urbanisation, which

collectively have been of great influence to increased land dynamics for urban housing in most African countries.

Moreover, the pace of socio-economic development in urban centres has not been matched by parallel development of infrastructure and social service facilities. In some cities, the population living in slum areas reaches more than 60% (UNESCO, 2008). Consequently the majority of the population in some of the African cities live in poor housing conditions (ibid). While in early 1990s the urban world population was only 19%, more than half of the world population is now living in cities, with an increase of urban population of 300% over the second half of the twentieth century (United Nations, 1998). World population is projected to grow from 6million to 9 billion by 2050. Studies indicates that with the increasing influx (World population is projected to grow from 6million to 9 billion by 2050 (Cohen, 2003) of people into urban areas, the condition is becoming intolerable to urban sprawl and the situation in towns is

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becoming worse by the presence of large areas of housing which are quite unfit for habitation (Burton and Chey, 1970; Cohen, 2003).

LAND DEVELOPMENT IN TANZANIA: HISTORICAL PERSPECTIVES AND DYNAMICS

Tanzania was colonized by German and British from 18th century to late 19th century. Prior to the German and British colonial land was held according to customary law.

Before colonialism, land was vested by the authority of clan elders and or tribal chiefs who were responsible for its fragmentation, allocation and control in accordance with customary norms. These norms were usually unwritten, vaguely defined and different from one tribe to another. Traditional land holding in essence consisted of individual land rights limited to the period of effective occupation, restricted as regards right of transfer, controlled in relation to succession and collectively, forming the village unit of occupancy. The German colonial rule introduced and promoted plantation agriculture, therefore during that period they introduced different land tenure system on which prime agricultural land was allocated in freeholds, mostly to settlers. (1) As a part of early land policy, the Germans issued the Imperial decree of November 1895, which declared that all land in Deutsch Ost Afrika, whether occupied or not, was to be regarded as "not owned". This policy was clearly more of a display of authority over existing clan and tribal rulers, as it was over land. It disposed the haves and the powerful of the time. (2) All that followed, with regard to land policy, thereafter was to reveal the essence of domination and subjugation.

The lands were to be vested in the empire as crown lands as a consequence of the declared policy and in total disregard of any existing land dispensation. The crown was to pick and choose who in the territories was to have legal access to land. The decree introduced the concept of a right of occupancy or a lease arrangement from the Crown, as distinctly different from ownership of land. In regulating this decree, statutes were enacted that introduced ownership, as a concept that could be proved only by documentary evidence issued by the state. Land Occupation became a concept that had nothing in common with ownership. Occupation of land was to be recognized if the land was under cultivation and was put under use through dwellings that were erected on it. Thereafter, continuing the disregard for the interests of the native people of Tanganyika, as were the Germans, the British colonial rule introduced the rule which declared that all land belongs to public and the right of occupancy to land acquisition was introduced to urban areas (Land Tenure Ordinance, 1923, Cap. 113). The freehold system was reserved for the settlers and

deemed rights of occupancy to serve indigenous people in the rural and urban areas. British land tenure policy was shaped by two major factors 1.

The first is Tanganyika's international legal status as a mandated territory of the League of Nations, now the United Nations that conferred upon it the status of a trust territory. The second factor was British colonial policy for Tanganyika irrespective of the UN mandate. British policy was developed so that Tanganyika was to be a source of raw materials for industries in Britain. It is not difficult for one to see reasons why Tanganyika was transformed into plantations, under this rule, and encouraged peasant farming to produce cheap raw materials for overseas markets. Article 8 of UN Trusteeship Agreement required Britain to take into consideration native laws and customs and to respect the rights and safeguard the interests of both present and future of the native population. As it turned out, Her Majesty's Government in Britain did not respect this agreement.

In 1923, the British passed the Land Ordinance (CAP 113), which did not consider the UN requirement as a specific article except in the preamble. The legacy of the Land Ordinance, enacted under British land policies, had serious effects on the way that the people of Tanganyika had access to land.

Firstly, all lands, whether occupied or unoccupied, were declared to be public lands, except for the title or interest to land, which had been lawfully acquired before the ordinance (Section 3) came into force.

Secondly, all public lands were vested in the Governor to be held for use and common benefits of "the natives", thirdly, no title to the occupation and use of any public lands would be valid without the consent of the Governor (Section 4).

Lastly, a new land tenure system, that is, the right of occupancy was legally introduced and could only be granted by the Governor. Therefore in 1959 the British colonial established the department of lands and later changed into a full Ministry which changed its name according to its function within the different specific period. After independence in 1961 all matters related to land and its administration was vested in the Ministry of Lands. In 1986 Tanzania did away with the idea of socialism and self-reliance (Ujamaa na Kujitegemea) as enshrined in the 1967 Arusha Declaration, and moved towards a model of accumulation that relied on increased foreign investment and exports (Campbell and Stein, 1992; Gibbon et al., 1993, Manji, 1998). The move went hand in hand with the land tenure reform where changes in land ownership were affected. Land tenure reform typically refers to evolutionary or legal changes in the form of land tenure- nudging customary tenure systems in the direction of private property regimes, rather than in land distribution itself (Maxwell and Wiebe, 1999). Land administration in Tanzania, is governed by both statutory¹ and customary law.

The Law is responsible in the monitoring and controlling of urban housing. Accordingly, two institutions namely Ministry of Lands, Housing and Human Settlement Development and the Local Government Authorities are responsible. Whereas the Ministry of Lands is responsible for preparation of general planning schemes, Local Government Authorities are directly responsible for preparation of detailed plan/schemes and implementation of the same through surveying and allocation of land for urban development. The relevant regulations includes section 59(e) of Local government Act No 8 of 1982 (Urban Authorities), which gives power for Urban Authorities to prepare detailed planning schemes and submit to the Minister responsible for Local Governments for approval. On the other hand, sections 19 and 31 of the Town and Country Planning Ordinance Cap 38 of 1956 empowers the Minister for Town Planning ,to supervise and approve detailed planning schemes submitted to him by planning authorities (Urban and District councils). Furthermore; section 6 of the Land Acquisition Act no 47 of 1967 empowers the Minister land is required for public interest and advice the President accordingly. Likewise section 60 of the Local Government Act no 8 of 1982 empower the Minister Local Governments to acquire land or recommend to the president for that land to be acquired in the public interest ensuring effective management of dynamics posed by increasing rapid urban population growth. However, the situation seems not to be the case.

In Tanzania, urbanization impact has been very high in recent years as an outcome of rapid growth of urban population and increasing rural- urban migration of people in search for urban opportunities. The demographic statistics for east Africa are just as dramatic as recent projections reflect that by 2020, 63% of the population will live in cities (UNCHS, 2001). For instance, the level of urbanization just before independence in Kenya was 7.4% (1960) and 5% in Tanzania (1961). Currently, the population of Tanzania is estimated at about 40 million persons, of which 30% live in urban areas (See Census report 2002 which indicate that in 2002 the population of Tanzania was 36 million. The growth rate is at 2.8 per annum, hence over 40 million people by 2009). Such dynamics in search for land for urban housing are increasingly becoming dominant. People are now increasingly competing to get access to land for urban housing, arable land and pastures, and open land conflicts are becoming more and more common across the country.

Increasingly in Tanzania, the demand for surveyed land for urban housing has gained its pace resulting into rapid expansion of cities and urban centers. With increase in value, the government established an institutional - legal framework to govern land administration in Tanzania. Efforts started with development of National Land policy 1995, followed by enactment of two

land laws namely Land Act No. 4 of 1999 and Village land act No. 5 of 1999. Moreover, with free market economy, it means also opening doors for investors and opportunity for the existence of the “haves and have not”. Land grabbing is gaining its pace as global nations (Nations such as Saudi Arabia, Norway, India, Russia, Korea, Qatar, Bahrain and Libya to mention a few) are scrambling for arable land in African countries at the expense of global food security concerns (Biney, 2009). Free market externalities in Tanzania have also awakened people, and institutions to own registered land. As a result more people are also struggling to benefit and register land and develop habitable housing for living.

However, effectiveness of registration depends on the availability of the effective institutional structure and technical capacity of the institutions to implement the system. Apparently the manual land registration system is inefficient and cumbersome in retrieving information (Kalinga, 2008), and the new computerized system seems to be not well in use as currently issues such as double re-allocation of plots, delays in plots allocation and continue usage of manual system and less registered land compared to the demand exists. The land Acts (1999) seems not to be able to manage the problems as increasingly people across the country has been in constant conflicts. In Dar-es-salaam, residents of Ubungo Maziwa were in conflict in search for land ownership (The Guardian, Wednesday July 15, 2009). Of recently, Kipawa residents were evicted from their land due to what is considered as government initiatives to improve infrastructural facilities. Conflict between pastoralists and farmers in kilosa, Hai and Mbarali districts to mention a few as well as population mobility is increasingly gaining its pace. Of recently in Arumeru district, villagers were injured during violent confrontation at Vunjo Members of parliament Aloyce Kimaro's farm (The citizen June 11, 2009).

Moreover, variations in economic gains, citizens cannot tolerate to wait until surveyed plots are made available hence the option is to construct houses in whatever land seem to be available in urban areas regardless of the rules and regulations which guide the later. Research studies revealed that; unclear cumbersome bureaucratic procedures has been on of the fear to most clients seeking for building permits, allocation of plots and deeds processing, resulting into mushrooming of invasion of public land, open spaces meant for social services - schools; recreational facilities including children play ground be sub-divided, double reallocation of plots to clients as well as issue of illegal building permits (Lupala, 2002; Lupala 2002; Kironde, 2004).

The rate to which responsible institutions in surveying and allocating land for housing construction to meet the demand has been substantially low as compared to the

rate of urban development. For instance, out of 243,473 applications for plots that were received within the three (Dar-es-salaam has three municipalities namely Ilala; Temeke and Kinondoni) municipalities in Dares Salaam, only 8209 plots were surveyed and allocated between 1990 and 2001 of those allocated only about half were able to pay the respective fees, suggesting that applicants seem to be economically weak. The plots were later allocated to other people. While the annual demand over the period based on registered application was over 20,000 plots, the annual supply was under 700 plots (Kironde and Rugaisanisa, 2002; Kironde, 2004). The result has been the outgrowing of haphazardly and uncontrolled urban spatial development, environmental degradation, housing development in hazardous lands and degradation of potential sources of rivers and other environmental problems (ibid, 2004). Such incidents reflect the incapacity of the institutions in allocating surveyed lands.

The commercial and economic hub of Tanzania that is, Dar as Salaam is sadly surrounded by land conflicts that have of late grown to unbearable proportions. Many families are made homeless after their houses being demolished by government authorities to allow development in Dar es Salaam, Kinondoni and Ilala municipalities leading to a huge number of land conflicts (Sunday observer, April 28, 2008). Residents of kipawa in Ilala municipality have threatened to sue the government in dispute over compensations (The citizen newspaper October 12, 2009). The situation is much more serious in other parts of Tanzania like Tarime district (Musoma region); Ulanga and kilosa districts (Morogoro region); kigoma region and Kilimanjaro region where land conflicts are even leading to ethnic violence and killings between pastoralists and agriculturalists. Apparently, citizens in these areas seem to have been losing faith on their LGAs on their ability and capacity to ensure habitable living, effective housing plans (Kalinga, 2008). Apparently, urban planning remained to be the drawing that lack political, cultural and sociological ingredients thus without clear institutional structure and well coordinated system, crisis will continue.

THEORETICAL PERSPECTIVES: DYNAMICS OF LAND, INSTITUTIONAL AND LEGAL DIMENSIONS

Effective management of dynamics of land for urban housing solely depends upon existence of institutional structures capable of enabling smooth environment for existing forces towards producing good communities. In Tanzania, Land administration and management is solely vested upon two institutions, namely the ministry responsible for land and urban housing and the local government authorities within their locality.

However, despite the existing institutions, legislations

and laws, their ability to innovate beyond the standard powers is limited as increasingly with high rate of urbanization, development of slums and unplanned city is noticed. Hand in hand with the legislations, was the introduction of land policy (1995) in an attempt to solve land related problems as a result of increasing claims from the general public over land allocations? This included claims regarding issues of land tenure, land use and problems of rapid urbanization, others included problems regarding land acquisition, compensation, land allocation, the institutional framework dealing with land matters and dispute settlement machinery, to mention (URT, 1995). However, reality reveals that the development conditions provided by the above legislations before a permit is issued are too many and sometimes complicated as a result the majority cannot tolerate, hence some developers tend to start building construction without building permit from Local Authorities, and this has led to haphazard housing development in urban areas. The dynamics of land is mostly affected by ineffective institutional structures, legal instruments and unclear implementation strategy (Kreibich and Olima, 2002).

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CONCEPTUAL FRAMEWORK

The main issue in this study was centered on exploring the dynamics of land for urban housing in Tanzania, but with specific focus on songea municipality. Although there are institutions responsible in managing urban housing development and its dynamics, there has been cases in which technical capacity of the municipalities

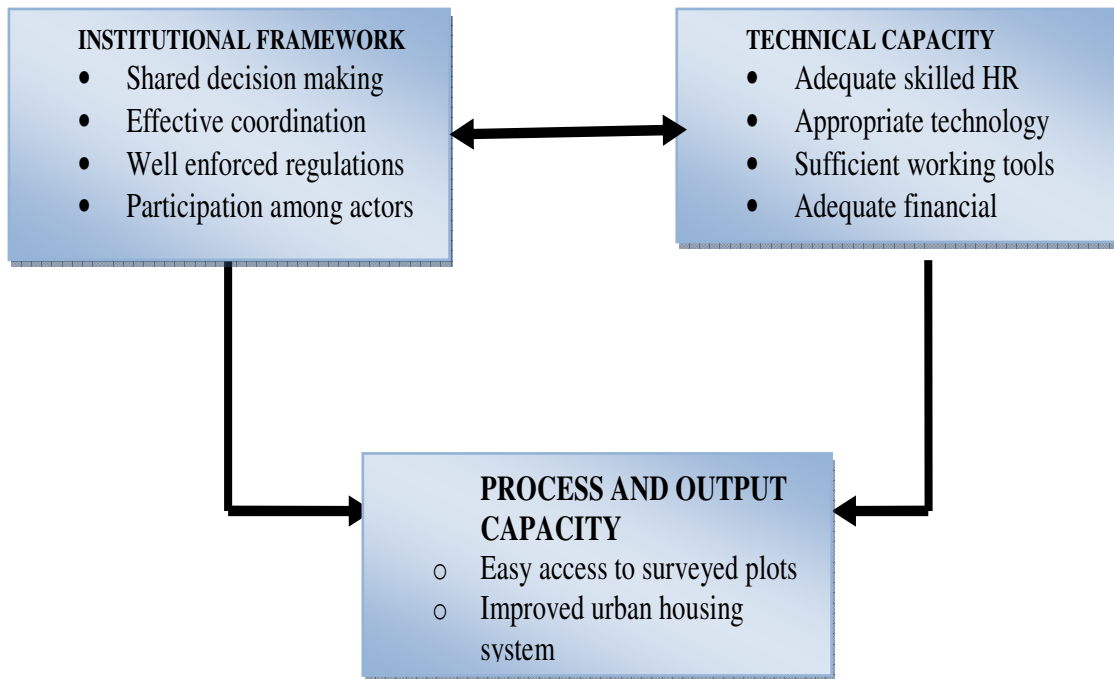


Figure 1. The Conceptual framework: problem modeling. Source: Author (2009).

perceived to be ineffective considering failure to manage urban housing properly. At the same time institutional framework seems to be accelerating the problem resulting into poor urban housing system. This study intends to look into the dynamics of land for urban housing in Songea municipality.

Effective administration and management of urban housing development in Tanzania solely depends upon the existence of clearly defined process and procedures. The assumption is that in the presence of providing opportunities for urban housing, effective institutional framework, technical capacity (as reflected in Figure 1) within the institution can trigger for proactive planning and improved organizational performance which indeed will result into well coordinated urban housing development. However, absence of any of the above inputs can disturb the process and therefore the end results cannot be effectively achieved.

METHODOLOGY AND STUDY AREA

Methodology

This study employed mixed research method in which quantitative and qualitative techniques, methods (The data collection methods used includes in - depth interviews; focus group interviews and documentary sources), approaches, concepts and languages are mixed in a single study to provide converging evidence and presumable more compelling results regarding the capacity of municipality in land allocation and urban housing (Yin, 1994; 2006)

than might have the single methodological design. Such methods assisted in adding to the richness of the research (Creswell et al., 2004).

Study area

The municipality covers an area of approximately 394 km². Administratively, it is divided into two divisions namely east and west with a total of 13 wards namely mjini, Majengo, Mfaranyaki, Misufini, Matarawe and Bombambili, Lizaboni, Ruhuwiko, Mshangano, Mletele, Matogoro and Subira. Increase dynamics of land use and search for habitable housing as a result of existing manufacturing and processing industries, rapi growth of commercial and petty trade activities has led to increasing number of population to 131,366 within the wards (Census report, 2002). Table 1 provides for a description of the municipality population size by gender, wards and households. Reflections is that, some wards like Ruvuma, bombambili are more populated as opposed to Ruhuwino, Misufini. It is no doubt that urban housing within the municipality is not well coordinated. Apparently, the policy and the Act, despite their existence, they have failed to master and keep in pace with the increasing demand in managing population distribution and as a result some areas are densely and sparsely populated than others.

With the increasing urban population growth rate in Tanzania of 7 to 11% per year, the population at this point is extremely high compared to the available infrastructure and social services already in place (Kironde and Rugainaisa, 2002). Moreover, it is no doubt that the capacity of the municipality to manage the increase population is questionable as the demand for surveyed plots and the number of surveyed plots

Table 1. Population distribution in songea municipality.

Ward	Male	Female	Total	Households
Mjini	4242	5001	9243	1857
Majengo	3037	3637	6674	1762
Misufini	1941	2353	4294	1222
Mfaranyaki	4018	4481	8499	2218
Lizaboni	8214	9226	17440	4138
Matarawe	2543	2852	5395	1277
Bombambili	9616	10444	20060	4966
Matogoro	5318	5698	11016	2242
Ruvuma	6998	7499	14497	3095
Subira	3293	3324	6617	1459
Ruhuwiko	3016	3207	6223	1401
Mshangano	5824	5829	11663	1595
Mletele	5085	4640	9725	1873
Total	63145	68191	131,336	29102

Source: United Republic of Tanzania population Census report (2002).

available to developers does not match.

FINDINGS

This part provides study findings. It includes findings on institutional frameworks, technical capacity, and process and output capacity to mention but a few.

Institutional frameworks

The institutional framework is divided into three parts namely shared decision making, enforcement of law and regulations and harmonious actors participation and their responsibilities.

Shared decision making: community participation in planning

For effective urban planning and implementation, community participation is vital in all stages in the process, this is also stipulated in the National Land Policy of 1995, the National Land Act no: 4 of 1999 and the Urban Planning Act no: 16 of 2007. According to section 19(1b) of the urban planning act, it call for participation of all stakeholders including landowners, public and private institutions, community based organizations and non- governmental organizations in the area to be affected by the plan. However, an observation reveals that the community, particularly indigenous land owners with their traditional rights on

land are not involved by the local authority during the preparation of layout plans and finally survey of plots. This was furiously complained by traditional land owners at mkuzo settlement during focus group discussion with the researcher. Emphasizing on the denial of their rights, one of the respondent explained

In fact the majority of residents and land owners setting area were completely isolated by the local authority in preparing settlement plans in this area despite the fact that our land is taken for survey of plots. Worse enough, even our money for compensation on land taken by the council are not yet paid since 2005 when the authority acquired our land (Interview respondent).

According to the research data, the results revealed that in most cases, majority of the residents were not even informed by the responsible planning institutions during preparation of layouts and survey of respective areas contrary to the provisions in the relevant regulations. It was explained that in rare cases, some of the local leaders were informed in certain aspects particularly in informing individual land owners to attend in determining land and farm boundaries for the assessment of compensation however the general community claimed that they are often left behind.

Table 2 illustrates the levels of people's participation in planning process is extremely low. As shown on the statistics above, the results indicate that among 200 respondents who were interviewed, only 11(5.5%) respondents admitted that they were involved in aspects during the preparation of plans by the local authority especially on providing some basic information regarding their rights attached on land, However, the majority 173(86.5%) claimed that they were not involved in any

Table 2. Levels of community participate in urban housing planning.

Valid	No of respondents	Percent
Yes	11	5.5
No	173	86.5
Not responded	16	8
Total	200	100.0

Source: Research data (2009).

stage by the local authority in planning and survey of plots in their particular areas, the remaining 16 respondents did not provide any answer to the particular question. None response to the question clearly indicated lack lower level of awareness of their right to participate as provided by law.

ENFORCEMENT OF LAW AND REGULATIONS

Monitoring and controlling of urban housing is legally controlled and performed. Accordingly, two institutions namely Ministry of lands, housing and human settlement development and the Local Government Authorities are responsible. Whereas the Ministry of lands is responsible for preparation of general planning schemes, Local government authorities are directly responsible for preparation of detailed plan/schemes and implementation of the same through surveying and allocation of land for urban development.

The relevant regulations includes section 59(e) of Local government Act No 8 of 1982 (Urban Authorities), which gives power for Urban authorities to prepare detailed planning schemes and submit to the minister responsible for local governments for approval. On the other hand, sections 19 and 31 of the town and country planning ordinance Cap 38 of 1956 empowers the minister for Town Planning to supervise and approve detailed planning schemes submitted to him by planning authorities (Urban and District councils). Furthermore; section 6 of the Land Acquisition Act no 47 of 1967 empowers the minister responsible for lands to give notice to land owners if their land is required for public interest and advice the president accordingly. Likewise section 60 of the local government Act no 8 of 1982 empower the minister local governments to acquire land or recommend to the president for that land to be acquired in the public interest.

It should be noted that, the existence of several actors all engaged in urban/physical planning with overlapping roles and responsibilities among each other in the field planning and land administration without clearly defined boundaries has brought about inefficiency in land delivery services. Under this situation it has been difficult for the responsible ministries to oversee land

administration and allocation effectively. In addition, accountability and responsibility especially for unethical staff particularly in local government authorities turn out to be difficult. For instance authorized land officers who are employees of local government authorities are representative and advisor of the commissioner for lands on land matters while administratively they are answerable to the minister for local governments. Consequently, this creates a room for malt practices and bureaucracy in the whole process in planning and land allocation for housing development even in the situation where some plots surveyed by local authorities are readily available for allocation for housing development.

HARMONIOUS ACTORS PARTICIPATION AND THEIR RESPONSIBILITIES

Legal provision for actor's involvement in the process aims at ensuring harmonious participation of actors responsible in managing urban housing services. The existing institutional framework governing urban planning involves several stages and actors in order to accomplish the process. In terms of process, it involves a total of 15 steps by which a local government authority has to undergo in order to complete the entire task for planning, survey and allocation of plot as reflected in Table 3

Findings from Table 3 reflect that, the planning process which the local authority undertakes in the course of making surveyed plots available and its ultimate allocation to developers. Steps 1- 4 normally takes a minimum of one year to be completed while steps 5 - 11 also takes almost one year to be completed and the remaining 12 - 15 steps also may take a minimum of six months. Thus the whole process may take up to two years if physical follow up is not made

The above procedure is in accordance to urban and country planning ordinance Cap 378 of 1956, as amended in 1961 which gives mandatory power to urban authorities to prepare detailed schemes (layout plans). The law requires the plans to be approved by urban planning committee (UPC), before forwarding the same to the director for human settlements development for scrutiny and subsequent approval. After the layout plan approval by the ministry, it is only when cadastral survey

Table 3. Planning process, actors and tier responsibilities.

Step	Actor(s)	Activity
1	Local Government Authority	Selects a planning area
2	Local Government Authority	Prepares a detailed layout
3	Urban Planning Committee (UPC)	Scrutinizes and approves the plan
4	MLHSD(Human Settlement Development Directorate)	Receives the layout plan from Local Government Authority, scrutinizes and approves the plan
5	Local Government Authority (Surveys Section)	Undertakes survey of a proposed site
6	RAS OFFICE(Surveys Section)	Scrutinizes the survey work from LGA, approves it and forwards the same to MLHSD
7	MLHSD(Surveys and Mapping Division)	Approves the survey from Local Government Authority
8	Local Government Authority (Authorized Land officer)	Receives and process plot applications
9	Local Government Authority (Plot allocation committee)	Determines the application and suggests to the Commissioner for Lands
10	Local Government Authority (Authorized Land Officer)	Grand Rights of Occupancy by issuing a letter of offer to applicants
11	Applicants for plots	Accepts the offer by paying the necessary fees
12	Local Government Authority (Authorized Land Officer)	Prepares certificate of occupancy and forwards it to the Commissioner
13	MLHSD(Commissioner)	Executes the title and forwards it to the Zonal Registrar
14	Zonal Registrar of Titles	Registers the title and forwards it to Authorized Land officer
15	Local Government Authority (Authorized Land Officer)	Receives the title and forwards the same to the occupier of a particular piece of land

Source: Research data (2009).

can take place. The survey work also has to be scrutinized by the regional surveyor stationed at the Regional Administrative Secretariat office (RAS) before forwarding it to the director for mapping and surveys for further scrutiny and approval. Also the process takes more than a year resulting into inefficient in the whole system in land allocation

TECHNICAL CAPACITY

Technical capacity in managing dynamics of urban housing is essential. This matters in terms of available technical staff and their level of competency, the available working tools and working environment. It also highlights some financial issues as and its implications in terms of institutional performance in delivery of land services.

In general terms, the study revealed that the authorities' technical capacity in providing land for urban housing was insufficient. According to the investigation of the existing staff, review of employment records and discussion with the head of town planning department and human resource officer, the following factors were the reasons the poor performance in terms of planning, survey, and allocation of plots within the authority as follows:

TECHNOLOGICAL CAPACITY

Technological advancement and utilization does not keep pace with the increase population growth. Housing information system is still manually handled resulting into increasing complaints, many files remaining pending due to lack of good tracking systems, duplication of jobs, shortage of storage spaces, less updated plans, delay of survey approvals and less registered plots and double allocation of plots. Moreover, in some cases files tends to disappear and open room for corruption acts in search for "individual help".

HUMAN RESOURCES CAPACITY

Availability of sufficient and skilled employee in any organization is vital important in order for effective organizational performance. However in Songea municipality, chronic shortage of staff specifically in town planning department was identified as one of the factors which constrain the performance of the Authority in terms of service delivery, particularly technical aspects of preparing detailed plans (TP drawings) and survey of plots in various parts within the municipality. This has been evident by the existing staff in the particular

Table 4. Status of Staff in town planning department.

SN	Designation	Required	Available	Deficit
1	Head of Town Planning Department	1	1	0
2	Principal Town Planner	1	0	1
3	Town Planner II	3	1	2
4	Principal Land Officer	1	1	0
5	Land Officer II	2	0	2
6	Assistant Land Officer	2	1	1
7	Land Surveyor II	2	0	2
8	Land Valuer II	2	2	0
9	Principal Land Technician	1	0	1
10	Senior Land Technician	2	1	1
11	Land Technician I (Cartography)	1	1	0
12	Land Technician II (Cartography)	1	0	1
14	Building Inspectors	2	1	1
Total		21	9	12

Source: Research Data (2009).

department as illustrated in the Table 4 which presents the number of staff requirements in town planning department and the actual present.

According to the schedule of approved personal emoluments (PE) for the year 2006/2007, staff requirement in town planning department was 21 employees in order for the department to perform effectively in terms of service delivery. However, the department has only 12 employees to carter for various departmental responsibilities particularly survey for plots

From the Table 4 it is evident that there is a shortage of staff in various sections within the respective department. According to the statistics above, the demand for staff within the department is 21 employees of different professions, however, the number of available staff in the department is only 9 employees (43%) of the total staff requirements, hence the department suffers a shortfall of 12 employees (57%) workforce deficit. Emphasizing on the magnitude of the problem, an interview with the head of town planning department explained. "Since I was transferred in this authority almost twelve years ago, shortage of staff particularly professional and competent land surveyors in this department has been a serious problem besides the authorities' initiative to fill the gap which has not been successfully till date. With this situation it has been very difficult for the department to survey adequate plots to meet the growing demand for housing development (Key informant response).

He further pointed out that "even those few plots which were surveyed were not approved on time by the Ministry of Lands since most of the survey plans submitted to the ministry were observed to be substandard due to incompetence in terms of skill by the present land technicians. He insisted by the argument that for quite a long, the department does not have a competent surveyor

but only technicians who are not professionally capable to undertake survey tasks (Key informant response).

The statistics above reveal that the authorities capacity in terms of technical staff is low. This has been evident from the persistent shortage of staff within the authority particularly for the Town Planning Department. Therefore it can be generally pointed out that shortage of employees with different professional in the municipality as observed in town planning department is among the factors hampering the overall performance of the local authority in service provision in general and specific, the provision of land for urban housing development

ADEQUACY OF RESOURCES: TIME, EQUIPMENTS, TRANSPORT FACILITIES AND FINANCE

This resource variable is assessed in terms of time spent in allocating plots, equipments available for use, transport facilities as well as presence of financial resources.

Time taken to get formal plot allocation by the local authority

In addition, the results from the field data indicated that the waiting period for those who were allocated land from the local authority was too long. In certain circumstances, applicants had to wait for a period above one year till they get plots from the authority. Among 48 respondents who were allocated plots by the local authority, 23 applicants (48%) had to wait for more than one year till they were allocated plots by the authority, while

Table 5. Time taken to get formal plot allocation by the Local Authority.

Time period	No of respondents	Percent
Above one year	23	48
One year	11	23
Six months	9	18
Three months	5	11
Total	48	100.0

Source: Research Data (2009).

11 respondents (23%) asserted that their allocation for plots was made after one year from the date of submitting their application to the authority, moreover, 9 respondents (18%) asserted that they managed to get plots in a period of six months while the remaining 5 respondents (11%) were allocated plots within a period of three months from the date of submission of the application as illustrated in the Table 5

Equipments used

As a result of less technological utilization, the department has an acute shortage of important working tools especially drawing materials. An interview with technical staff in planning and surveys sections revealed that the department has a persistent problem of shortage of drawing materials which are useful for preparing layouts and survey plans especially after accomplishing field work tasks. It was also explained that office work especially computations of field data was always done manually due to lack of computers and software which could enable easy and accurate computations and finally production of survey plans for approval by the ministry. In addition, it was observed that field survey was done by using an instrument known as "Theodorite16" an instrument which was said to be technologically outdated and it is not efficient as it involves more of the manual work. While the municipality is using Theodorite 16, at the ministry level, the system despite its shortfalls is computerized and it assists in tracking system in planning, surveying, registration, disposition, revocation and land rent collections

Transport facilities

The nature of tasks performed by town planning department comprises of both office and site works. While office work involves the design of town planning drawings, field work involves the physical survey of plots on ground. In order for site works to be accomplished, transport facilities is compulsory, however, it was

explained to the researcher through interview that the "department had no transport facility of any kind for more than five years ago, hence field work was rarely done by using a private owned motor vehicle by one of the employee in the department on rental basis which is not effective" (Response from interviewed).

Financial resources

The main source of funds for the department in undertaking its various duties particularly survey of plots is the budgetary allocation from the internal sources within the authorities' internal revenue collection. However, statistics reveal that the department's actual budgetary allocation has been substantial low as indicated in Table 6.

Table 6 presents the trend for budgetary requirements for town planning department and the actual funds released by the authority. From the Table 6, it indicates that there is a gradual annual increase in financial requirements by the respective department, but the actual amount released for expenditure within the department has been minimal. Responding to question regarding the above situation in terms of financial allocation, the head of town planning department explained. Town planning department is among the departments which do not receive funds from the central government as compared to other departments like the department of health, education, and engineering departments. On that basis therefore the release of fund for this department solely depends on the discretion of the treasurer department which assigns the lowest priority for town planning department as compared to other department (Key Informant responses).

Budgetary constraints has made it difficult for the authority to survey and allocate plots to developers as it has been revealed by the great number of applicants unallocated with plots as indicated in the Table 7.

Table 7 presents the recorded demand for plots received by the local authority and the actual allocation that has been attained by the authority between 2000 and 2007.

Table 6. Budgetary allocation in TSH for town planning department.

Sn	Year	Approved budget	Actual expenditure	Percentage
1	2000/2001	25,200,000	6,400,000	25.4
2	2001/2002	27,105,000	7,565,000	27.9
3	2002/2003	28,700,000	9,167,000	31.9
4	2003/2004	31,900,000	8,915,300	27.9
5	2004/2005	36,500,000	13,615,250	37.3
6	2005/2006	39,400,000	9,625,000	24.4
7	2006/2007	43,205,000	12,304,600	28.4
Total		232,010,000	67,592,150	29.0

Source: Research data (2009).

Table 7. Plot Application and Allocation statistics for the year 2000 - 2007.

Year	Application received	Applicants allocated	Percentage
2000	942	166	17.6
2001	1204	342	28.4
2002	1618	192	11.8
2003	2016	328	16.2
2004	1985	384	19.3
2005	2780	495	17.8
2006	3126	715	22.8
2007	4512	614	13.6
TOTAL	18183	3236	

Source: Research data (2009).

From the statistics, it is apparent that, within a period of eight years the authority received a total of 18183 applications for plot for various uses were received. On average the authority received 2273 applications annually but the supply was only 404 per annum. This means the authorities' capacity to survey and allocate plots to developers was only 18% of the total required while the remaining applicants (82%) remained unallocated

Responding to the question regarding the capacity of LGA in surveying and allocation of plot to its residents, one of the respondents during focus group discussion said:

"If you wait for plot allocation from the municipality you cannot build a house in this town, I said so because it's about three years time since I forwarded my application for a plot but it has never been successfully besides my efforts in making follow ups. Therefore, I decided to buy a piece of none surveyed plots from an individual who owned land traditionally so that I can build a house and... I'm comfortable to live here with my family"

(Response from the interviewee).

PROCESS AND OUTPUT CAPACITY

With effective institutional and legal framework in processing and managing dynamics caused by need to own and develop land for housing in urban areas, it is no doubt that we expect improvements in land administration and allocation. However, municipality has (to some extent) failed to manage such dynamics. The level in which process and output capacity is measured in terms of capacity to improve land acquisition and compensations; improvements in plot allocation and development as well as the degree in which they have managed to reduce misallocation / double allocations of plots.

IMPROVEMENTS IN LAND ACQUISITION AND COMPENSATIONS

Once an area has been designated for planning

Table 8. Status of plot development (Buildings on construction).

Valid	No of respondents	Percent
Yes	79	39.5
No	121	60.5
TOTAL	200	100.0

Source: Research Data (2009).

some families have been homeless until now” ...(The District is in Dar es Salaam).

Of recent, the residents of Kipawa in Ilala district (The District is in Dar es Salaam) decided to resolve to sue the government in dispute over compensation. They pointed out that; “we want to get an arbiter on whether we should be paid based on the 1969 Land Act requirements or the current land Act (1999)... We believe that the court is the right place for us to seek our rights... we have tried negotiations with the government but we have achieves nothing tangible so far ...” (The Citizen, 4th October, 2009)

Inability of the authority to effect compensation to land owners has made it difficult for the same to implement planning projects in those areas due to resistance from the local community whom their traditional rights on land has not been well settled. Instead, land owners had opt to engage in building construction in their areas informally regardless of the existing plans, this was explained as among the factors which accelerate the growth of squatters in the Municipality.

IMPROVEMENTS IN PLANNING: PLOT ALLOCATION AND DEVELOPMENT

Procedure - wise, once plots have been surveyed by the respective local authority, allocation is thereafter done through land allocation committee as described in the land act. Individuals allocated plots are selected from the applicants list on the basis of following factors; The applicants ability to develop the land/plot in accordance with development conditions; secondly, whether the applicant has attained the age of maturity save where the minor’s application is accompanied by the guardian’s evidence of intention and ability to develop the land; thirdly, based on the first in first out principle, fourthly based on principles of equity, reasonableness, fairness and gender balance and fifthly, the needs of the disadvantage.

However, despite the factors to be considered in allocating plots and development to clients, observed findings revealed difficulties in determining serious developers among the applicants list. Possibly, there is a need to have some more tangible indicators to be used

as assessment criteria for allocating the plots to applicants. It is due to this difficulty resulting into very less improvements in the allocation. It was noted that, that besides the efforts by the LGA to allocate plots to selected applicants, office records indicated that there are more than 900 undeveloped plots that were allocated to people since the year 2000 to date. Difficulties in determining who is a serious developer, such plots were allocated to individuals who were not able to develop it as required by the regulations which requires that any person allocated a plot shall develop the same within a period of three years. Table 8 describes the respondents’ opinions regarding status of plot development among people who possess plots in mkuzo neighborhood, in the municipality.

Problems in determining who is a serious developer has led to allocating the same plot to different individuals who are not capable for developing their plots is among the reason which has lead to the growing demand for applicants whose aspirations of getting land for housing developing being not met by the authority. Accordingly, sources revealed that “people who bought their plots from individual land owners managed to develop such plots immediately as compared to those who got their plots from the authority” (Response from the Municipal land officer). This is an indication that those who get their plots through purchase from other people are serious developers than those allocated by the authority with a minimum fees payment. At the same, it means bureaucratic procedures in allocating registered plots creates a room for improper housing development as some will develop areas not on the basis of the council development plans.

REDUCED MISALLOCATION/ DOUBLE ALLOCATION OF PLOTS

Dominant usage of manual registration system as opposed to computerized system has resulted into more time spent in retrieving information, identifying current owner of the plot, monitoring and storing information on housing plans and development. For instance, at ministry level, where already they have installed a computerized system, demands for plots both residential and

Table 9. Mode of access to plot.

Mode of access to plots	No of respondents	Percent
Owned plots traditionally	103	51.5
Allocated plots by local authority	48	24.0
Bought from individual(s)	36	18.0
Inherited	13	6.5
Total	200	100.0

Source: Research data (2009).

commercial already submitted is higher than the capacity of the institution to supply to applicants. The situation is worse with the municipality where more of manual system is in use. This resulted into informal modes of acquiring land as opposed to formally established means. Accordingly, findings at Mkuzo Neighborhood, Songea Municipality revealed that out of 200 respondents who were distributed with questionnaires 103 respondents (51.5%) asserted that they accessed land through purchase from other people who owned land informally, while 48 respondents (24%) owned land traditionally. On the other hand, results indicates that 36 respondents (18%) admitted that they were allocated land from the local authority as normal applicants for land and the remaining 13 respondents (6.5%) affirmed that they inherited land from either parents or relatives as illustrated in the Table 9 .

Definitely, from the Table 9, developers prefers to access ownership of plots traditionally than waiting for the municipality to allocate them with plots. And this may possibly be due to unnecessary red - tapes, lack of awareness of the procedures by the applicants. On the other hand, it may be due to less capacity the municipality have in terms of the available human resources, financial resources, working tools and time enough to meet the increasing demands of the clients.

COORDINATED URBAN HOUSING PLANNING SYSTEMS

With increased urban expansion dynamics, there appears increasing demand for housing to cater for different needs including human settlement, pastoral activities, and agricultural activities as well an industrial - factory activities. Such increasing dynamics has led to increase in conflicts between the users as a result of failure of the current institutional frameworks and structures (Land Act, 1999; National land policy, 1995) to manage the dynamics. "The current need for use of biofuel across the globe has opened a room for the certain group of people (foreign investors, rich class) to acquire plots than others (indigenous)" said one of the

respondent.

CONCLUSIONS AND IMPLICATIONS

The findings of the study justifies the ineffectiveness of The existing institutional framework for urban planning and delivery of housing services as it is characterized by unnecessary lengthy procedure and actors in the process with overlapping authorities, roles and lines of accountabilities. This has been brought about by the existence of multiple of conflicting regulations without clearly defined lines of demarcations among actors in the field of urban planning. Some of the regulations include sections 59(e) of local government authorities act (Urban Authorities) of 1982, and the town country planning ordinance Cap 378 as replaced by the urban planning act No 8 of 2007, land acquisition Act No 47 of 1967 and other planning regulations.

Moreover, it justifies that, the planning practice is not participatory, instead it has been centrally controlled and dominated by higher levels of government institutions particularly the urban planning department. This is evident due to the fact that (86.5%) of the respondents asserted that they did not participate in planning when local authorities prepared layout plans in their respective areas. This has been contrary to the legal provisions specifically section 19 of the urban planning act which requires emphasize on participation of all actors, particularly the local community in preparation of detailed schemes.

Moreover, the findings remarked that, both financial and technical capacity of local government authorities in allocating plots for urban housing development is low as it had been reflected on the trend of plot allocation as compared to the number of applicants as well as the levels of informal access to plots by various individuals. The major constraints include issues related to compensation, resource allocation and technical capacity. Plot allocation, the authorities' capacity in planning, survey and allocation on plots was only 18% of the total demand while 82% of applicants remained unallocated (Municipal records: 2009). Time spent to allocate plots as well as

use of manual system as opposed to computerized system justifies the existence of incidental double allocation and delays in allocating plots due to paper works and as a result, most clients prefers ownership by traditional means as opposed to waiting for the municipality to provide.

POLICY IMPLICATIONS

With the increasing influx of population towards town and cities in search for housing and the increasing rate of land grabbing by developed nations, institutions need to be reformed to take into account the rapid population dynamics within the society. Municipalities need to be empowered with both technical and financial capacity to facilitate in provision of effective services of providing land for housing.

Norman (2009) asserts that problems related to land have two main dimensions: 1) inability of planners to handle the challenges of providing land through observance of present rules and regulations due to lack of proper training, and 2) malpractice pursued by the perceived professional and well educated personnel, which is associated with corruptive actions on land provision. The two causal, calls for serious disciplinary actions on those involved in corruptive actions, and need for competence being the criteria for employment of land personnel.

REFERENCES

- Bahl R (1998). "Land taxes versus property taxes in developing and transition countries", in Netzer, D. (Eds), *Land Value Taxation: Can it and Will it Work Today?* Lincoln Institute of Land Policy, Cambridge, MA, pp. 141-71.
- Barowe R (1978). *Land Resource Economics: The Economics of Real Estate*, 3rd Ed. Englewood Cliffs, Prentice Hall.
- Bartlett S (2002). *Building Better Cities with Children and Youth*, *Environmental and Urbanization* 14(2): 2-7
- Biau D (2004). *Making City Planning Affordable to all Countries*, *Habitat Debate*, December, 2004.
- Biney A (2009) 'Land grabs: Another scramble for Africa. Available at <http://www.pambazuka.org/en/category/features/5880> 9/print.
- Campbell H, and Stein H, (1992) "The dynamics of liberalization in Tanzania", in H. Campbell, X. Stein (Eds), *Westview Press*, Boulder, CO. . Cohen EJ (2003). *Human Population: The Next Half Century*, 302(5648): 1172-1175
- Creswell JW (2003). 'Research Design: Qualitative, quantitative and mixed methods approach'. 2nd Edition, Sage Publications Inc., Thousand Oaks Ca.
- Dale P, Mc Laughlin (1999). *Land Administration* New York, Oxford University Press
- Darin-Drabkin H (1977), *Urban Policy and Urban Growth*, Oxford, Pergamon Press.
- Façade (2000). *Deficits of Formal Urban Land Management and Information Response under rapid urban growth*, *An International Perspective in Habitat* 24(2).
- Halla F (2002). *A Century of Urban Development Planning for Dar es Salaam City in Tanzania*, *Habitat International*, (26): 218-293.
- Holstein L (1991). "Land Information Management in Support of Urban Development in Developing Countries: Requirements, Issues and Options."
- Kironde L (2004). *A Regulatory Framework for Affordable Shelter: The case of Dar es Salaam*, Tanzania, Geoffrey Payne and associates
- Kironde L (1994). *The Evolution of land use structure of Dar es Salaam 1980-1990, A study in the Effects of Land Policy*, Faculty of Architecture, Design and Development.
- Kironde L, Rugaiganisa DA (2002), *Urban Land Management, Regularization and Local Development Policies in Tanzania with Special Emphasis on Dar es Salaam*, UCLAS.
- Manji A (1998). *Gender and the politics of the Land reform process in Tanzania*, *J. Modern Afr. Stud.* 36: 645-667.
- Maxwell D, Weibe K (1999). 'Land tenure and food security: Exploring Dynamic Linkages'. *Development and Change* 30: 825-849.
- Norman S (2009). *The Challenges of Managing Land in Hai Districts*, *Orient J. Law Soc. Sci.* 20:15-25, Andra Pradesh India.
- Tanzania (1995). *National Land Policy*, Government Printer, Dar es Salaam.
- Tanzania (2003). *2002 Population and Housing Census: General Report*: National Bureau of Statistics, Dar es Salaam.
- Tanzania (2007), *The Urban Planning Act no 8 of 2007*, Dar es Salaam Government Printer.
- UNCHS Habitat (2001). *Cities in a Globalizing World: Global Report on Human Settlements 2001*. London: Earthscan: 344.
- Yin RK (1994). *Evaluation: A singular craft*. In C. S. Reichardt and S. F. Rallis (Eds.), *The qualitative-quantitative debate: New perspectives* (pp. 71-84). San Francisco: Jossey-Bass.
- Yin RK (2006). *Mixed Methods Research: Are the Methods Genuinely Integrated or Merely Parallel?* *Mid-South Educational Research Association: Research in the schools* 13(1): 41- 47.