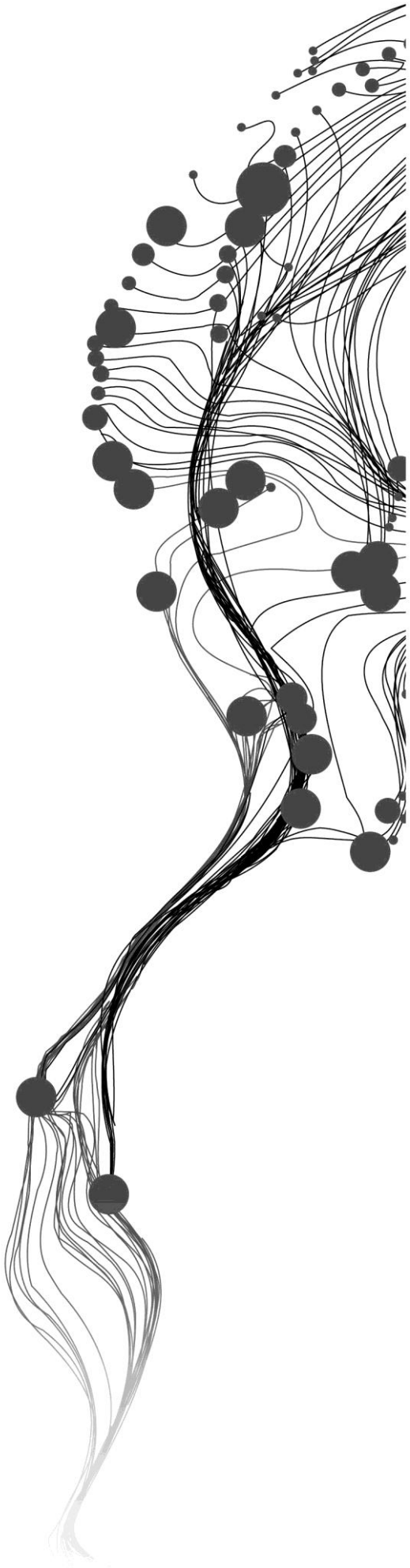
EVALUATING THE EFFECTIVENESS OF THE REGULATORY FRAMEWORK IN PROVIDING PLANNED LAND IN URBAN AREAS

(The case of Dar es Salaam city 20,000 plots project, Tanzania)

BRIGHTON GERSON MWIGA

Enschede, The Netherlands, March, 2011

SUPERVISORS:
Prof. Dr., J.A., Zevenbergen
Ir., E.M.C., Groenendijk



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Thesis submitted to the Faculty of Geo-Information Science and Earth Observation of the University of Twente in partial fulfilment of the requirements for the degree of Master of Science in Geo-information Science and Earth Observation.
Specialization: Land Administration

SUPERVISORS:
Prof. Dr., J.A., Zevenbergen
Ir., E.M.C., Groenendijk

THESIS ASSESSMENT BOARD:
Prof. Ir., P., van der Molen (Chair)
Mr Dr J.L. van Gelder (External Examiner), the Netherlands Institute for the Study of Crime and Law Enforcement (NSCR).
Ing. L. Raidt (Observer)

ABSTRACT

Dar es Salaam is the most urbanized city as compared to other cities in Tanzania. It is experiencing a high urbanization rate of 8% per annum (WorldBank, 2002). As a result of that, the city is faced by shortage of planned land for shelter with minimum or no basic infrastructures and growth unplanned settlements. The said shortage raises the concern of the society to question the effectiveness of the regulatory framework in facilitating the process of availing planned urban residential plots and development to the community.

The 20,000 plots project (2002-2006) is a completed government project where the regulatory framework was fully implemented. It is said to be a successful project in effort to curb shortage of residential plots in peri-urban Dar es Salaam, as it was able to survey and allocate 29,291 residential plots. But it is almost five years now since plots were allocated and title deeds granted to land seekers, most of the plots are still undeveloped and the pace at which they are developed is very slow contrary to the expectation of the people, who expected to see plots being developed following the shortage of plots.

With that viewpoint, this study is intended to investigate the effectiveness of the current regulatory framework in facilitating the process of availing planned urban residential plots and development for land seekers, in the context of the 20,000 plots project. It adopted the case study approach and chose the project as the case study area, to collect primary (empirical) and secondary data. Empirical data were harnessed by purposive sampling technique where questionnaires, interviews and focus group discussions were used. The collected primary data were analysed using the Statistical Package for Social Sciences (SPSS) software.

The study findings indicate that, the current regulatory framework is supportive in cadastral works, but not so related to provision of basic infrastructures and land development. The setting of the regulatory framework as well as its implementation in cadastral works and land allocation is good. But in provision of basic infrastructures the framework is not supportive due to implementation problem caused by implementers' decisions. In land development the implementation of framework is also not supportive, because plots are not developed as expected. Bureaucracy in getting building permits, too short plot development duration to finish construction, lack of basic infrastructures and land speculation, have all together led to presence of undeveloped plots and equally slow pace of development. The framework has also been not supportive in preventing slum creation or growth of informal settlements. For instance, the project aimed at reducing growth of informal settlements. But the study established that, the implementation of the current regulatory framework creates a new push of people into informality.

For better support and facilitation of the regulatory framework in urban land development, it will be wise to have much smaller plots on average as will discourage high income earners to buy and give more room to low income group. Plot development duration should be extended to reflect the current realities and removal of unnecessary bureaucracies in getting permits. This will in one way help to prevent growth of informal settlements and formation of new ones. It will also facilitate basic infrastructure provision and consequently land development. In addressing the problem of land speculation, production of planned land should be a continuous process. The Land Act (Tanzania, 1999) should be revised by incorporating a provision that sets clearly the ceiling number of plots a person or family is allowed to own.

Keywords: regulatory framework, provision of basic infrastructures, planned urban land development

ACKNOWLEDGEMENTS

Quite a number of individuals, professionals and institutions played a great role actively or passively in various aspects of this study. I would like to convey my sincere gratitude to the Netherlands Fellowship Programme (NFP), for financial support extended to me, for my studies at University of Twente., Faculty of ITC. My utmost thanks go to Prof. Dr. J.A. Zevenbergen and Ir. E.M.C. Groenendijk; my supervisors. They not only provided their support and guidance, but also fruitful opinions, comments and suggestions that were useful in shaping the focus of this study.

Many thanks go to the staff in the Urban and Regional Planning and Geo Information Management (PGM) department, for introducing me to the dynamic and important field of Land Administration.

I acknowledge the academic support of the following ITC academicians for their time and effort; Prof. Dr. Ing. P.Y. Goergiadou, Dr. G. Miscione, Dr. D.G. Rossiter, and Drs. J.C. de Meijere, for their knowledge and experiences imparted to me on how to write a good research proposal, conduct a good research and equally write a good and standard MSc. Thesis.

I also appreciate the cooperation of the following individuals; Mr. C.S. Mero (Principal Town Planner-MLHHSD and 20,000 plots project Secretary), Mr. I. Mwaisaka (20,000 plots project Task Force member). They availed me with different reports and other details concerning the project that gave me important insights for my study about the 20,000 plots project at large.

I am also equally grateful to Prof. J.M.L. Kironde, land owners, residents and community leaders of Kibada, Mivumoni and Buyuni who volunteered information and participated in this research with great interest.

Thanks to friends and colleagues in the Land Administration (LA) programme (2009-2011), who we shared ideas and experiences, and inspired my efforts despite the work pressures we were confronting together. I would like also to thank my fellow Tanzanian friends of ITC/UT who we lived together as a family and help each other in all circumstances throughout my stay in ITC and Enschede.

Special bunch of thanks go to my family, my wife Ms. Rehema Monko and my Son Benson Brighton Mwiga, who have always supported and encouraged me spiritually through prayers throughout my study. I am grateful to my father Ms. Gerson Mwiga. My God bless you all.

Above all, the utmost praise is to the Almighty God for protecting me throughout my study and ultimately made this output and my life possible. Almighty God is always lifted.

Brighton Gerson Mwiga,
ITC, Enschede, March 2011.

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1. INTRODUCTION

1.1. Background and Justification

About one-half of the worlds' population live in urban areas with Africa having 40% and this figure is rapidly rising (Majale, 2002). Sub Saharan Africa is currently experiencing the highest rate of urbanization in the world. With 3.76%, the African urban population is growing almost 1% faster than the worlds' population (Wehramann, 2007). In Tanzania, the urban population grows at an average of 6% per annum that of the national average. As one of the common characteristics of sub-Saharan cities, Dar es Salaam city is experiencing high rate of urbanization of 8% per annum (WorldBank, 2002). The city is faced by rampant changes of land and building uses, increasing densities and lack of planned land for shelter with basic infrastructures. For few planned residential areas, land is allocated with minimum or no infrastructure (Kironde, 2006). This situation, forces majority of the urban population find shelter into informal settlements that in turn, grow faster than formal settlements. This rings the alarm to the central government in collaboration with municipal and local governments (as implementers of the regulatory framework) to put in place or adopt proactive measures to survey and allocate or avail formal/legal buildable land with basic services/infrastructures like roads, water supply, electricity and sanitation to the greater portion of the urban population land seekers/would-be developers. However shortage of enough planned land, lack of basic services in few planned areas and inability to control land speculation (which creates artificial land scarcity) in Dar es Salaam city, raise the concern of the society to question the effectiveness of the regulatory framework and its implementers, in availing planned housing land to the urban population as well as creating an enabling environment for development of the same.

1.2. Definitions of Regulatory Frameworks

There are a number of literatures that have attempted to define, the concept of regulatory frameworks and their importance as tools for introducing an enabling and exclusive environment for systematic growth of planned urban areas. Regulatory frameworks comprise a wide spectrum of laws, including local government laws, ordinances, acts, legislation and regulations related to town planning, land development, building and public health (Majale, 2002). Established by both central and local governments and designed to apply nationally and locally. The framework sets the rules and standards for development in general but, more specifically, for the functioning of the built environment (Wegelin & Borgman, 1995).

Fekade (2000) defined regulatory frameworks as formal planning standards, land use control and regulations. That the efficiency and effectiveness of land management systems in developing countries and that of developed countries is subject to the setting and implemetation of the regulatory frameworks. The concept is further defined by Payne (2001, 2005) to include three components; planning regulations, standards, and administrative procedures for controlling formal land development.

Regulatory frameworks are tools for planned urban developments in the context of building standards, and building regulations as list of formalities that need to be fulfilled by would-be-developers (Lall, 2001).The latter meaning is in line with that of Sivam (2002) who defined regulatory frameworks as laws, planning regulations, building codes and standards responsible for controlling formal land markets.

Moreover, Kironde (op.cit.) conceived regulatory framework under three major categories i.e. administrative procedures, including the institutional set up, planning standards, and planning regulations.

Administrative procedures set out the path and the institutions through which the public authorities and the citizens have to go, to achieve their aim of providing, or acquiring land, so that at the end, land occupiers are recognised as legal owners and developers of that land. Planning standards stipulate how the settlement should look like in terms of "quality". They include plot minimum sizes, minimum frontages and minimum depths, and road widths, and provisions for public and social and economic uses. Planning regulations are rules that allow or disallow activities on the plot or in an area; or prescribe the way the plot can be developed or used. They include land use/ zoning controls, plot-use restrictions, and building setbacks.

1.3. Working Definition of Regulatory Framework

In my study, the meaning of regulatory framework encompass laws, ordinances, acts, legislations and regulations related to town planning and land development as adopted by Majale (op.cit.). It also includes administrative procedures; planning standards and regulations; and building standards. This concurs with the definition adopted by Kironde, Fekade and Payne (op.cit). On the other hand, it will embrace provision of basic infrastructures to planned urban residential areas which if not fully provided in time, will affect the pace of land development besides having a shortage of planned urban land. This definition is derived from above mentioned literatures and is best suited for my research problem/topic.

1.4. Research Problem

According to the report by the Ministry of Lands Housing and Human Settlements Development (MLHHSD) of Tanzania, the government was deeply concerned over the acute shortage of housing in the urban centres in the country. The shortage of surveyed housing plots is the result of the rising urban population and the inability of the government to clear third party interests in the areas earmarked for plot survey (Tanzania, 2009).

The 20,000 plots project (2002-2006) is said to be a successful project in effort to curb shortage of residential plots in peri-urban Dar es Salaam. The reasons for the achievement are that, the MLHHSD had been able recover all its capital invested and fully repay the loan of Tanzania shillings 8.9 billion obtained from the treasury. It had also been able to sell and allocate all surveyed plots, and grant titles to land holders (Tanzania, 2009). But the concern is what group of beneficiaries did the MLHHSD targeted to allocate that housing land and was the plot price for housing land affordable to all income groups? If the Ministry's intention was to allocate surveyed housing land to those who are able and ready to pay for cost recovery, automatically most of them had been middle and high income earners. With this view point, low income, poor people must have been sidelined, thus continuing to shelter themselves in informal settlements, since they cannot afford plot prices set and related land development costs.

The project had nice objectives to achieve. These were; to raise the standard of living of people in the project areas by providing basic infrastructures, to reduce growth of unplanned settlements. This is through surveying and allocating land to land seekers with habitable and secured housing land. Other objectives were to reduce environmental destruction caused by the construction of houses without due regard to building rules, laws, and regulations, common in informal settlement, to provide space for the provision of basic infrastructure, to eradicate poverty amongst the inhabitants of the Dar es Salaam city through the land sector thereby issuing plot owners with title deeds that can be used as collateral to financial institutions for loans.

It is now almost five years (i.e. 2005 to 2010) since plots were allocated and title deeds granted to land seekers. Most of the planned residential plots allocated to land seekers under the 20,000 plots project, are still undeveloped and the pace at which they are developed is very slow contrary to the expectation of the people, who expected to see plots being developed after being allocated, following the shortage of plots.

The pace is slow unlike to that of unplanned settlements. This situation makes the project (implemented as per the existing regulatory framework), be seen as not a solution to control the problem of growth of informal settlements in urban areas but part of it. This may be due to ineffectiveness of the current regulatory framework to facilitate provision of basic infrastructures in planned urban areas. According to Sivam (op.cit.) lack of main infrastructure is a very important constrain on urban residential land delivery and development. The problem is not lack of land, but lack of serviced land.

On the other hand, the regulatory framework is seen to lack a mechanism of looking at the issue of land speculation. That is to distinguish between a land speculator and a true land developer during land allocation as well as checking who owns how many plots. This loophole may have given land speculators room to acquire many plots without developing them, thus creating artificial urban housing land scarcity. As found by other researchers in countries other than Tanzania, speculators/land grabbers hoard large tracts of urban land, create artificial scarcity and escalate prices, so that land is no more accessible to low-income urban households (Fekade, op.cit.). That individuals who have been allocated government land hold them for speculative purpose instead of developing (Olima, 1997).

Bureaucracy in obtaining building permits, inappropriately high building standards may have led to slow pace of developing plots in the project areas. Instead of developing their allocated planned plots, some plot holders are bypassing the complexities by going to the informal sector where they easily access land and construct residential building without building permits or adhering to building standards. Similarly, high plot prices caused by domination of many large-sized plots in the 20,000 plots project, may have forced the urban poor and middle income group to step outside the formal land market to gain access to land for shelter.

The above explained problems may have resulted to the presence of undeveloped plots, low pace of development of plots in the 20,000 plots project of peri-urban areas of Dar es Salaam.

1.5. Research Objectives

The main objective of this study is to investigate the effectiveness of the current regulatory framework in availing planned urban residential plots and development for land seekers, in the context of the 20,000 plots project.

It should be noted that, in my case effective regulatory framework means that, the key objectives of the project were met.

Sub-objectives

The sub objectives are outlined as below:-

1) To describe the current regulatory framework for urban land management in Tanzania.
2) To analyse the role of the framework in executing the 20,000 plots project as the case study area.
3) To see in which way the regulatory framework contributed to meeting or failing to meet the project objectives.

1.6. Research Questions

How does the current regulatory framework facilitate the process of availing planned urban residential plots and development to land seekers, in the context of the 20,000 plots project?

Sub-questions

The sub-questions to be addressed are made with respect to sub objectives and include:

a) Sub objective 1

- What does the current regulatory framework for urban land management in Tanzania composed of?
- What are the key objectives of legislations that make the regulatory framework for urban land development in Tanzania?

b) Sub objective 2

- What constitute the project and what are the objectives of the plots?
- How has current the regulatory framework facilitated the implementation of the 20,000 plots project in availing planned urban land and development?
- How do land holders in project areas and land professionals evaluate/perceive the regulatory framework and its implementation in creating and allocating planned land and development?

c) Sub objective 3

- What are the outputs of the 20,000 plots project?
- What are the outcomes of the 20,000 plots project?

1.7. Research Methodology

Research refers to the systematic method consisting of enunciating the problem, formulating a hypothesis, collecting the facts or data analyzing the facts and reaching certain conclusions towards the concerned problem or in certain generalization for some theoretical formulations. Research methodology is a way to systematically solve the research problem (Kothari, 1990). It involves a research design which is an action plan for getting from the initial set of questions to be answered to some set of conclusions (answers) about questions. In between there may be found a number of steps, including selection of a research approach, data collection methods and the analysis of relevant data collected (Yin, 2003).

Gerhardt (2004), argued that "deciding what research methodology to use for a study is a challenging endeavour and portends difficulties if the most appropriate methodology is not selected". The methodology used in this research is mainly case study approach. The approach has been chosen as it fits the main research question which is of "how-type". This type of question related to procedures and is intended to show both good (positive) and bad (negative) feelings of different people (individuals/groups) in the community about somebody, something, a real life/world situation or practice of an organisation or system (Yin, 2003). The main research question is ***"How does the current regulatory framework facilitate, the process of availing planned urban residential plots and development to land seekers, in the context of the 20,000 plots project?"*** It therefore qualifies to adopt case study approach as methodology. This research is both qualitative and quantitative.

1.8. Why Both a Qualitative and Quantitative Research?

According to Strauss & Corbin (1990), a qualitative research is a kind of research that produces findings not arrived at by means of statistical procedures or not other means of quantification. It provides a more holistic examination of research, usually based on interviews, observations or focus groups and focuses primarily on life experiences, social processes and organizational structures and settings. Echoing this, Skinner, et al. (2000) argued that "qualitative research is important because it is useful in exploring real organizational goals, processes, failures, and links".

On the other hand Creswell (2003) defined that quantitative methods are used chiefly to verify theories or explanations, identify variables to study relate variable in questions or hypothesis use, statistical standards of validity and reliability, and employ statistical procedures for analysis. Therefore it can be said that qualitative data often needs to be supplemented with quantitative methods and vice versa in order to reveal different realities from research (Ulmer & Wilson, 2003). With that view point, there is a need for

both quantitative and qualitative research as their relative strengths complement the weakness of the other.

This study aimed at investigating the effectiveness of the current regulatory framework, in availing planned urban residential plots and development as implemented by the MLHHSD in collaboration with municipalities, local governments and other utility and service providers in Tanzania. This is by providing planned serviced land to different land seekers, for housing and other social services as well as creating an enabling environment for development of urban planned land. In doing so, the research chose the 20,000 plots project as the case study area. The project was implemented by the MLHHSD in collaboration with three municipalities of Ilala, Temeke and Kinondoni from 2002-2006 in twelve different project areas. Therefore using three case study areas of Mivumoni (Kinondoni), Kibada (Temeke) and Buyuni (Ilala), qualitative (descriptive) and quantitative approaches were employed to collect empirical data: where land owners, land professionals and local people were interviewed, key informants were given questionnaires and answered them, focus group discussions and informal discussions were conducted together with participants' observation.

Quantitative approach was adopted for data analysis and interpretation using SPSS software and Microsoft Excel. Data are presented in pie charts, graphs and tables. Secondary data were gathered from the MLHHSD and municipalities. All in all data collected were both qualitative and quantitative to supplement and complement each other during analysis in answering the main research question.

1.9. Significance of the Study

The result of the research is to come up with findings and recommendations from results and discussions about the effectiveness of the regulatory framework in facilitating the process of availing planned urban land development. The findings will show the strengths and weaknesses of the framework. They will help to find out whether the problems/weaknesses are inherent in the legislations that make the framework or as result of implementing the regulatory framework. Problems may occur because of bad implementation of a good regulatory framework in place or due to weaknesses in the regulatory framework which affect its implementation. Therefore the findings will enable to address recommendations helpful in redressing the regulatory frameworks and its implementation in facilitating planned land delivery and development projects. They will be beneficial to policy makers as well as politicians and implementers, to take them on board in refining the framework to achieve the objectives in other coming similar projects undertaken by either the MLHHSD or Municipalities and Town councils.

1.10. Scope and Limitation of the Study

The study done was on the evaluation of the effectiveness of the regulatory framework in facilitating the process of availing planned urban residential plots and development to land seekers, in the context of the 20,000 plots project in Tanzania. It was therefore confined to only the 20,000 plots project executed from 2002 to 2006 in peri-urban areas of three municipalities of Dar es Salaam city. This was taken as the only big contemporary project where the current regulatory framework had fully been implemented. In total the project had twelve neighbourhoods. Because of limited time availed for field work data collection and financial constraints, only three neighbourhoods, one from each municipality were selected as representative of the respective municipality. The selected areas were Mivumoni, Kibada and Buyuni. In each neighbourhood, two blocks were taken for data collection, to represent other blocks in the respective case study area. Secondary data collected for this research were extracted from various project reports that were prepared and availed by the MLHHSD from 2002 to 2008.

1.11. Structure of the Thesis

This thesis is organized into seven chapters. The first chapter, the introduction, throws a light on background and justification of the specific study objectives, main research question, a snap shot of research methodology used and significance as well as limitation of the study. Chapter two provides a review of the urban land management and the implementation of the regulatory framework on international perspective. Chapter three mirrors land management and the functioning of the regulatory framework in urban Tanzania.

Chapter four, research methodology explains and justifies the approach adopted in order to answer the posed research sub-questions. It details the rationale for selecting a case study approach, criteria for selecting study areas, justification of the sampling technique used, techniques used in gathering data as well as the approach used to analyse and interpret empirical data. Chapter five draws attention to the case study, by digesting the implementation of the 20,000 plots project as per the current regulatory framework in peri urban areas of the Dar es Salaam city. Chapter six is for results and discussions concerning the perception/rating of stakeholders (interviewees) about effectiveness of the regulatory framework in facilitating the process of availing planned urban residential plots and development in the context of 20,000 plots project as done in chapter 5, and data collected with the methods described in chapter four. The last but not least chapter is devoted for some major findings based on the results and discussions in chapter six. It also provides conclusions and recommendations considered important and meaningful.

2. URBAN LAND MANAGEMENT AND THE IMPLEMENTATION OF THE REGULATORY FRAMEWORK ON INTERNATIONAL PERSPECTIVE

2.1. Introduction

This chapter introduces the concept of urban land management, its role and importance. The chapter also gives scholarly view findings and recommendations on the aspect of planned land delivery in different countries. It addresses trends of urban land delivery programs/scheme that were undertaken by governments to overcome the problem of scarcity of planned urban land and housing. It addresses the implementation of regulatory framework in providing planned land, urban infrastructure (process and financing) as well as the problem of land speculation and experienced problems in implementing the regulatory framework.

2.2. Defining Urban Land Management

Urban land management is a system of interrelated actors and activities as a result of which the most efficient allocation and utilization of urban space, particularly of land is ensured. The overall objective is enabling the guidance and control of orderly growth of towns and cities and their efficient functioning i.e. the efficient provision of housing, urban services and facilities, etc. Among the outputs of a successful urban land management policy/practice is the supply of adequate and affordable buildable land (Fekade, 2000).

Urban management is a set of activities which together shape and guide the social, physical and economic development of urban areas. The main concerns of urban management then would be intervention in these areas to promote economic development and well being and ensure necessary provision of essential services seen reasonable (Sharma, 1989). Urban management aims to ensure that, the components of the system are managed so that they make possible the daily functioning of a city which will both facilitate and encourage economic activity of all kinds, and enable residents to meet their basic needs for shelter, access to utilities and services and income generating opportunities (Rakodi, 1991).

2.3. Rationale for Having an Effective Urban Land Management

Shabbir (1993) argued that because of failure of policies and programmes to control rural-to-urban migration and the diffusion of urban population in developing countries, there is an increasing recognition that the growth of cities is inevitable and that the solutions to urban problems depend heavily on effective urban management.

Kombe and Kreibich (2000) pointed out that, urban governance in most developing countries, especially Sub-Saharan Africa, is facing two major challenges which are first increasing need for land management and the provision of infrastructure resulting from rapid urban growth and second the decreasing financial and administrative resources of the public sector as a consequence of declining economic performance, political instability and institutional decadence. The high rate of urbanization has thus already outgrown the capacity of municipalities to plan and control urban growth and to provide housing land and services. Shabbir (1993) commented that, the challenge of urban management is thus to respond effectively to the problems and issues of individual cities in order to enable them perform their functions.

Richardson (1993) raised three tests of a successful urban management to include the ability of metropolitan managers to implement a declared spatial strategy and the ability to deliver or provide basic urban services and trunk infrastructures to a rapidly growing urban population. The third last test is successful operation and maintenance. That implementation of a declared spatial strategy could be dependent on the provision of basic infrastructure to support that strategy. In turn, the operation and maintenance of infrastructure represents the operational life-blood to the city. Amos (1989) stipulated that clear statements of urban policies and priorities are needed at national level if urban management is to be achieved at local levels.

Olima (1997) argued that an effective urban land management system has to aim at reforming regulations and codes that limit the access of the poor to urban land, and recognizing as well as supporting the efforts of the poor to meet their own needs through community initiatives and non-governmental organizations (NGOs). Referring to Kenya the author said that, effective urban land management system has to strive to eliminate abuse in land allocation, to minimize the inefficiencies inherent in public land allocation procedures, and to curb corrupt practices as well as criminal land deals, that the government faces during the process of managing urban land. It requires the development of land policies and practices that facilitate the operation of efficient, effective and equitable land markets. This involves streamlining procedures for land administration which make land for development available to the public, provide secure title at reasonable cost, and involve a transparent public land allocation process.

2.4. The Role of Urban Land Management

According to Fekade (2000) objective of public urban land management is provision of affordable buildable urban land in sufficient quantities and guidance growth of cities and ensuring their efficient functioning. Shabbir (1993) argued that urban management is a holistic concept. It is aimed at strengthening the capacity of government and NGOs, to identify policy and program alternatives and to implement with optimal results. McGill (1998) concurs with the need to strengthen government and other players, such as NGOs in the urban management process. The government is not the only player in managing urban development. NGOs have an enviable record of working with community groups especially in squatter upgrading. However they should operate in the context of an agreed strategic framework.

Amos (1989) in his paper about strengthening municipal governments stated that, municipal government is essentially responsible for urban management. That is the constellation of activities which collectively shape the economic, social and physical development of urban areas. The latter are done to ensure an adequate provision of essential services and to promote economic development and human well-being. He also argued that a good urban management depends on the power to coordinate the activities of a variety of agencies at national and local level.

McGill (1998) suggested that urban management in developing countries should seek to achieve the simple but fundamental twin objectives of; planning for, providing and maintaining a city's infrastructure and services and making sure that the city's local government is in a fit state organizationally and financially, to ensure that the provision and maintenance. Local government is therefore seen as the necessary driving force to integrate all players in the city building process. By integrating all the players, one harnesses the urban development process itself.

2.5. Planned Urban Land Delivery

Access to land for housing is one of the major problems faced by almost all developing countries. Urban land problems vary according to a particular town or city and its size, topography and public policy (Sivam, 2002). Rapid urbanization and accelerated urban population growth necessitate new

considerations of the ways in which urban development is regulated and space, services and amenities are planned and managed so that the city and town space provide a liveable and healthful environment (Majale, 2002).

Urban growth in developing countries due to natural population growth and in-migration both national and transnational, has posed multifaceted challenges both to urban administrators and dwellers. The unprecedented urban growth has been at higher rate as compared to the supply of serviced land for development. The consequence has been overwhelming of formal settlements by informal settlements. Public authorities have failed to provide the urbanizing population with necessary services and infrastructures including planned land, for orderly development (UN-Habitat, 1996, 2001). Over 60% of the population in Nairobi Kenya, lived in unplanned settlements (UN-Habitat, 2000). In Mumbai India over 50% of population live in informal settlements. This has been due to scarcity of space and inability to Pay the regular prices and partly due to the inefficient policy framework (Lall, 2001).

According to Sivam (2002), an informal market for land and housing has emerged in most developing countries because of the inability of the formal market to meet the demands of the majority of urban residents. Informal settlements have grown but not in the same way or to the same extent in all developing countries or even within the same country. For instance they account for 35% in Peruvian as per 1998 research report, 84% in Cairo Egypt as per 1993 research report, 49% in Delhi India as per year 2000 research report and 85% in Addis Ababa as per 1993 research report.

2.5.1. Governments' Approaches/measures to Overcome Scarcity of Urban Planned Land

Different approaches or measures or reforms have been employed by different governments worldwide to overcome the scarcity of land and deliver planned land to the demanding urban population. These include nationalization of land, compulsory acquisition of land, land banking, land readjustment/pooling/consolidation (e.g. Kathmandu valley Nepal in 1988), and land restitution. All these measures are backed by a land law reform policy. The approaches have not been successful in all countries. For instance with compulsory acquisition of land in Algeria, land owners refused to sell land to state because prices for compensation (US$5.4 per square meter) offered by the government were too low as compared to that in informal sector, depending on the level of services whose prices ranged from US$200 per square meter in secondary city centers to US$400 in the center of Algiers (Farvacque & McAuslan, 1992). In India although the land acquisition policy gives the power to public authorities to compulsorily acquire land for public purposes, it is cumbersome, expensive and time-consuming process. The relatively high cost of land acquisition has resulted in financial constraints to public authority (Sivam, 2002).

Land banking, in which the state compulsorily acquires land for public or private purposes, has been extensively tried in Korea. Though successful in terms of meeting its quantitative objectives it has been criticized by being less than market-value compensations to those from which land is compulsorily purchased usually low-income. Land readjustment/pooling which involves the consolidation of a group of adjoining landholdings in peri-urban areas in order to design, service and subdivide has been successfully applied in urban settings in Germany Japan and Korea. The layout provides for open spaces, streets and infrastructure and for building sites. Some of the plots are sold to recover the costs. The remaining is redistributed to the landowners whom they could in turn sell out or build on. The process brings the owners together for a unified objective and project costs and returns are shared. The process is fair and cost-effective. This approach is possibly transferable to upgrade or redevelop informal settlements (Fekade, 2000).

2.5.2. Government Efforts to Solve Planned Urban Housing Problems in Different Countries

There are a number of government formal approaches, policies, strategies and programs deployed to solve urban housing problems and the emergence of informal housing. They could be briefly categorized and summarized as below.

Public housing programs

According to Malpezzi and Sa-Adu (1996) direct interventions in housing began in the colonial era. Colonial administrations provided housing for expatriates as part of the employment contract. After independence, the emerging nations of Africa simply transferred this perquisite of office to indigenous officials. Governments interpreted the demand for urban housing more as welfare question and legitimate right of a newly liberated people than as part of a crucial national economic sector. It became fashionable in several African countries to establish large sale construction programs, some aimed at low-income households and some for the elite.

The program was implemented by establishing bureaucracies, a multitude of urban development or housing authorities and corporations. However the building standards and resultant high costs were very prohibitive by local standards. Most building codes forbid the use of affordable indigenous building materials and designs, which lowering costs fit the cultural preferences of low-income, most often rural-urban migrants. In cases where local people were allocated houses, sitting was too far from employment centres. Others decided to sub-let to higher income people for instance in Bangkok Thailand as per 1993 research report.

However, the supply of public housing could not meet the demand. For instance between 1975 and 1980 only 14% of planned houses were built in Nigeria, in Ivory Coast between 1960 and 1983 housing production did not exceed 2000 units per year. All in all public housing, judged by any standard was too costly and not a success. Beneficiaries of public housing are, by and large, middle and high income people.

Sites and services programs

According to Fekade (2000), growing realization of costliness and ineffectiveness of direct public provision of housing led governments in 1970s to adopt sites and services which was seen a more realistic approach. The program was funded by the World Bank which considered shelter provision as one of the cornerstones of the basic needs oriented development paradigm. In implementing the program governments provided necessary infrastructures such as roads, electricity, water, drainage and waste disposal on public or government-purchased or subdivided plots. The program was expecting to recover costs where by the cost of price of plots would have to cover the cost of service provision. After allocation the targeted low income residents were expected to construct houses on their own, in a manner of phasing as their income allows.

Despite its conception and improvement on the public housing programs, sites and services programs did not achieve their objectives for many reasons. One is that, the programs assumed significant public financing and subsidies, which rendered unrealistic due to shrinking of budgets yearly in many African countries as well as reduction of funds inflow from multilateral and bilateral financiers. Regulatory procedures was another hindrance, procedures were bureaucratic, resulting in implementation delays, hence cost escalation. The standards established were too high for local conditions and unaffordable to low-income residents (Fekade, 2000).

In Kenya for instance the project was implemented in Dandora Nairobi in the early 1970s, reviews were commissioned of existing planning and building regulations and standards, and administrative procedures with a view to making them more appropriate to local conditions. These indicated that existing standards

were too high for many people to be able to conform to them it was recommended to be reduced (Payne, 2001). In Tanzania major sites and services and squatter upgrading project was undertaken in Dar es Salaam in the 1970s/1980s with financing from the World Bank. Although the idea was that the project should be replicated, it was not to be, mainly because of mismanagement and the failure of cost recovery (Kironde, 2006). Failure of these programs led to haphazard growth of informal settlements in most cities and towns of developing countries.

Slum and area upgrading programs

This was another set of programs that attempted to heal the wounds/weaknesses noted in the past approaches. Slums are centrally located, densely populated and enclosed deteriorating older parts of cities. Their central location, where land prices are high, has made slums targets for redevelopment, gentrification and commercialization, resulting in the displacement/eviction of the inner city poor who reside there. Slum upgrading programs are aimed at providing these low-income areas with basic infrastructure: access to roads, water, electricity, and sanitations. So far, such social services as schools, clinics and markets were provided, partly with contribution of the inhabitants through participatory approaches.

The projects were touted as cost-saving/low-cost approaches and of much lower standards, allowing the use of local, cheap materials and appropriate technology thus making coverage of larger target groups possible. Provision of water for instance was by erecting water standpipes at strategic locations of the settlement; waste water disposal was through public latrines and not sewerage; communal bathing and washing facilities instead of extension to private accommodation. Examples of slum upgrading programs that were implemented include; the project by the Calcutta Metropolitan Development Authority (CMDA) in India where 2 million people were reached, and in Indonesia the Jakarta's Kampung Improvement Program (KIP) which managed to provide basic services to 3.8 inhabitants (Fekade, 2000).

Despite their appeal and adaptive realistic standards, slum/area upgrading programs did not flourish as would have been expected. This is because these programs were again by far and large part funded by from bilateral and multilateral sources, which were not sustainable.

2.6. Provision of Basic Infrastructures in Urban Areas

All city or municipal governments are obliged to provide some infrastructure and services-albeit with great variation in the extent to which they have the sole responsibility, shared responsibility with higher levels of government or supervisory and regulatory role for other service providers, including private sector, NGOs providers (Majale, 2002). Lack of main infrastructure (like roads, water supply electricity distribution etc) is a very important constrain on urban residential land delivery and development (Sivam, 2002).

According to Mabogunje (1993), "the acid test of efficiency in the management of cities is the state of infrastructure provision". McGill (1998) echoed that such a test is at the lowest level of impact but is the legitimate first stage of analysis. For instance there is clean water for all and all roads are passable. The next level of analysis would be the contribution of trunk or arterial infrastructure to determining spatial pattern of urban development. Finally, would be the macro economic impact of infrastructure provision: its contribution to economic growth of households and enterprises.

African cities have rapidly been outgrowing their ability to provide adequate service and infrastructure to their populations. Never before have administrations been under greater pressure to improve their performance, rarely have they had fewer resources to do the job (Gilbert, 1992).

There quite a number of reasons that constrain the provision of infrastructures in urban areas. Traditional master plans is one of the constraint, they have been static in nature, which results to slow growth in which major investments in infrastructure, roads, services and other public investments could be carefully planned in the context of a finite a long term plan (McGill, 1998).

Dowall and Ellis (2009), argued that inability of most cities to finance the construction of infrastructure to support development and there are enormous backlogs. Lack of infrastructure in turn constrains the supply of serviced land in urban areas. For example, Lahore needs to spend R55 billion (US$0.84 billion) over the next five years to close its infrastructure gap. Unfortunately, Lahore's current annual public spending on infrastructure is approximately R1 billion, only a fraction of what is needed. Aziz (1995) argued that, a healthy and vibrant infrastructure is essential factor for any development and to the continued prosperity of any nation. Servicing new residential areas has been a major problem in the context of rapid urbanization.

In his study about provision of infrastructure in Iran, Aziz (1995) found that in the context of new land development, particularly in a time of rapid urban expansion, infrastructure provision becomes a critical problem. Shortage of water, inadequate roads, inefficient sewerage systems and infrastructure deterioration and their replacement costs are typical problems in newly built up areas. He further argued that financing and coordination are problems found in the servicing of new areas. One of the main causes of social and economic problems associated with provision of infrastructures is delay in its implementation. It can therefore be argued that provision of infrastructure should occur in parallel with the construction of housing in new subdivisions.

Infrastructure provision process

Aziz (1995), wrote that "providing infrastructure is a long process which financing, design, implementation and maintenance". All stakeholders (i.e. public sectors, developers, land owners, agencies, and users) are involved in infrastructure provision for new areas. Coordination is very important in order to provide infrastructure for a large residential land development project. Coordination of different government departments such as roads, water, electricity, gas, waste water, and telephone plus private sector is required. The infrastructure problem cannot be solved if it is narrowly viewed. It must be addressed in the larger policy context of national growth strategies, economic development planning, fiscal and monetary policies. Some strategic policies may be decided at the national level by different government organizations and others al local level. The coordination of small-scale projects may be performed by local municipalities.

Financing urban infrastructure

Traditionally governments have had the chief responsibility of managing the process of infrastructure provision, particularly funding (Azizi, 2000). Finding and establishing new methods of financing infrastructure is an important current issue. Among these methods are: impact fees, revolving loan funds, land pooling readjustment technique, borrowing from federal, contracting-out and linkage fees.

Rapid growth in construction costs, economic conditions plus reduction in national income, expenditure limitations, growth in the size of government workforce and public bureaucracy are some of the reasons for the reduction in the national aid for infrastructure. From financial point of view governments have attempted to decrease involvement in urban infrastructure provision (Azizi, 1995). For instance economic recession, in developing countries such as Brazil, Mexico, Morocco, the Philippines and Indonesia has influenced urban conditions as a whole and infrastructure (Gilbert, 1992).

2.7. Land Speculation: Causes, Consequences and Control

Land speculation is the practice of buying land at a low price; hoard it, in expectation of a rise of price and sell it at a higher price in future. Land speculation takes a substantial amount of land out of the formal market (Sivam, 2002). Fekade(2000) argued that speculators hoard large tracts of urban land, create artificial land scarcity and escalate prices so that land is no more accessible to low income households. This in turn led to leap-frogging, in which low income households move further out to the fringes or peri urban areas, where land prices are cheaper, thus creating highly dispersed, discontinuous pattern of urban development.

The extent of land speculation in urban land depends, among others, on whether the national economy is healthy i.e. whether the economy is expanding and diversifying, and providing alternative venues for investment. In instances where the economy is stagnating or declining and inflation is generally high, urban land becomes the most attractive, stable and reliable avenue as an investment (Fekade, 2000).

Echoing this Olima (1997) in his study done in Kenya revealed that, "the engagement of many government officials in the business of buying and selling land for profit has intensified the problem of land speculation. In addition individuals who have been allocated government land hold them for speculative purpose instead of developing them". This kind of practice has tended to retard land development. He further revealed that presence of land speculation in Kenya is signified by presence of rapid increase in transfer and sale transactions without necessarily complying with development conditions which are attached to a government land lease. Lessees are required to develop their allocated plots before they can sell or transfer them. To the contrary consent to transfer are granted to people who have not made any development on their land.

The author further revealed that there is a contravention of the development period conditions in Kenya. Some of the land allocated to individuals has been lying idle for many years, and the government has not taken any action against those failing to develop their plots thus encouraging the mushrooming of squatter settlements in urban areas. He therefore recommends for land laws review in order to stop the quick loss of huge chunks of public land to unscrupulous individual who exploit certain loopholes in existing legislation.

According to Sivam (2002), in India, the Urban Land Ceiling and Regulation Act (ULCRA) of 1976, among other objectives was formulated to curb undesirable land speculation, to operate a land bank to keep land prices within the reasonable limits. However even though the aim of this law was healthy and good, the procedure and implementation rendered it unsuccessful. From 1976 to 1998 the administration responsible for the introduction of the Act was not ready to accept that it had been a failure. The Act was scrapped in 1998. He therefore recommended for necessary revision of the vacant land tax policy by imposing large tax penalties on idle land. The law to be implemented should be written clearly and in the language that the majority of the population can understand, and to have transparent administrative work culture.

2.8. Problems Facing Regulatory Frameworks in Developing Countries

Regulatory frameworks are important tools for systematic and orderly development of urban areas. They are meant to introduce an enabling and inclusive environment for the systematic growth of cities that the development needs of different parts of the economy and different sections of the society(Lall, 2001). However the setting/framing as well as the implementation of most the regulatory frameworks especially in developing countries, has put the achievement of their objectives at stake. Different authors from time to time have addressed problems that face most the regulatory frameworks in the urban South of Sahara, and developing countries in general.

Many countries in the South developing countries have inherited or imported their regulatory frameworks from colonial powers or other countries in the North. Most of them in the urban South are incongruous with the realities of the poor communities and are a major impediment to the achievement of sustainable livelihoods (Majale, 2002). Many of the planning regulations, standards and administrative procedures operating in developing countries have been copied from developed countries where the economic, social, institutional, and climatic conditions are completely different from those in the south (Payne, 2001).

With the above viewpoint, most regulatory frameworks in developing countries are inappropriate to the situation in which they are implemented. Okpala (1987) blames implementers of land delivery programmes for spearheading concepts and standards received from colonial powers. Official housing standards applied in African cities are elitist in nature, unrelated to social and economic realities, imitated from European or North American standards (Awotona, 1988). Olima (1997) whose research was based in Kenya found that, public management seems to have favoured elites as well as the socially, politically, and economically most powerful people.

The existing administrative procedures, planning and standards, and administrative setups in developing countries are criticized for being rigid and imposing high cost on the would-be developers (Farvacque & McAuslan, 1992). Complicated procedures and delays increase the value of land artificially as the demand of for developed is very high in the rapidly growing cities of developing countries (Sivam, 2002).

Moreover, Fekade (2000) as well as Wegelin and Borgman (1995) posited that, the current land-use control and regulations (regulatory frameworks) in use in many developing countries, particularly in Africa have been described by several authors as controlling, outdated, inappropriate, over-detailed and inflexible, reactive, oligopolistic, etc. Existing land use control and regulations are becoming part of the problem, and not of the solution. He cited an example of one of the findings in the World Bank in policy paper of 1993 that 'inappropriate high infrastructure standards and building regulations led to a slow pace of development and unaffordable housing in Cote d'Ivoire'. The above finding is supported by Sivam (op.cit.) who argued 'that the development control systems which operate within the prevailing archaic legal and procedural framework are rendered grossly inappropriate, unrealistic and unmanageable'.

On the other hand Kironde (2006), claims that 'most regulations are based on outdated and inappropriate legislations or urban planning codes that are reminiscent of colonial times; the preparations and enforcement of spatial plans are often based on obsolete planning ordinances that place all powers and responsibilities with the central government'.

Besides the above, regulatory frameworks in developing countries are claimed have complex regulations. In many countries planning regulations, standards and administrative procedures are published in a language and terminologies which is difficult to be understood by most people (Majale, op.cit.). Payne (op.cit.) gave an experience from Lesotho where all forms relating to registering land tiles or developing plots are written in english while many people cannot even read the local language. This causes problem for people to obtain information on administrative procedures which they are expected to follow. The finding is concurred by Kironde (op.cit.) with reference to Tanzania who said that 'land delivery is implemented through tedious and centralized approval processes and procedures and many public laws relating to land are too complicated in a language which most people do not understand and are not usually available'.

According to Payne (op.cit.) standards are designed to ensure good quality urban development. Experience and researches have shown that many developing countries have high planning and building standards which are difficult to be adhered by most of the urban population. Lall (op.cit.) gave an instance

of Alwar, India where the high standards required by building regulations and long list of formalities to be fulfilled have compelled the poor to settle in informal settlements which with time, results to the high growth of the same than formal one. High standards demanded for housing plot sizes, building materials and construction, and infrastructure have put legal housing, beyond the reach of the majority households in urban areas (Majale, op.cit).

Kironde (op.cit.) whose emphasis was on administrative procedures and planning standards in Tanzania found that, presence of 'high standards for plots sizes and road reserves have resulted into the production of 3900 instead of 15000 plots over the same area, had more realistic standards been adopted'. This situation contributes to the problem of shortage of planned buildable land in urban areas. He also found that high standards for plots sizes have led to unit cost of producing being high likewise to plot price.

Time consuming, cumbersome complex procedures to get a permit, is another drawback facing regulatory frameworks in most developing countries. Long time consuming procedures force people out of legal market even if they are willing and able to obtain legal shelter. Complex procedures raise costs financially imposed by delays in the time taken to conform to or obtain official permission. A delay of a year to obtain permission to build on recently acquired land dramatically adds to total building cost (Payne, op.cit.). Since the implementation of the rules is time consuming, it gives opportunities for corruption (Sivam, op.cit.). The greater the number of desks the applicants have to visit, in order to obtain planning permission, the greater the chances for staffs to solicit and receive bribes (kickbacks) from applicants (Payne, op.cit.). Kironde (op.cit) mentioned administrative procedures in Tanzania to be the most significant in restricting the supply of land in general. Even when land has been made available, procedures to get an offer for a right of occupancy takes a very long time. Because of that many land seekers opted to get their land from informal sector where the result is rapid growth of unplanned/unsanctioned/informal/illegal settlements in urban areas.

Complexity in obtaining a development permit is a bottleneck which hinders the performance of regulatory frameworks in developing countries. Lengthy procedures to obtain construction permits impose heavy additional costs. In Malaysia for example more than 50 permits are required to develop a housing area and takes four to seven years to obtain, which increased the cost for 50% (WorldBank, 1991). Complicated procedures and steps for obtaining development permission make it difficult for developers to quickly respond to changing housing demand and creates barriers for new firms wanting to build and sell houses (Dowall & Clarke, 1996).

Regulatory frameworks are integral part in the whole process of urban planned land delivery. According to Majale (op.cit.) all cities, municipal or local governments are obliged to provide infrastructure and services. They share the responsibility with higher levels of government. Infrastructure deficiencies constrain the productivity of private investment in most developing countries (World Bank, op.cit). Servicing new residential areas has been a major problem in the context of rapid urbanization. Infrastructure is often in the foreground when we speak of the quality of life, and images of infrastructure (Azizi, 1995). Provision of infrastructure is a problem in providing serviced land for formal residential market in the cities of developing countries. In developing countries the problem is not so much lack of land, but lack of serviced land. Lack of main infrastructure (like roads, water supply electricity distribution etc) is a very important constrain on urban residential land delivery and development (Sivam, op.cit.). Land supply in most cities is constrained by lack of infrastructure to support development (Dowall & Ellis, 2009).

Land speculation is an obstacle to an orderly development of legal housing urban land. Many urban land markets in developing countries are dominated by a few rich and powerful individuals or groups who manipulate prices and constrain access to affordable land for the majority (Payne, op.cit.). Land

speculation takes a substantial amount of land out of the market (Sivam, ibid.). Speculators/land grabbers hoard large tracts of urban land, create artificial scarcity and escalate prices, so that land is no more accessible to low-income urban households (Fekade, op.cit.). Individuals who have been allocated government land hold them for speculative purpose instead of developing (Olima, 1997).
Urban development and planning regulations as applied in most developing countries have failed to provide orderly and sustainable urban development in general. The result is continued predomination of development outside planning and building regulatory frameworks and an unremitting proliferation of informal settlements (Majale, ibid.).

All in all most of the literatures cited and discussed above, recommend for; improving, reviewing or reforming the existing regulatory frameworks to harness irregularities to reflect the current realities. However in order to make a good reform, it is imperative to do individual country's evaluation looking at institutional set up, the setting of the current regulatory framework and its implementation.

2.9. Conclusion

This chapter in short gave literature review on urban land management and implementation of the regulatory framework in different countries worldwide especially developing countries. Most of developing countries have been struggling to ensure effective delivery of planned land in urban areas as a result of increased urbanization caused by rural to urban migration and natural population growth. Different programs, schemes under different approaches had/have been designed and implemented by governments facilitated by regulatory frameworks to solve urban housing problems and the emergence of informal housing. Problems in the urban land management field have been caused by, poor coordination among stakeholders, inadequate funding, and inadequacy of certain laws and regulations. The framing as well as the implementation of most the regulatory frameworks especially in developing countries has put the achievement of their objectives at stake. Laws and regulations have failed to fit in the achievement of project objectives, as they were copied from colonial powers. These calls for refining, reviewing or reforming regulatory frameworks to harness noticed irregularities and reflect the current realities.

3. LAND MANAGEMENT AND THE FUNCTIONING OF THE REGULATORY FRAMEWORK IN TANZANIA

3.1. Introduction

The overall objective of urban land management is to enable the guidance and control of orderly growth of towns and cities and their efficient functioning i.e. efficient provision of housing land, urban services and facilities. .This is possible with a good regulatory framework in place which is well implemented. This chapter is answering sub-objective one, by describing legislation that make the regulatory framework and their key objectives, for urban land management in Tanzania. It also provides a brief explanation of actors and their roles in implementing the regulatory framework and land delivery trends in Tanzania.

3.2. Regulatory Framework for Urban Land Management in Tanzania

According to Enemark (2005), land policy is part of the national policy on promoting objectives including development, social justice and equity, and political stability. van Asperen (2007), further narrated that "land policies may be associated with security of tenure, land markets, real property sustainable management and control of land use, natural and the environment, the provision of land for the poor, ethnic minorities and women, and measures to prevent land speculation and manage land disputes".

Tanzania has its own National Land Policy (NLP) from which other land laws emanate. The policy making process was initiated in 1989 aspiring at working out new land legislation. The government set up a commission in 1991 to look into land matters, particularly focusing on conflicts and land mal-administration. After two years of intense research and discussions on matters of land tenure and land administration covering all districts in the country, the commission submitted its report (Shivji report) in 1992. The document called for the development of a national land policy as a backbone for the formulation of the new legislation. In June 1995, after intensive consultations, the NLP was published and formed the fundamental for the new land laws (Kironde, 2009).

3.2.1. The National Land Policy of 1995

The National Land Policy (Tanzania, 1995) was formulated to emphasize on fundamental principles. These are; promotion of equitable distribution of and access to land by all citizens and women; recognition of existing long standing rights of occupation or use of land to be clarified and secured by law; regulation of the amount of land that any person or corporate body may occupy or use (this is meant to avoid land concentration); improvement of land delivery system; ensuring productive use of land that complies with principles of sustainable development; and to provide for an efficient, effective, economical and transparent system of land administration. Other fundamental principles include, to enable all citizens to participate in decision-making on matters connected with their occupation or use of land; payment of full, fair and prompt compensation to any person whose land is acquired under the Land Acquisition Act; establishment of an independent and just system for the adjudication of land disputes; to facilitate and regulate the operation of land market, and establishment of cost effective mechanism of land surveying and housing for low income families.

3.2.2. The National Human Settlements Development Policy of 2000

The National Human Settlements Development Policy (NHSDP) has two overall goals which are; to promote sustainable development of human settlements and to facilitate the provisions of adequate and

affordable shelter to all income groups in Tanzania. In attaining the above two goals, the NHSP has the following main objectives related to urban land management:-

- To make serviced land available for shelter and human settlements development to all;
- To improve the level of provision of infrastructure and social services for sustainable human development;
- To promote balanced development a clearly defined hierarchy of settlements; to promote capacity building (i.e. technical, financial and managerial) of all actors in shelter delivery;
- To ensure planning legislations, building regulations and standards are consistent with the capabilities, needs and aspirations of the various sections of the population;
- To promote the use of and production of affordable local building materials;
- To assist the poor acquire the shelter and
- To encourage development of housing areas that are functional, healthy aesthetically pleasant and environmentally friendly.

The NHSP has quite good objectives but they will take time to realize.

3.2.3. The Land Act No.4 of 1999

The Land Act No 4 (Tanzania, 1999) was enacted following the approval of the NLP by the cabinet. This legislation came to replace the colonial Land Ordinance Chapter 113 of the Laws of 1923. The Land Act is therefore the chief legislation, covering fundamental principles of the NLP, such as classifications of land and definition of certain terms used in the acts. Furthermore, issues of mortgage as well as ownership between husband and wife are described only in the Land Act, although it is relevant for the Village Land Act as well. Other than these mutual issues, the Land Act covers land rights in general land, i.e. outside villages or reserved areas. This includes all urban areas (Kironde, 2009).

3.2.4. The Town and Country Planning Act Chapter 378 of 1956 as amended 1961

The Town and Country Planning Act(Tanganyika, 1956b) as amended 1961, is the principal planning legislation of Tanzania. The main body of the legislation contains; planning areas, preparation of planning schemes, control of development and execution of schemes, and acquisition of land (by the Land Acquisition Act of 1967) and compensation. It is through this legislation that, urban land is made available to developers by way of declaring an area to be a planning area. Upon such a declaration no further development of land is permitted in a declared area without the sanction of the planning authority (Kironde, 1997).

3.2.5. The Land Acquisition Act of 1967

This Act regulates in which way the state are allowed to acquire private land, including land held by villagers and in connection with housing schemes. According to the land acquisition Act, acquisition of land or property for public use includes exclusive use by the government or general public uses, improvement of public utilities such as sanitation, including reclamation, land for planning of a new city, municipality, township, minor settlement or extension of the same. It also includes development of a port, airport, mining of minerals or oil, agriculture, etc. Compulsory land acquisition involves four key steps, namely; planning and decision to acquire land, legal preliminaries including getting statutory authority and serving notices, field investigations including valuation, and payment of compensation to those whose land is acquired.

3.2.6. The Land Surveying Ordinance Chapter 390 of 1956

Land Survey Ordinance, Chapter (Tanganyika, 1956a) is the principal legislation that regulates the technical operations of cadastral surveys in Tanzania. This law is in consonance with the Land Registration Act, Chapter 334 (Tanzania, 1953), which says that no estate or land parcel shall be registered except in accordance with an approved cadastral survey plan [s.88(1)].

3.2.7. The Urban Planning Act 2007

This Act governs land use planning and management in urban areas. The objectives of this Act are, to provide for the orderly and sustainable development of land in urban areas, to preserve and improve amenities; to provide for the grant of consent to develop land and powers of control over the use of land and provide for other related matters. Kironde (2009) argues that, the law provides for public consultation in the preparation of land use schemes and the making available to the public, all approved schemes. The law is new and has incorporated provisions which give weight to public consultation compared to the previous legislation i.e. the Town and Country Planning Ordinance Chapter 378 of 1956 as amended in 1961.

3.2.8. Township Rules Chapter 101 of 1930

This legislation (Tanganyika, 1930) provides basic rules for building construction in planned urban areas, to ensure that there is a control of land development according to set rules. For instance it restricts erection of any building in a planned area without the permit of a planning authority (s.4). It also put a condition that, the planned building with a development permit, must be completed within 36 months (3 years) from the commencement of the right. Erection of a building must commence within 6 months after grant of a permit. It empowers responsible authorities to inspect any building in course of erection or on completion of a building (s.12).

3.2.9. The Unit Titles Act 2008

This is an Act to provide for the management of the division of buildings into units, clusters, blocks and sections owned individually and for common ownership and use of designated areas; to provide for certificate of titles for the individual ownership of the units, clusters or sections of the building; to provide for management of the use of common property; to provide for dispute resolution arising in the use of the common property; to provide for use of the property by occupiers other than the owners and for related matters. One of the basic fundamental principles of this Act is to limit urban sprawl, reduce the cost of urban living, improve the environmental conditions in urban areas, and to encourage the efficient use of land (Tanzania, 2008c).

3.3. Actors and their Roles in Implementing the Regulatory Framework in Tanzania

The regulatory framework is operationalized at the central government i.e. Ministry of Lands Housing and Human Settlement Development (MLHHSD) as the policy maker. The Ministry of Lands prepares and provides directives/policy guidelines on how to prepare and execute a planning scheme to municipalities and local governments. Municipalities and Local governments can therefore prepare and execute their own land use planning schemes but subject to approval by the MLHHSD. They are thus responsible for implementing the regulatory framework in land acquisition, land surveying, land allocation, providing basic infrastructures to acquired planned land, and development control (i.e. application and grant of building permits, ensuring that land holders adhere to planning and building rules and controlling land speculation).

The implementation of the framework in land acquisition, land surveying, land allocation and development control involves different land processionals who are; Physical Planners, Land Surveyors, Valuers, Land Officers, Civil Engineers and Architects. Surveying exercise of acquired land has to be done by a registered licensed government surveyor. In case of a big or urgent project, private registered Surveying and valuation firms can be contracted.

Provision of basic infrastructure provision for a new and large residential land development project has to done by different municipal/local government departments such as roads and water. In case of a big project, road and water provision works can be contracted to private registered companies through tendering process. Electricity and telephone services are provided by government agencies. All in all

coordination among key players (government departments and agencies) and the community at large is very important in order to provide basic infrastructure to new residential areas.

3.4. Planned Urban Land Delivery Trends in Tanzania

According to the MLHHSD report (Tanzania, 2004), government efforts began in the year 1974 when a loan of US$8,657,140 was obtained from the World Bank in efforts to control squatter growth in the city of Dar es Salaam. The government contributed Tshs.42.4 million, which is equivalent to US$6,057,142 at prevailing exchange rates of 1974. The funds were used to survey 7,600 plots and construct roads in Sinza, Mikocheni and Kijitonyama areas. Plots were designed to high-density standards in order to assists low income earners to secure plots for building residential houses. The plot demand then was put at 50,000 plots. Since there were no plots surveyed for the middle and high income earners, the low income earners were bought off by the well-to-do forcing the targeted group to move out to begin new squatter settlements elsewhere. Mabibo and Kimara squatter settlements flourished during this period.

In the year 1978 the government conceived another project to survey 7,300 plots in Mbezi Beach area. The survey of the plots was not completed because of shortage of funds. However due to the high demand for plots, allocation of the surveyed plots was done using Town Plan Drawings instead of approved Survey Plans. Consequent to this conflicts occurred due to overlapping of plots. In 1999 the government decided to re-plan and resurvey the affected areas in Mbezi Beach in order to rectify the anomalies that had occurred. This type of work is time consuming, as the existing houses have to be fitted in/accommodated in the new plan. The survey was completed in 9 blocks out of the 11 blocks.

Government efforts to survey plots in Dar es Salaam City continued in 1984. Using a World Bank loan the government planned to survey 5,000 plots in a new acquired area called Tegeta. This project was not satisfactorily completed because the government had not set aside funds to pay compensation. It continued to set aside some limited funds between 1984 and 1988 for the surveying of plots in Tegeta. However the funds were not enough to pay compensation. Pressure caused by acute shortage of plots, forced the government to allocate plots to land seekers before finalizing the payment of compensation. This resulted in a lot of conflicts between the farm owners and those allocated the plots (new land owners). The government has continued to set aside limited funds annually for the payment of compensation. To date the payment of compensation has not been completed. Former land owners still owe the government a sum of Tshs.769,087,898/= in compensation.

Between 1995 and 2001 the government did not set aside enough funds for the surveying of plots. According to available statistics, between 1990 and 2001 the Dar es Salaam city council and the Ministry of Lands and Human Settlements Development received 243,473 applications for residential plots. During that period only 8,029 plots were surveyed and allocated.

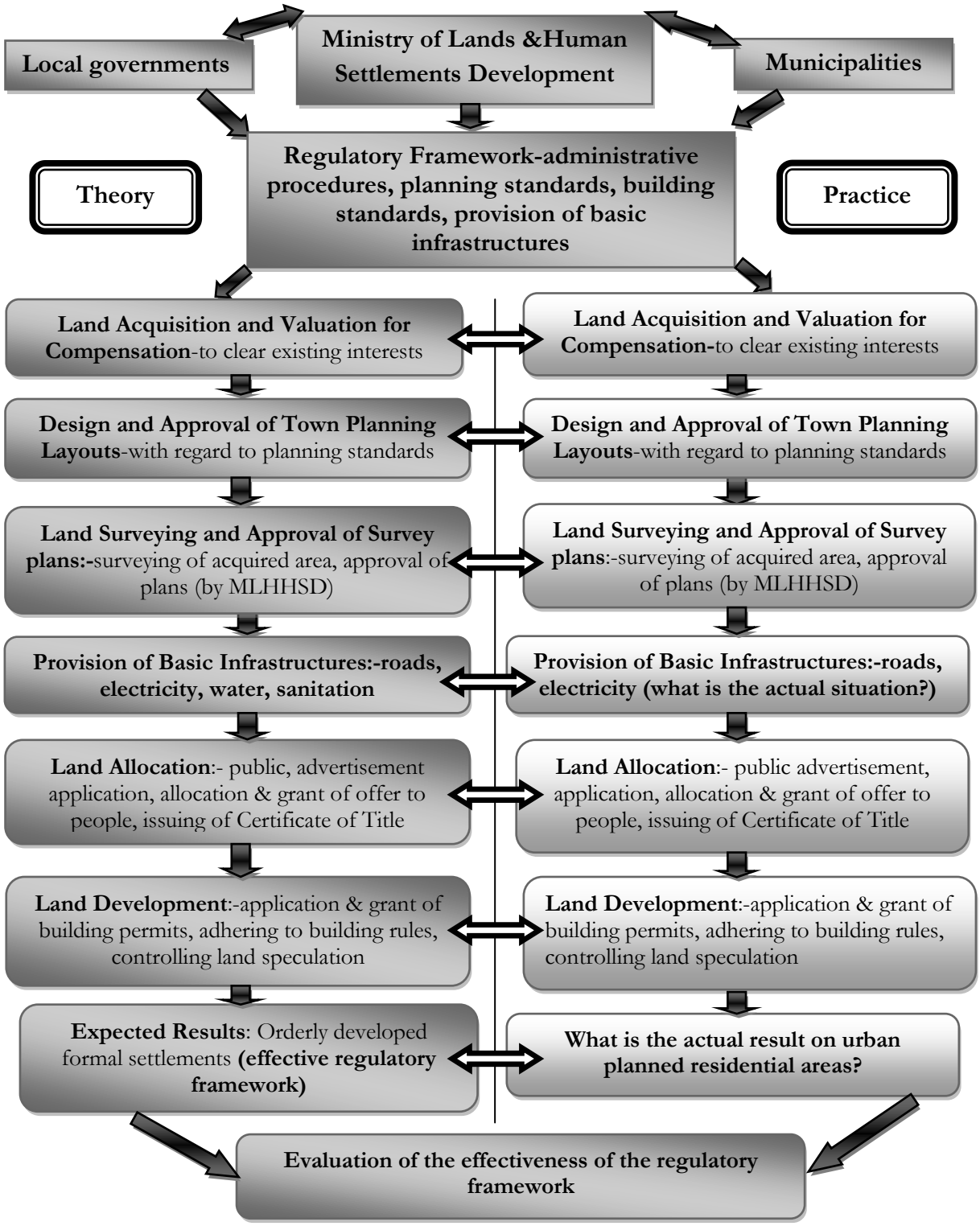
3.5. Conceptual Framework

The general idea of this research is to make an evaluation of the effectiveness of the regulatory framework currently implemented in Tanzania for urban planned residential land delivery and development. The evaluation has been made by first, studying the setting and composition of the policy framework (theory) and second, studying and analyzing the implementation of the regulatory framework (practice or reality) in a contemporary land delivery and development project.

Figure 3.1 below, illustrates the conceptual framework i.e. the theory and practice that are compared. The theory is all about what should be done in implementing the regulatory framework i.e. various acts/laws and regulations. With proper implementation of the regulatory framework, it is expected to have an orderly developed formal settlement which proves that the regulatory framework is effective. However,

the theory is different from the practice. The practice shows the real situation on the ground as a result of implementing the policy framework. This has been judged by analyzing the role of the regulatory framework that facilitated the execution of the Dar es Salaam city 20,000 residential plots project as the case study area. The practice can either be good or bad, depending on the setting and operationalization of the framework. Therefore the evaluation about the effectiveness of regulatory framework has been done by comparing theory with practice in all steps of availing planned urban land for development.

Figure 3.1: Research conceptual framework



4. RESEARCH METHODOLOGY

4.1. Introduction

This research is both qualitative and quantitative and was done by employing different methodologies for empirical data collection. This chapter describes the methodology adopted in doing this research. The choice of methods to apply depended on nature, purpose and type of research and resources availability. This research employed different methods to collect empirical data. The use of more than one method enabled to make a strong analysis of collected empirical data, make good interpretations, and strengthen justification of arguments through triangulation towards achieving the main research objective.

4.2. Case Study Approach

Research methodology is a way to systematically solve the research problem (Kothari, 1990). It involves a research design which is an action plan for getting from the initial set of questions to be answered to some set of conclusions (answers) about questions. In between there may be found a number of steps, including selection of a research approach, data collection methods and the analysis of relevant data collected (Yin, 2003).

The methodology adopted in doing this research is mainly case study approach. The approach has been chosen as it fits the main research question which is of "how-type". This type of question related to procedures and is intended to show both good (positive) and bad (negative) feelings of different people (individuals/groups) in the community about somebody, something, a real life/world situation or practice of an organisation or system (Yin, 2003). The main research question is "how does the current regulatory framework facilitate the process of availing planned urban residential plots and development to land seekers, in the context of the 20,000 plots project? It therefore qualifies to adopt case study approach as methodology.

4.3. Rationale for Selecting a Case Study Approach

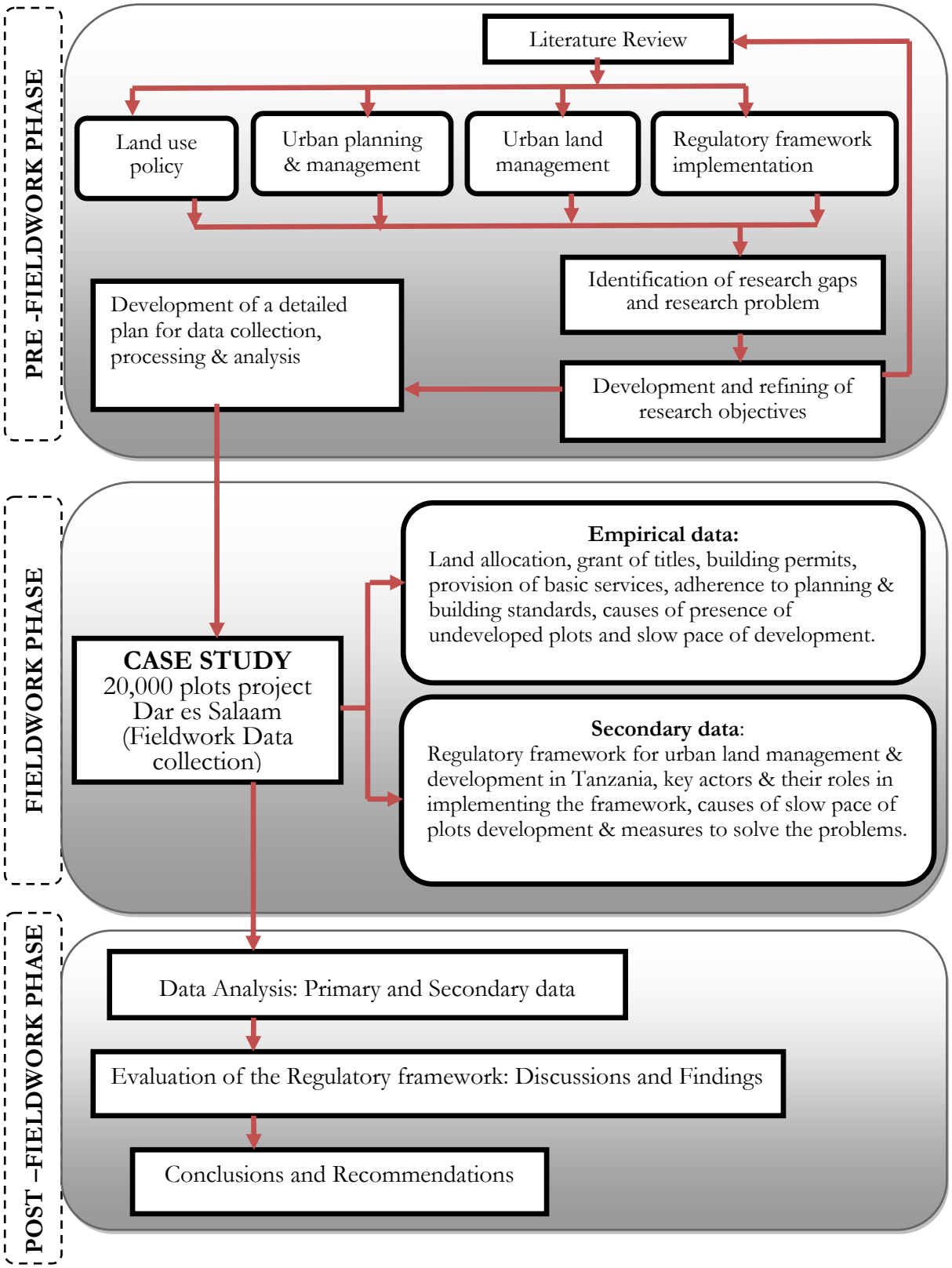
This study has entirely adopted a case study approach as a research strategy. According to Yin (2003) case study is a viable research strategy as far as the following four conditions match the research environment; the research questions are explanatory, the research focuses on contemporary events/phenomena, behavioural events within the research environment occur within a real world context and are outside control of the researcher and lastly the use of multiple sources of evidence. The sources can be primary and secondary documents, systematic interviewing and direct/participant observation.

The case study chosen for research field work is the Dar es Salaam 20,000 residential plots project 2002-2006. It actually fulfills all four above mentioned prerequisite conditions. It is real project which was directly initiated and implemented by the Ministry of Lands Housing and Human Settlement Development (MLHHSD) in collaboration with three Dar es Salaam municipalities /local authorities i.e. Ilala, Temeke and Kinondoni municipal councils. It is meant to curb shortage of planned residential land in peri-urban Dar es Salaam. The case study has been used for collection of primary and secondary data and for analysis, interpretation and finally evaluation of the effectiveness of the regulatory framework in availing formal buildable land in peri-urban Dar es Salaam to the urban population.

4.4. Research Design

Research design stands for advance planning of the methods to be adopted for collecting the relevant data and the techniques to be used in their analysis keeping in view the objective of the research and the availability of staff, time and money (Kothari, 1990).

Figure 4.1: Research design



As shown in figure 4:1 above, the research design process started by identifying the research problem, formulating research objectives and questions (main and sub questions), and by reviewing various literatures. Literatures visited include those that have addressed issues of urban land management and the implementation of the regulatory framework especially in developing countries (which are faced with a lot of challenges) for urban planned land housing/residential development. Literature review has been carried out in journals, books, papers on internet or library, to find problems and challenges facing regulatory frameworks especially in developing countries Tanzania inclusive. It facilitated and helped in understanding the concept of regulatory frameworks and how they are implemented in different countries in effort to provide equal chances (lower the ladder) to access and develop planned urban land, to all income groups in developing countries.

4.5. Project Areas Selection

The Tanzania government was deeply concerned over the acute shortage of housing in the urban centers in the country. The shortage of surveyed plots onto which to build residential accommodation is the result of the rising urban population and the inability of the government to clear third party interests in the areas earmarked for plot survey. This has resulted in the mushrooming of unplanned settlements for which even hazardous areas have been settled upon (Tanzania, 2009).

Dar es Salaam was selected as a case study area because it is the most urbanized city as compared to other cities in Tanzania. The city is experiencing high rate of urbanization of 8% per annum (WorldBank, 2002). The rate has resulted to shortage of surveyed plots. The demand of plots has been high as compared to the supply. The 20,000 plots project was selected, since it is a big recent project implemented by the MLHHSD as per the current regulatory framework, for urban land management and development in Tanzania. The project involved an array of public and private land professionals/companies from land acquisition to land allocation using modern technology.

The 20,000 plots project is a completed government project where the regulatory framework has been fully implemented. It therefore suffices to do an evaluation of the current framework. Because of limited time availed for field work data collection and financial constraints, it was impossible to cover all twelve project sites for data collection. Thus only three neighbourhoods, one from each municipality were selected as representative of other project areas in the respective municipality. The selected areas are Mivumoni, Kibada and Buyuni.

Individually, Kibada was selected because of its locational advantage of being near (15 km) to the city centre through Kigamboni ferry, therefore the pace of plots development/densification was expected to be more than other two areas since they are far. Mivumoni was selected because of its location being near to Bagamoyo road and where land value is high as compared to the other selected case study areas. Buyuni was selected as it is the farthest area (40km) away from the city centre and land value is low as compared to that of Kibada and Mivumoni.

4.6. Location of Selected Project Areas

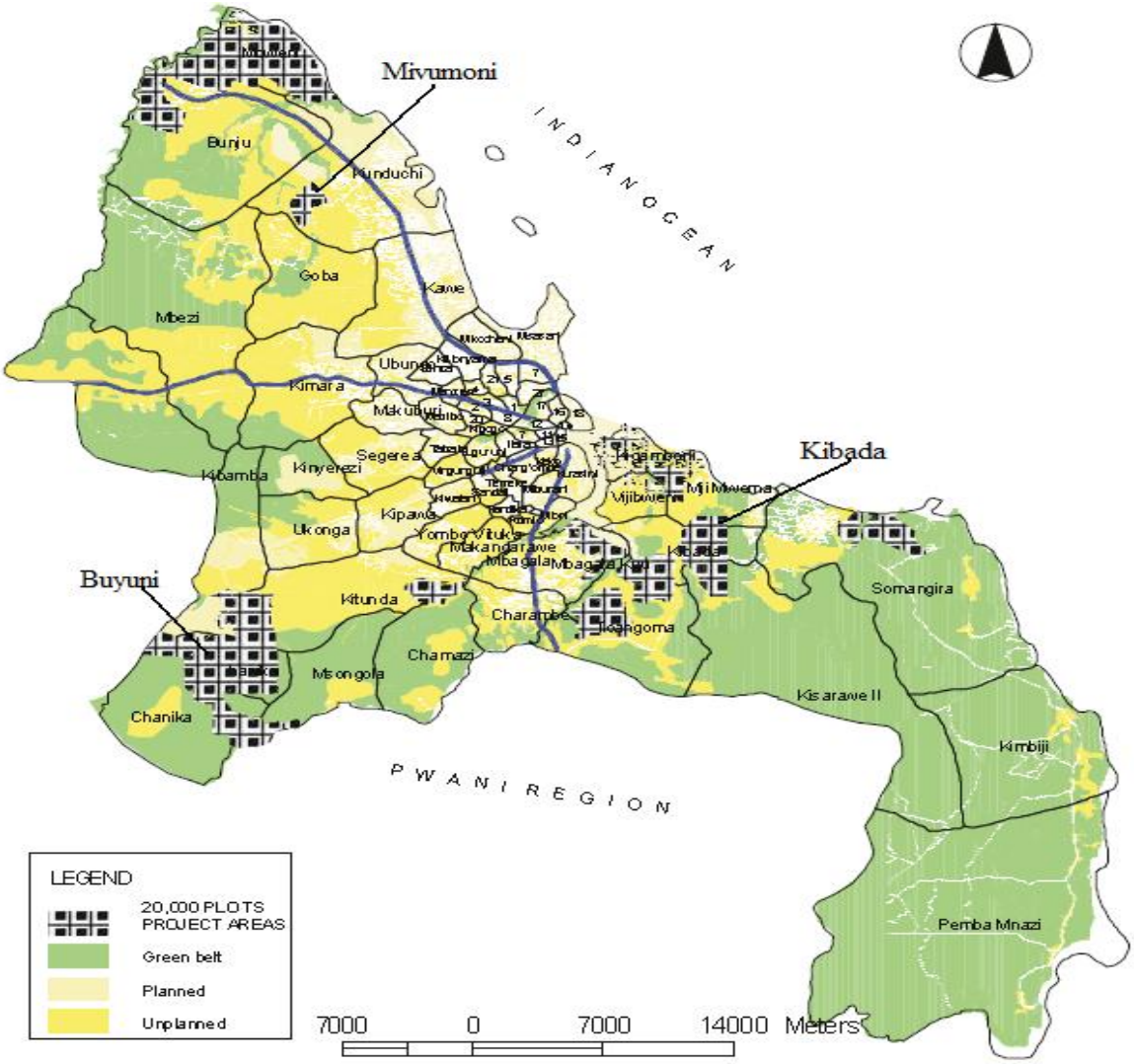
As written in section 4.3 above, the 20,000 plots project was executed by the MLHHSD in collaboration with three municipalities of Ilala, Temeke and Kinondoni from 2002-2006 in twelve different project areas. For the purpose of this study three neighbourhoods of Mivumoni Kibada and Buyuni were selected. Their locations are explained and illustrated by figure 4:2 below.

Mivumoni is one of four project areas in Kinondoni municipality, is composed of 6 blocks It is located northwest of Dar es Salaam city, about 30 kilometres away from the city centre. It is reached via Bagamoyo road up to Tegeta-Kibaoni, then branching to Wazo hill/Madale road.

Kibada is the neighbourhood located in Kigamboni area, about 15 kilometres away from the city centre. It is one of six project areas in Temeke Municipality. Kibada has 26 blocks. It can be reached through Mjimwema road either via from city centre Kigamboni ferry or via Kongowe Kilwa road.

Buyuni is the third selected area, which is one of two 20,000 plots project areas in Ilala municipality. The area is made up of 32 plot blocks. Bisected by Pugu kajiungeni-Chanika road, Buyuni is located about 40 kilometres west of Dar es Salaam city centre. It is accessed via Nyerere road up to Pugu kajiungeni, then branching to Chanika road.

Figure 4.2: Location of selected project areas in peri-urban areas of Dar es Salaam city



Source: Adapted from UN-HABITAT, (2010)

4.7. Adopted Sampling Technique

Sampling is the process of obtaining information about an entire population by examining only a part of it. It is the selection of some part of an aggregate or totality on the basis of which a judgment or inference about the aggregate or totality is made. This research used purposive sampling for collecting primary data during fieldwork (Kothari, 1990). Prerequisite condition for this technique is that, population sample/participants are selected according to preselected criteria relevant to a particular research question.

Another condition is that sample size which or may not be fixed prior to data collection depend on resource and time available, also objectives of the study.

The targeted population for this study was land professional who participated in the 20,000 plots project from the MLHHSD, local people who were found by the project owning land in the project areas as farms, new plot owners, and land owners who have developed their plots and vice versa. Other targeted interviews include, local leaders of respective selected case study areas, land academicians and government officials from the MLHHSD who performed some tasks in the project.

In order to have a representative sample size, of blocks in each selected project area, two blocks were earmarked for interviewing local people now legally owning plots and new plot owners. The blocks were also used for participant observation of land development by plot owners and provision of basic infrastructures by the MLHHSD that for example contracted the task of paving roads to different contractors. In Kibada blocks selected were block 18 and 20, Mivumoni blocks selected were 2 and 3 and Buyuni blocks 1 and 2 were selected.

However because of time limit, not all plot owners in a block were interviewed. The target sample was to avail interview questionnaires to 120 plot owners in total for all three neighbourhoods, but the response had been 103 plot owners. Other personnel who were interviewed are 5 lands professional who participated in the 20,000 plots project from the MLHHSD, including the Project Manager and the Secretary, 1 land academician, 3- MLHHSD officials and 2 valuers.

4.8. Methods for Data Collection

Data collection is the process of harnessing or capturing the specific information used to answer the main research question. Since no single method suffices to gather relevant empirical data, a combination of more than one data collection techniques was employed. The field work was used to collect both primary and secondary data. Primary empirical data was harnessed through the use of methods such as key informant's interviews semi-structured questionnaires, participant/field observation, focus group discussions and audio recording.

Secondary data to complement primary empirical data (documentary reviews) were gathered from the MLHHSD and Municipal land offices where the project falls, residents/land owners in areas where project sites are situated. Government documents like Land Acts, Land policies, Project reports, circulars, and few selected site maps and images were gathered. They have been used to: familiarize with the case study; understand the institutional set up; know how the project was/is implemented; strengths and weaknesses of the policy framework and equally making initial analysis of the of the regulatory framework in availing planned land in peri-urban Dar es Salaam.

4.8.1. Questionnaires

The study used semi-structured questionnaires which comprised of both open-ended and closed questions. Questionnaires were prepared for key informants and plot/property owners.

a) Key informants questionnaires

Key informants questionnaires were meant for land professionals that participated in the execution of the 20,000 plots project be it land professionals from the MLHHSD, the Project Manager, Task Force members and land professionals from municipalities. Questions were in the form of checklist where the respondents were to tick/check the appropriate box or boxes among the alternatives depending on what was asked by the respective question. They were explorative and opinion seeking, want to dig more about the implementation of the 20,000 plots project. Issues of concern were like key actors for implementing

the regulatory framework; project coordination; land acquisition; land allocation and its procedures; provision of basic infrastructures, and land development in general (**refer appendix 4.2**). Four of five key informants were given, filled and returned questionnaires.

b) Plot /property owners questionnaires

Plot/property owner's questionnaires were for respondents either local (who were holding land as farms before the project) or new land owners who legally own plots and/or have developed their plots in the selected project case study areas of Kibada, Mivumoni and Buyuni. Questions were prepared in the form of a checklist where the respondents were to tick/check the appropriate box or boxes among the alternatives depending on what the question asked. This made respondents easy to understand and spend a short time to read and answer questions (**refer appendix 4.1**).

The questionnaires were meant to know respondents' familiarity with the project, attitudes, perceptions/opinions and evaluation of steps in effecting the regulatory framework which facilitated the implemented of the 20,000 plots project, output and outcomes/effects of the project. The questionnaire had two sections, with section 'A' exploring issues of project awareness of the people, application for land; land allocation grant of certificates of title; plot prices affordability, modes of payments; plot densities and ownership . Section 'B' dealt with land development and control matters such as application and grant of building permits; adherence to standards; provision of basic infrastructures; land speculation and pace of development. For Kibada, out of 45 questionnaires given to respondents 39 questionnaires equal to 87% were answered and returned. From Mivumoni 34 of 40 questionnaires, equal to 85% were given, filled by respondents and returned. From the third case study area which is Buyuni, 30 out of 35 questionnaires availed to respondents, equal to 86% were filled and returned.

4.8.2. Interviews

Face-to-face interviews were conducted to one academician, two land professionals at the MLHHSD, two local leaders of Buyuni and Mivumoni and few land/plot owners from three case study areas. The approach was adopted where it was difficult to use the questionnaire forms and to explore more about the project implementation and problems associated with it to the government and local people in general. They were asked questions by the researcher, and the response from respondents was directly recorded using a voice recorder. Information from the recordings helped in triangulating data collected by other approaches.

Figure 4.3: An interview with Mivumoni local leader

4.8.3. Focus Group Discussions

Focus group discussions with local land owners who were found by the project in 2001, owning unplanned land as farms were useful in validating findings gathered in questionnaires and interviews. Discussions with local people helped to know how they value or evaluate the 20,000 plots project. Suitable venues in project areas were identified for focus group discussions. A total of two focus group discussions were conducted comprising of three to four persons.

4.8.4. Participants' Observations

Participant field observations played a great role in data collection in case study areas. During fieldwork, visits of three selected case study areas were made, to physically observe the implementation of the project with respect to the set objectives. Site visits were conducted to assess the level and type of basic infrastructures provided by the regulatory framework as well as plot development/densification by owners. Alongside in each case study area, photographs were taken to reveal the current look in terms of service provision and densification of allocated plots.

4.8.5. Documentary Reviews

The study applied documentary review as a secondary source for data collection, interpretation and justification to find answers for research questions. Documentary reviews have been helpful to compliment data collected through primary sources. It helped to get answers of certain explorative questions that were not properly answered in questionnaires.

Various relevant categories of literatures were used for data mining. They include 20,000 plots project reports availed by the MLHHSD, published and unpublished papers and dissertations, and journals. Policies like Land Policy of 1995, Human and Settlement Policy of 2000 were also read. The research reviewed important acts and their regulations which are part of the regulatory framework. They include the Land Act No.4 of 1999, the Land Acquisition Act of 1967, and the Country and Town Planning Ordinance Chapter 378 of 1956 as amended in 1961. Others are government notices, orders, technical instructions and circulars commonly referred to in pursuance of human settlements development in Tanzania. To mention some, are the Use classes Regulations (1960) as amended in 1993, Town Planning Space Standards Regulations 1997,and Township Rules Chapter 101 of the Laws. All the above mentioned legislations were visited to see their usefulness and effects in the 20,000 plots project as they are part of the regulatory framework.

Moreover the study also looked at new legislations enacted after the implementation of the 20,000 plots project. New legislations such as the Urban Planning Act No.8 of 2007 (an Act to provide for orderly and sustainable development of land in urban areas); Mortgage Finance Act 2008 (an Act to amend certain written laws with a view to providing further provisions for mortgage financing) and Unit Titles Act 2008 (an Act to provide for the management of the division of buildings into units, clusters, blocks and sections owned individually and for common ownership and use of designated areas). As new legislations in the regulatory framework, they were read to see their contributions in providing enabling environment for ownership development of urban planned land/plots.

4.9. Data Analysis

Data analysis involves examining, categorizing, tabulating, testing, or otherwise recombining both quantitative and qualitative evidence to address the initial propositions of a study (Yin, 2003). The research has used the Statistical Package for Social Sciences (SPSS) software for primary data analysis. This software package has been used to quantify data collected through questionnaires from three selected project areas. It was done by coding of named variables, assigning them type, values and measure. Each questionnaire was given a unique reference number basing on name and location of the case study, for

easy search during editing of variables. Editing was for correcting tying errors and errors due to assigning of variable type, coding, value and measure so as to have a good output of data.

Analysis of processed quantified data was for descriptive statistics to get frequencies, descriptive and cross tabulations. The analysis for frequencies was done for preparation of different tables, bar charts and pie charts, for visualization, interpretation and justification, then comparing with qualitative evidences, to address different research questions. Cross tabulation analysis in SPSS was done to compare results relation of variables to a certain propositions/research sub-objectives. On the other hand Microsoft Excel was used for calculations and preparation of graphs and charts.

4.10. Challenges Faced During Data Collection

In the course of collecting data from different sources during fieldwork, the researcher encountered some difficulties. It was not possible to satellite images of all selected case study areas because the server at Survey & Mapping Section collapsed, and there was no back up. Only one satellite image for Kibada that was taken in 2001 was got. It was not possible to use the MLHHSD database to get contacts of land owners of selected project areas because of fear of being blamed to interfere their privacy. In some cases it was difficult to find land owners whose plots are not yet developed or with buildings, but they are living in different neighbourhoods. With the help of local leaders (mtaa leaders), the researcher managed to contact them and make appointments to meet and avail them questionnaires or conduct interview.

The researcher made use of week-ends (Saturdays and Sundays) to meet and interview land owners who live in case study areas but cannot be met during week days. This is because of their work places being far from their residence and road traffic problems. Some respondents did not want to return questionnaires given to them for no reason, even if they are reminded. That is why 103 out of 120 were returned. Besides, other respondents showed no cooperation during interviews. They did not want to disclose the number of plots they are holding, in fear of being taken back by the MLHHSD since are not developed. It therefore took time for a researcher to explain to them that it was for academic purpose only and there was no recording of the name of respondents. The explanation changed the attitude of some of them made who agreed to release information about ownerships details of their plots.

4.11. Conclusion

This chapter described the methodology adopted to conduct this research. It gave explanations of various data gathering techniques and data analysis strategies utilized. The selected approach suffices the study's main objective, which is to investigate the existing regulatory framework by evaluating its effectiveness in availing legal land/plots for residential purpose to land seekers and creating enabling environment for developing planned urban housing land. Empirical data collected from different sources have been analysed and used in chapter 6 which deals with results and discussions. The next chapter mirrors how the 20,000 plots project was implemented as per the current regulatory framework in the peri-urban areas of Dar es Salaam city.

5. IMPLEMENTATION OF THE 20,000 PLOTS PROJECT IN PERI-URBAN DAR ES SALAAM CITY AS PER THE CURRENT REGULATORY FRAMEWORK

5.1. Introduction

The 20,000 plots project was implemented due to acute shortage of surveyed residential plots in Dar es Salaam city, as a result of high urbanization rate and inability of the government to pay compensation in areas earmarked for plot survey in past projects. This has led to growth of unplanned settlements which constitute 70% of the urban population. Therefore the MLHHSD, designed and the government approved the project to survey 20,000 plots in Dar es Salaam in the financial year 2002/2003. This chapter answers question one and part of question two under sub-objective two. Details of the project are based on various project reports that were obtained from the MLHHSD and legislations that make the framework. It is also based on empirical data collected from questionnaires, interviews and discussions with different stakeholders.

5.2. Objectives of the 20,000 Plots Project

According to reports, project implementation started in 2002 by the MLHHSD, in collaboration with four local government authorities. These are Dar es Salaam city council, Kinondoni, Ilala and Temeke municipal councils. The idea of the project was to design, survey, provide infrastructure and allocate plots to land seekers. The project had objectives and they are as below (Tanzania, 2008a, 2009):-

a) Poverty eradication amongst the inhabitants of the Dar es Salaam city through the land sector. Title deeds issued to land owners can be used as collateral to get loans from financial institutions.
b) To alleviate the problem of shortage of surveyed plots in Dar es Salaam and provide these areas with basic infrastructures to improve the standard of living of residents. It was estimated that Dar es Salaam needed about 25,000 plots to meet the demand in the year 2001. Thereafter, there should be a supply of at least 5,000 plots per year to sustain the demand.
c) To reduce the growth and problems associated with unplanned settlements in the city, and building into hazardous areas. It was expected that the supply of 5,000 per year would reduce the growth of informal settlements.
d) To reduce environmental destruction caused by the construction of houses without due regard to building laws, rules and regulations.
e) To provide space for provision of basic infrastructures
f) To curb corruption in the allocation of plots. That shortage in the supply of surveyed plots leads to transactions associated with corrupt practices and profiteering. A solution for, would be supply of many plots in the market.

5.3. Committees Set for Implementing the 20,000 Plots Project

Committees are important for effective execution and coordination of project tasks and functions. In implementing the project three committees were set each, dealing with different tasks. These were the Steering Committee, Technical Committee and Task force committee.

5.3.1. Steering Committee

The steering committee had the core responsibility of monitoring the project implementation as well as issuing of policy guidelines. It composed of senior officials from both the MLHHSD and four local

government authorities. Members from the MLHHSD were the Permanent Secretary, Assistant Permanent Secretary, core Departmental Directors, Commissioner for Lands and the Project Manager. From Dar es Salaam local authorities committee members were; the City Director and Municipal Directors from three City Councils.

5.3.2. Technical Committee

This committee was made up of members from both the MLHHSD and three local government authorities. Members were the Project Manager, Core Departments Assistant Directors, Chief Government Valuer from MLHHSD, Municipal Physical Planners and Surveyors from three Dar es Salaam city municipalities.

The committee had three responsibilities. The first duty was to ensure that all technical resources needed in implementing the project such as manpower, material resources are available. The second was to make good any technical malfunction that happen in the course of implementing the project. The last responsibility was to ensure that costs for project implementation are put as minimal as possible. For instance, to avoid unnecessary demolition of buildings during surveying of plots, or provision of basic infrastructures, as it increases compensation.

5.3.3. Task Force Committee

This is the third committee whose main tasks were; to identify suitable project areas in municipalities and to prepare project budgets basing on ceiling budget of each activity as well as project action plan. Committee members were; the Project Manager (who appeared in other two committees), City Engineers and City Surveyors. Others were Planners, Valuers, Surveyors, Lawyers and Economist.

5.4. Actors and Their Roles in Implementing the 20,000 Plots Project

One of the sub-objectives of this study is to know major/key players and their roles in implementing the 20,000 plots project. Different actors/players were involved in implementing the Dar es Salaam 20,000 plots project. Main actors were the Central Government, Local Government and Private Companies. The project therefore involved variety of professionals from the MLHHSD headquarters, three Dar es Salaam region Municipalities and Private Companies. According to the interview conducted to the Project Manager, since it was a big project, some land professionals were hired from upcountry local government authorities/councils. Private registered companies include; surveying companies, valuation companies, and road engineer/contractors. Key players with corresponding roles/responsibilities they had in implementing the project are indicated by Table 5.1 below.

Table 5.1: Actors and their roles in implementing the 20,000 plots project in peri-urban Dar es Salaam city

ACTORS	ROLES/RESPONSIBILITIES	INPUTS	REMARKS
Ministry of Lands	• Policy and legal framework implementation, • Declaring the intension of the Project to the government and public, • Identification of areas, coordination and establishment of procedures, • Preparing, organizing sources of fund.	• -Funds, • Staff, • Transport, • Stationeries.	• Successful in project implementation.
Local Authorities	• Organizing land professionals to perform their job	• Staff	• Successful in allowing staff to participate and gaining experiences.
Physical Planners	• Identifying project areas, • Preparing Town Planning drawings, • Identifying areas for provision of infrastructure services	• Base maps, • Stationeries.	• Managed to design 51 layouts according to the plan in the project areas.

Land Surveyors	• To make reconnaissance, • To carry out cadastral surveys, • Identifying plots for successful buyers.	• Surveying instruments, • Stationeries, • Transport.	• Managed to prepare satellites images, • Prepare base map for the project areas, • Managed to survey 37,653 plots in the project areas in collaboration with private surveyors.
Valuers	• Valuing landed properties of the original owners of land for compensation • Preparing of valuation reports • Preparing price for plot sale	• Transport, • Stationeries.	• Successful valuation to parts of project area in collaboration with private valuation firms
Land officers	• Identifying pin and beacons on surveyed plots, • Preparing reports for the status of plots before gazette, • Issuing valuation forms and application forms, • Preparation and issuance of letter of offers and requesting deed plans, • Preparing certificate of occupancy.	• Transport, • Stationeries.	• Managed to prepare 25,529 certificate of occupancy up to October 2008, • Managed to register 17,159 title deeds up to October 2008.
Road engineers/contractors	• To provide civil and road design services, • Carrying out and overseeing activities on clearing of land for road constructions.	• Road construction equipments	• Different firms managed to provide roads at different standards. Some roads being at good, fair and poor standards.
Agency for water exploitation	• Exploration of ground water, dams, deep wells survey in project areas.	• Ground water exploitation equipments.	• Not successful. There is no provision of water from the Water Exploitation Agency. Efforts of looking the source of water are done on individuals' basis.

Source: MLHHSD 20,000 Plots Project Manager, 2010.

5.5. Execution of the 20,000 Plots Project

The Ministry of Lands Housing and Human Settlements Development (MLHHSD) executed the project in accordance with various land policies, laws and regulations so far explained in chapter 3.

5.5.1. Strategies for Project Implementation

For immediate impact, the MLHHSD decided to survey 20,000 plots in one fiscal year. The project write-up showed that a sum of Tshs.21.9 billion was required for implementation. However it was not possible for the MLHHSD to have this sum at once through the normal yearly process of budgetary allocation. The MLHHSD therefore requested the treasury to issue the money in the form of a soft loan. After several consultations within government the MLHHSD was loaned Tshs.8.9 billion. In order to accomplish the project, the Ministry was allowed to revolve the loaned amount of money. Thus, the strategies were:-

a) Compulsory acquisition of a project area for public purposes;
b) Preparation of Town Planning Drawings showing the planning of the respective area;
c) Valuation of crops & other property;
d) Payment of compensation to people whose land was acquired;
e) Surveying of plots;
f) Allocation of plots to those who are ready to pay for cost recovery;

g) Money obtained from one project area was spent in the next project area by repeating the whole process.

For the success of the strategy, the Ministry evolved different tactics. These tactics are: -

a) Ministry workers, professionals and supporting staff alike were highly motivated so as to own the project;
b) The use of modern technology. The activities of valuation, surveying and the issuance of 37,653 plot titles would not have been possible without the use of modern technology. The professionals were motivated to utilize their talents and skills for the success of the project;
c) Motivation of professionals to work as a team. Solidarity between Valuers, Town planners, Land Surveyors and Land Officers was so basic and of vital importance for the success of the project. The whole process depended on the various disciplines for completion of their respective tasks within the given time frame according to the action plan. The delay by one cadre to complete their task would hinder others from accomplishing their tasks.
d) The cooperation between the leaders of the Ministry and the local and central Government leaders in Dar es Salaam region was enhanced;
e) Former residents of the areas that were acquired for the project were sensitized;
f) Mass media was recognized as a vital link between the Ministry and the people. They were educated and sensitized about the project;
g) Timely reaction on misleading information about the project;
h) Plots were allocated to those who were able to pay for cost recovery in order to obtain funds for plot surveys and loan recovery;
i) Timely decisions and adherence by all stakeholders to the action plan;
j) To reward all of those who achieve targets.

5.5.2. Project Budget and Action Plan

The assignment of preparing comprehensive budget and action plan was tasked to the Task Force Committee and was ready by August 2002. The budget and action plan was prepared to cover costs for; valuation of crops, farms(land) and buildings, payment of compensation to third parties, preparation and revision of town planning layouts and cadastral surveying. Other activities budgeted were road construction in project areas, plots allocation to different applicants and preparation of certificates of titles. A total sum of Tshs. 8.9 billion was earmarked for above mentioned activities (Tanzania, 2004). Table 5.2 below shows a budget breakdown for each activity.

Table 5.2: Budget expenditure breakdown for the year 2002/2003

S/NO	ACTIVITY	BUDGET (T.shs.)	EXPENDITURE (T.shs)
1.	Project areas identification and acquisition	16,780,000.00	16,780,000.00
2.	Design of plot layout plans	15,567,000.00	15,567,000.00
3.	Valuation of farms	251,385,250.00	297,895,250.00
4.	Payment of compensation	5,572,800,000.00	7,991,860,132.00
5.	Cadastral surveying	898,696,000.00	810,101,705.60
6.	Allocation of plots	187,328,000.00	179,002,100.00
7.	Road construction	1,877,700,00.00	339,064,305.50
8.	Project Management	125,234,000.00	112,913,400.00
TOTAL		**8,945,490,250.00**	**9,760,724,893.10**

Source: MLHHSD 20,000 Plots Project: Project Report June 2002-March 2004
Tshs- Tanzania Shillings 1US$ = Tshs.1200

5.6. Land Acquisition and Valuation for Compensation in Project Areas

Land was acquired with regard to the Land Acquisition Act (s.3) (Tanzania, 1967) which empowers the President to acquire land for public purpose. Among a number of reasons, the President has powers to acquire land for general public purpose or for any government scheme i.e. planning scheme (s.4) (Tanzania, 1967). Therefore project areas were acquired since, were identified as suitable for a planning scheme and are within the area already declared a planning area, according to the Town and Country Planning Ordinance (TPCO) (Tanganyika, 1956b) and the Government Notice No.231 of 1993.

5.6.1. Selection of Project Areas

The task of identifying and selecting 20,000 plots project areas was done by two land experts, Town Planner and Surveyor from the MLHHSD and one Surveyor from the Dar es Salaam City Council, and was completed in July 2002. Selected areas came from three municipalities. In Temeke municipality areas are Tuangoma, Mwongozo, Kisota, Mtoni Kijichi, Vijibweni and Kibada. For Ilala municipality areas chosen are Mwanagati and Buyuni, while in Kinondoni municipality, areas of Mivumoni, Bunju, Mbweni Mpiji, and Mbweni JKT were selected.

5.6.2. Sensitization and Community Participation

According to project reports, in executing the project, the MLHHSD implemented the concept of community participation. Residents in project areas were sensitized about the importance of planned land development. This was done in accordance with the Town and Country Planning Ordinance (TPCO) (Tanganyika, 1956b), as amended in 1961. Public meeting were conducted in different levels. In different periods, meetings were held with Dar es Salaam region leaders (political and government leaders) and Councillors of Urban Planning Committees of three municipalities. Project sensitization meetings were also conducted to all local leaders and the community in every project area in different dates in September 2002. Announcements for meetings time table were made through local leaders and different media. They were intended to deliver the message to land owners about the decision of the President/government to acquire their land planning to ensure smooth project implementation.

5.6.3. Aerial Photographing of Project Areas

Aerial photographs of all project areas/sites were taken on 22nd and 23rd of August 2002. Aerial photos were useful in; determining farm boundaries and developments on land up to the date when the photographs were taken. They were used to control any further of development of land that would have been done by land owners in order to raise compensation claims. This trick helped the government to reduce the amount of money that would have been incurred to pay for compensation. Since bare land now has value according to Land Act No.4 (Tanzania, 1999), images helped to calculate farm acreages and thus able to get rates of compensation for bare land in different localities. So far aerial photos were used to design and prepare layout plans and to accommodate or fit certain permanent buildings in layout plans that were decided to remain as they fall in residential areas. Aerial photos forms part of the Ministry's database for every land parcel, and were used to solve any compensation claim or land dispute raised by land owners.

5.6.4. Valuation and Payment of Compensation

Valuation for compensation in project areas was done according to the Land laws and project policy guidelines. The assignment of valuing unexhausted improvements (buildings, farms and crops) was performed by a team of government valuers together with two private valuation firms based in Dar es Salaam. According to the interview made with a valuer who participated in the exercise, aerial photographs helped a lot. They showed all the developments on the ground at the particular date when taken, helped to determine farm boundaries and other details. Demarcation of farms done by surveyors was used to ascertain the size of acquired land. During the exercise, all land owners whose properties were valued, had their digital photographs taken for official use. Each farm valued was given a unique reference number. At

the end of the exercise, every land owner had to sign a special valuation form to acknowledge that he/she witnessed and agreed with valuation of his/her farm, crops and a building (if erected).

Computations of values were done with regard to new rates established by the MLHHSD. Valuation reports were prepared then examined by the Chief Government Valuer (CGV), Ward Executive Officers (WEO), District Commissioners (DC) of respective areas and Regional Commissioner (RC). Approval and certification of valuation reports was done by the Chief Government Valuer.

Table 5.3 shows sizes of farmland in different project areas that were valued and acquired. They were taken by the government and surveyed for residential plots and other uses. A total of Tshs. 20,640,864,279.00 (US$ 17,200,720.23) was spent to pay compensation for farms and buildings to inhabitants that were found in all 12 project areas (Tanzania, 2008a).

Table 5.3: Size of valued and acquired farmland in different project areas

S/NO	PROJECT AREA	SIZE OF LAND (m^2)
1.	Tuangoma	7,936,117
2.	Kisota	3,327,616
3.	Mbweni Mpiji	6,155,115
4.	Buyuni	14,130,060
5.	Mivumoni	2,942,461
6.	Mbweni JKT	2,419,576
7.	Bunju	10,738,070
8.	Mwanagati	3,239,570
9.	Mtoni Kijichi	4,465,069
10.	Vijibweni	554,656
11.	Gezaulole/Mwongozo	7,368,421
12.	Kibada	12,540,000
	Total	**75,816,731**

Source: MLHHSD 20,000 Plots Project: Project Report 2002/2008

According to the project report (Tanzania, 2006), the project policy for compensation was that:-

i) Every resident with a farm recognized by law was eligible for payment of compensation for crops and bare land.
ii) All those found by the project with permanent buildings, and their buildings seen in aerial photographs were eligible to be allocated residential plots at a fair price (paying surveying fee). This is only if the building in question falls in an area planned for residential use. These were compensated for crops and bare land only.
iii) All those found by the project with permanent buildings, and their buildings seen in aerial photographs but falls in areas planned for social services, were compensated for buildings, crops and bare land. In order to be allocated a plot they were supposed buy a plots at the actual set price.
iv) Residents with bare land were compensated for crops and bare land. In order to be allocated a plot they were supposed buy a plots at the actual set price.
v) Compensation for buildings was not paid to residents whose buildings, were constructed after aerial photographing exercise. They were supposed to demolish the structures at their own cost if they fall in areas planned for social services.

Rates of Valuation for Compensation

In the 20,000 plots project, rates used for valuation for compensation of bare land, crops and buildings were prepared based on two legislations; the Land Act No.4 of 1999 and the Village Land Act No.5 of 1999. Rates for compensation for land, crops and buildings were set after completion of a market assessment research that was done in all project areas to reflect the current values of each item. According

to the interview with a senior land officer at the MLHHSD, a team of experts from the Ministry of Lands, three municipalities, and Ardhi University (UCLAS by then) was tasked to conduct such a research by the Minister for Lands. As explained above compensation for land and crops was paid to every resident who had a farm. Compensation for permanent buildings was paid only if they were supposed to be demolished to either leave space for social services or if were seen to be on the boundary of two plots.

5.7. Design and Approval of Town Planning Layouts

A total of 55 Town Planning Layouts with 37,653 residential plots and 4,000 plots for different public services were designed according to the Town and Country Planning Ordinance (TPCO) (Tanganyika, 1956b) and the Town Planning Space Regulations (Tanzania, 1997). All 55 Town Planning Layouts for all project areas were presented and approved by the Urban Planning Committee of the respective municipality and the Director for Human Settlements for implementation. In general residential plots were designed according to the following adopted space standards as indicated in table 5.4 below. Plot size standards are a little adjusted from standards as provided in the said regulations above (see table 5.5 below).

Table 5.4: Adopted space standards in the 20,000 plots project for residential plots

S/NO	Plot Type	Plot Size (square metre)
1.	High Density [HD]	400-600
2.	Medium Density [MD]	601-1200
3.	Low Density [LD]	1201-1500

Table 5.5: Space standards for residential plots as provided in the regulations of 1997

S/NO	Plot Type	Plot Size (square metre)
1.	High Density [HD]	400-800
2.	Medium Density [MD]	801-1600
3.	Low Density [LD]	1601-4000

5.8. Land (cadastral) Surveying of Plots

Cadastral surveying of plots was conducted by surveyors using Town Planning drawings that were approved by the Director of Town Planning of the MLHHSD. The surveying exercise was governed by the Land Surveying Ordinance Chapter 390 (Tanganyika, 1956a). All survey plans were approved by the Director of Surveys and Mapping. According to the Project Manager, in order to survey many plots, the exercise was done by both government surveyors and six private registered surveying companies. The combined efforts managed to survey 37,653 residential plots in all 12 project areas. The success was contributed by the use of modern surveying instruments such as Total station and Global Positioning System (GPS).

5.9. Provision of Basic Infrastructures in Project Areas

Provision of basic infrastructures like roads, electricity and piped water and sewerage system, was one of the main objectives of the 20,000 plots project. The provision of basic infrastructures was meant to improve the living standard of the people in project areas. According to the project report (Tanzania, 2008b), all project areas were supposed to be provided with all basic services. But presence of all mentioned services implies increase in the cost of producing individual plot; same applies to the selling price of a plot. According to the Project Manager, due to budget constraints, the MLHHSD decided to provide project areas with only gravel and earth roads which cover a total length of 962 kilometres. Rudimentary roads were provided to ensure accessibility to every plot and facilitated location and identification of plots by land allotees. Therefore plot prices in project areas took into account costs of

producing plots such as compensation, administrative costs, surveying, preparation of titles and road construction.

Other basic infrastructures were to be provided by two government agencies. Piped water and Sewerage system was supposed to be provided by the Dar es Salaam Water Supply and Sanitation (DAWASA). On the other hand, electricity power lines were supposed to be installed by Tanzania Electric Supply Company (TANESCO). However water and electricity have not been provided by the mentioned two agencies in project areas. Few plots in project areas, especially along or close to main roads are connected with electricity by individual or collective efforts of plot owners. This connotes that there was no coordination between the MLHHSD and two agencies during project planning and implementation, so that each agency prepares its own budget for respective service.

The problem of provision of water has a long bad history in Tanzania. According to Kyessi (2005), the total production of water is 204 million litres per day, while the demand is 410 million litres a day. It is estimated that, the trunk transmission loss and leakage is 25%, while the distribution leakage amounts between 35% and 40%. On average 60% of pumped water is lost and only 40% reaches the consumers. The system of water even in already serviced areas is defective and the supply is erratic and irrationally distributed. The outcome of this has been water rationing and lack of water in these areas for several days.

5.10. Land allocation and Grant of Certificates of Occupancy

5.10.1. Land Allocation Procedures

After completion of cadastral surveying exercise of respective project area, survey plans and a files containing original data were submitted to the office of the Director of Survey and Mapping for further scrutiny and approval. After approval survey documents were filed as property of the government. Plans and other records were used for parcel registration and preparation of Certificates of Titles of the individual parcels. A copy of the approved plan was then sent to the Plot Allocation Committee (PAC), of the respective municipality for plot allocation to different applicants.

The community was informed about availability of plots through different media such as newspapers with wide circulation, Ministry's website, television and on notice boards of respective municipalities. According to the Project Manager, plots were allocated to anyone able to pay for cost recovery. There was no restriction on the number of plots a land seeker is allowed to buy. Plot allocation application forms (vouchers) were available at the land office of the concerned municipality. Therefore available plots of all project areas in the respective municipality were displayed on public notice boards. A land seeker after being satisfied that a plot of his/her choice is not yet occupied, paid a fee of Tshs.5000 (US$ 4) and filled in a specified application form in duplicate and remained with a copy. Forms were then returned for processing and thereafter submitted to the PAC for scrutiny. Names of successful applicants were displayed on public notice boards.

All payments for plots allocated in the 20,000 plots project were made at MLHHSD. Modes of payment were either lumpsum (full) or instalments. After an applicant has paid the whole amount for a plot, a letter of offer was produced by a computerized system and issued to him/her on the same day. A letter of offer had to be accepted after being signed by the plot owner and witnessed by an Advocate (Notary), and a copy of which had to be returned to the office of Commissioner for Lands for title preparation.

5.10.2. Grant of Certificates of Occupancy

According to 20,000 project reports, the task of preparing and issuing of Certificates of Occupancy was mandated to the offices of Commissioner for Lands and the Registrar of Titles. The preparation process starts soon after the applicant has fully paid the price for a plot, and given a letter of offer which has to be

signed by him/her, witnessed by an advocate/notary (as for proof of acceptance) and then returned to the Commissioners' office. The title deeds were issued to the plot owners after being signed and registered by the Commissioner for Lands and the Registrar of Titles respectively. According to the Land Act No.4 (Tanzania, 1999) [s.30(1)], the Commissioner for Lands is supposed to issue a Certificate of Occupancy within 180 days (6 months) from the date of acceptance of a letter of offer.

5.11. Land Development

5.11.1. Application and Grant of Building Permits

There are legislations that oversee land development in planned areas. The Township Rules (Tanganyika, 1930) (s.4), restricts putting up of a building in a planned area without having a building permit from a building authority. The NHSDP (Tanzania, 2000) noted under section 4.1.2.1 issue (ii) that "there are unnecessary delays in the issuance of building permits, thus forcing developers to build illegally without such permits. In order to overcome such delays, section 4.1.2.2, policy statement (ii) says that "local authorities shall be bound to issue building permits within 30 days. Failure to do so, the applicant can appeal to the Minister responsible for town planning".

According to the interview held with one officer of the Housing Department at the MLHHSD, procedures to get a building permit starts after preparation of three copies of building plans/drawings accompanied by a filled up application form which are submitted to the concerned Authority/Municipality. At the municipality level building plans have to be checked and passed by six municipal officers; An Architect, Engineer, Town Planner, Land Officer, Health officer, Fire section and Sanitation section. Having scrutinized and passed by six desks, the application is sent Urban Planning Committee (UPC) which has the responsibility of approving and granting building permits to different applicants.

5.11.2. Adherence to Planning and Building Rules

Construction of houses with due regard to planning and building rules is one of the 20,000 plots objectives. The Township Rules (Tanganyika, 1930) [s.12(1)], empowers local government authorities/municipalities to inspect any building in course of erection or completion. This is meant to ensure that building are constructed with permits and with due regard to planning and building rules. Town Planning Space Standards Regulations (Tanzania, 1997) provides the rules to be followed when erecting buildings. These are; building lines, setback and plot ratios. Adherence to those rules leaves space for construction of a septic tank, a soak pit, connection of public services like electricity and water to a building. Table 5.6 shows different residential plot ratios according to plot sizes.

Table 5.6: Minimum plot ratios, building lines and setbacks for residential buildings

S/No.	Type of residential area	Plot ratio	Set Backs (meters)		
			Front	Sides	Rear
1	High Density	0.40	3.0	1.5	2.0
2	Medium Density	0.25	3.0	3.0	5.0
3	Low Density	0.15	5.0	4.0	10.0

Source: Tanzania, 1997.

5.12. Private Sector Involvement

Since the 20,000 plots project was big, the Ministry of Lands decided to employ the private sector to perform certain assignments that were seen capable of being done by the sector. The private sector was involved in aerial photographing, valuation, cadastral surveying and road construction. According to the project report (Tanzania, 2008a), cadastral surveying is one of the assignments done with great success by

the private sector. Out of 37,635 surveyed residential plots, the private sector surveyed 13, 178 plots equal to 35% in Buyuni, Mwanagati, Mivumoni, Kibada and Mwongozo. Table 5.7 shows participation of private sector in different project assignments with their respective achievement.

Table 5.7: Private sector participation

S/NO.	Assignment	Target Achieved	Percentage Achieved by Public Sector	Percentage Achieved by Private Sector
1	Aerial photographing	55.4 square kilometres	0	100
2	Valuation	2662 farms, 728 houses	80	20
3	Cadastral surveying	7653 plots	65	35
4	Road construction	848.81 kilometres	6	94

Source: MLHHSD 20,000 Plots Project: Project Report 2002/2008

5.13. Conclusion

The implementation of the 20,000 plots project in peri urban areas of Dar es Salaam city was fully facilitated by the current regulatory framework. The facilitation was done through application of different laws, regulations and procedures (regulatory framework) in all steps of availing planned urban land for development. The execution of the project was made possible through set committees, availability of fund and strategies that were designed and implemented in teamwork among key actors who performed their responsibilities in different project assignments. The project realized achievements which include; able to survey and allocate a total of 37,653 plots and grant titles to different people in all project sites of Dar es Salaam city and able to recover is capital (loan) invested. Thus the project was cadastrally and financially successful. The next chapter gives the results and discussion of facts from analyzed data collected using methods and sources described in chapter 4.

6. RESULTS AND DISCUSSION

6.1. Introduction

The content and the functioning of the regulatory framework, for urban land management in Tanzania context is described in chapter three. The implementation of the 20,000 plots project as per the current regulatory framework is described in chapter five. The implementation of the project has been confronted with secondary and empirical data gathered and analyzed in the way described in chapter four.

This chapter answers sub-objective two and three (refer section 1.5 and 1.6). This is has been done according to data collected with the methods described in chapter four. The chapter therefore presents results and discussions. The results and discussions are treated in three approaches which are the role of the regulatory framework in executing the 20,000 plots project (through steps of planned land delivery and development), output of the 20,000 plots project and outcomes of the project.

6.2. The Role of Regulatory Framework in Executing the 20,000 Plots Project.

6.2.1. Land Acquisition and Payment of Compensation

The process of acquiring land for areas that selected for 20,000 plots project was done as per the requirements of the Land Acquisition Act of 1961. All stakeholders were informed about the Presidents' decision to acquire their land for the project, through meetings held in different periods to different groups of people in months of August and September 2002 (as described in section 5.6 of chapter 5). Valuation of land, buildings and crops was done as per the requirements of the laws, with uplifted rates of compensation and as per project policy terms (as described in section 5.7 of chapter 5), to pay compensation for farms and buildings to inhabitants that were found in all 12 project areas (Tanzania, 2008a).

According to the project report (Tanzania, 2008a), despite such attempts of the MLHHSD sensitize stakeholders about the objectives of the project and to uplift rates of compensation, majority of local people in project areas resisted releasing their farmlands for the project and others decided to put court injunction, which lagged behind the execution of the project. As from the interview made to some local people and leaders who bought plots and therefore still live in project areas, besides the government efforts to uplift the rates of compensation, the rates still did not reflect the current reality value of land and buildings in relation to costs of building materials.

6.2.2. Preparation and Approval of Planning Schemes

Preparation and approval of planning schemes was perfectly done according to laws, regulations, procedures and authorities as described in section 5.8 of chapter 5. In this activity the study found that the MLHHSD lowered space standards for residential plots (densities). For instance for high density plots there is a change, from 400m^2-800m^2 to 400m^2-600m^2. This was aimed at producing more affordable plots to cater for the existed demand for planned plots. However despite such an attempt, the ratio of plots according to densities was not well done, since low and medium plots dominated. During interviews, local people were complaining that high density plots were few as compared to other plot sizes. It should be born in mind that, plots sizes determine the unit cost of producing a plot. The bigger the plot size the higher is its price and vice versa.

6.2.3. Land Surveying of Plots

Cadastral surveying of plots in all project areas was performed with due regard to the existing legislation explained in section 5.9 of the preceding chapter. According to the Project Manager there was no problem in implementing the surveying legislation. During field surveying exercise it happened in some project areas, where inhabitants resisted their land to be surveyed complaining about unfairness of rates of compensation used and they were not fully involved in planning the project from the beginning. Besides, there were cases where plots were surveyed in hazardous areas, which led to rejection of some plots that were allocated people.

6.2.4. Provision of Basic Infrastructures in Project Areas

The government under section 4.1.3.2 policy statement of the National Human Settlements Development Policy (NHSDP) of Tanzania 2000 provides in subsection (i) "that, the government shall facilitate provision and improvement of social services and infrastructure in human settlements development". Subsection (ii) provides that, "in urban centres that are earmarked for development shall be provided with infrastructure and social services before they are allocated to developers as required in the National Land Policy (1995)".

According to the project report of the MLHHSD (2008b), all project areas were supposed to be provided with roads, water, electricity and sewerage. The research shows that, the only infrastructure provided in project areas is paved or partly gravelled rudimentary road (without drainage systems), for main block roads. According to the Project Manager, roads were provided to facilitate access to different blocks and not to individual plots. They also facilitated location and identification of plots by land allotees.

There are many places where the condition/quality of roads is poor and in some blocks there are no roads at all. This is implementation problem of the project. It have been expensive to provide road in all project areas, due to presence of many low and medium density plots (refer table 6.8), covering a large area that need to be provided with roads, unlike to small (high density) plots. The problem has also been caused by poor workmanship, supervision and construction materials specifications adopted. For instance in Mivumoni, and Buyuni, even blocks-connecting street-roads especially across small valleys are poorly constructed due to presence of either culverts with small diameters or no culverts at all. Some culverts are broken/small or in other places culverts were not provided at all. There are blocks in Buyuni and Kibada since 2002 up to 2010 do not have roads. This situation made some blocks/plots not easily accessible by motor vehicles, which is disincentive to plots/land development. This is illustrated by figure 6.1.

Figure 6.1: Type and condition of roads in Mivumoni and Buyuni

a) Poorly constructed road with no culvert-Mivumoni b)Poorly finished road with a small culvert-Buyuni

They study made a survey to see the level of connection of basic infrastructures to plots in Kibada, Mivumoni and Buyuni. It was found that more than half of interviewed plot owners in the said

neighbourhoods have their plots connected with only paved roads. More than three quarters of respondents have their plots not connected with electricity. This is illustrated by table 6.1 below.

Table 6.1: Type of basic infrastructure connected to a plot

Type of Basic Infrastructure	Number of Respondents	Percentage (%)
No any service	15	14.6
Paved roads	71	68.9
Paved roads and electricity	17	16.5
Total	103	100.0

Note: Neither of the respondents said to have water connection in their plots.

In all three selected areas of the project has not provided water or electricity. However there are few individuals who have managed to connect their buildings with electricity at their own costs. Most of the buildings connected with electricity are located along or near to the main road where there were electricity lines that passes the project areas, going to other areas. This is shown in figure 6.2 below. Due to absence of water in project areas, residents are forced to get water most likely not safe from seasonal rivers around their neighbourhoods or buying water from privately owned dug-shallow or drilled wells or buying from water vendors, which costs a lot of money for large families (see figure 6.3). Absence of water in all project areas affects the pace of plot development, since it is very expensive to rely on water sold by vendors.

Figure 6.2: Few buildings along the road connected with electricity

a) Buildings connected with electricity-Mivumoni

b) Buildings connected with electricity- Buyuni

Figure 6.3: Problem of water in project areas

A water vendor in Mivumoni project area

The study made a survey to get the responses/opinions of plot owners in three selected areas, about the governments' commitment in providing basic infrastructures. Table 6.2 shows the rating of

respondents/plot owners. From the table, majority of respondents rate the government as poor in providing infrastructures and only few minorities rate as good. Majority of plot owners are not happy with the level of service provision by the government. From interviews and focused group discussions with plot owners it was learnt that, during project sensitization the community was promised by the government that project areas will be provided with all basic infrastructures.

Table 6.2: Respondents' rating of the government in providing basic infrastructures

Rating	Frequency	Percentage (%)
Good	3	2.9
Fair	40	38.8
Poor	60	58.3
Total	103	100

6.2.5. Land Allocation

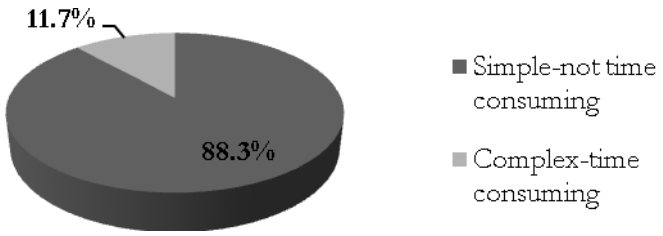
a) Procedures for land allocation

The concern of the research was in plots allocation procedures that are well described in section 5.11.1 of chapter 5. In the 20,000 plots project, the study investigated the issue of plots procedures when surveyed plots were made available to the community for sale. The concern was to know if procedures were still complex (time consuming) as before. According to different literatures read and cited in chapter 2, most developing countries are faced with cumbersome, complex and long-time-consuming procedures in formal land allocation. From the facts presented in section 5.11.1, the study observed that procedures have been improved by being more clear and easy to follow. There was the problem case of payments for selected plots. All payments were made at MLHHSD, which causes congestion of people and time consuming.

The study further made a survey for gathering views/responses of plot owners in three selected areas of Kibada, Mivumoni and Buyuni. Majority of the respondents rated and saw the procedures for plot allocation as simple, while minority pursued them as complex as indicated in figure 6.4. People with cash money were able to select a plot, pay for it and get a letter of offer in the same day. During interview one respondent said that;

> *"I appreciate plot allocation procedures adopted in the 20,000 plots project. For the first time in my life I managed to get a letter of offer in a single day. This had never happened before"*

Figure 6.4: Plot owners rating of plot allocation procedures adopted in the project



b) Mode of Payment for a Plot

According to interviews conducted to the Project Manager and land owners, the Task Force Committee set two modes of payment for a plot. These were full (lumpsum) payment and instalment basis. At the beginning when plots were out for sale, the mode of payment was lumpsum payment only. But after

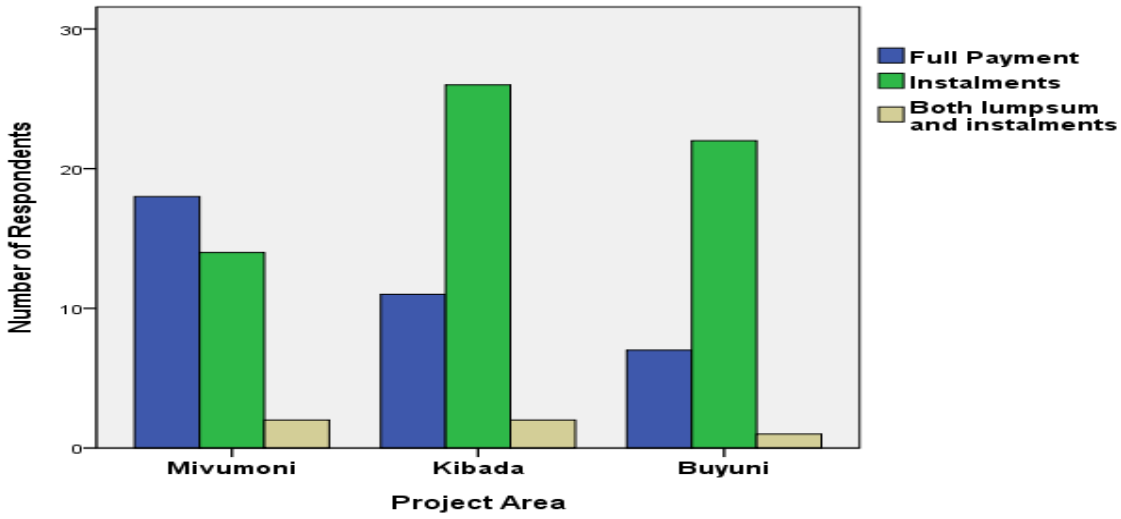
noting that, not all land seekers were capable of paying lumpsum, the committee introduced instalment approach of paying for a plot. Payment by instalment motivated and enabled majority of low and medium income people (farmers, employees of lower cadre etc) to acquire a plot in the project. But those who bought plots on instalment basis were supposed to complete paying their dues within one year. According to the study made in three selected areas of Kibada, Mivumoni and Buyuni, more than half of respondents interviewed through questionnaire paid for their plots on instalment basis as indicated in table 6.3 and figure 6.5. However the study revealed that, there were others who used both approaches to pay for their plots. These are those who bought more than one plot in the project for different reasons.

Table 6.3: Mode of payment for plot adopted in the project

Mode of Payment	Frequency	Percentage (%)
Full Payment (lumpsum)	36	35.0
Instalments	62	60.2
Both lumpsum and instalments	5	4.9
Total	103	100.0

The study observed that, those who took one year to pay for their plots on instalment basis, are among who received their certificates of titles after one year. This is due to the fact the process of preparing a certificate of title starts soon after the land holder completes paying his/her dues.

Figure 6.5: Mode of payment according to neighbourhood



a) Affordability of Plot Prices

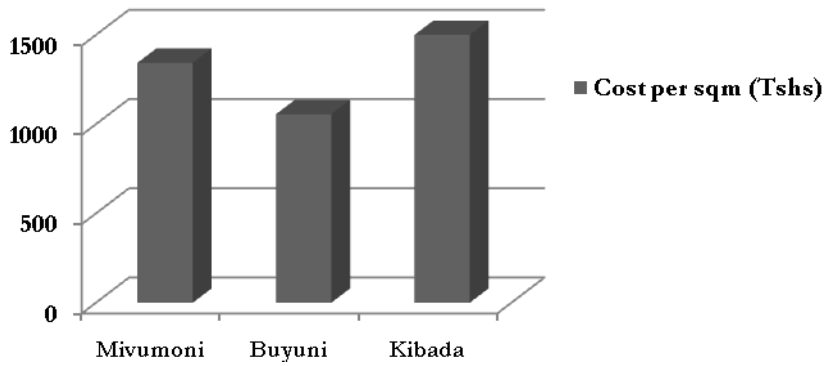
According to project reports and interviews, with the Project Manager and Land Professionals of the MLHHSD the price of a plot is a function of a number of factors. These include administrative costs, compensation, surveying costs, infrastructure provision costs, land value of the project area, size of a plot, use of plot, and profit. Table 6.4 shows cost of a plot per square metre, adopted for every project area in the 20,000 Plots Project. Therefore the price/cost for a plot in the table considered all seven factors mentioned above.

Table 6.4: Cost for a plot per square metre adopted in the 20,000 plots project

S/No	Project Area	Cost per m² (Tshs)	Price for 600 m² (Tshs)	Price for 1200 m² (Tshs)	Price for 1500 m² (Tshs)
1	Kisota	1120	672,000	1,344,000	1,680,000
2	Mtoni Kijichi	1280	768,000	1,536,000	1,920,000
3	Mwanagati	704	422,000	845,000	1,056,000
4	Tuangoma	800	480,000	960,000	1,200,000
5	Mbweni JKT	1920	1,152,000	2,304,000	2,880,000
6	**Mivumoni**	**1344**	**806,000**	**1,613,000**	**2,016,000**
7	**Buyuni**	**1056**	**634,000**	**1,267,000**	**1,584,000**
8	Bunju	1760	1,056,000	2,112,000	2,640,000
9	Mbweni mpiji	1632	979,000	1,958,000	2,448,000
10	Mwongozo	1920	1,152,000	2,304,000	2,880,000
11	**Kibada**	**1500**	**900,000**	**1,800,000**	**2,250,000**

Source: MLHHSD September 2010 Tshs- Tanzania Shillings 1US$ = Tshs.1200

Figure 6.6: Comparison of cost per square metre for selected project areas



The study observed that plot prices varied from one project area to another depending seven mentioned factors above. In three selected case study areas Kibada had highest cost of a plot per square meter followed by Mivumoni and Buyuni. Kibada had highest cost because of its location being near to the city centre (15km) which makes its have high land value. Figure 6.6 above shows cost of a plot per square meter for Kibada, Mivumoni and Buyuni.

Figure 6.7: General rating of plot prices

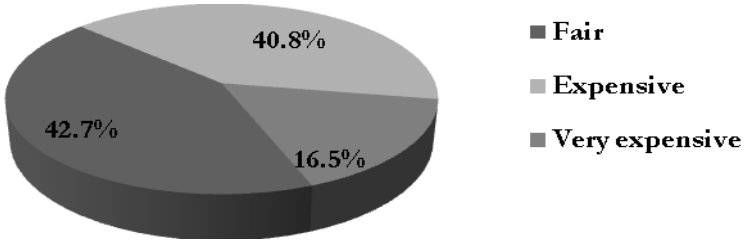
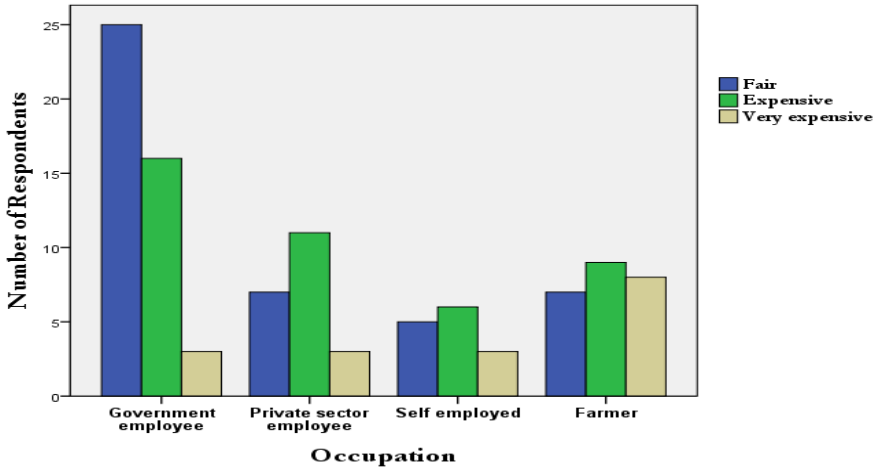


Figure 6.8: Rating of plot prices as per occupation

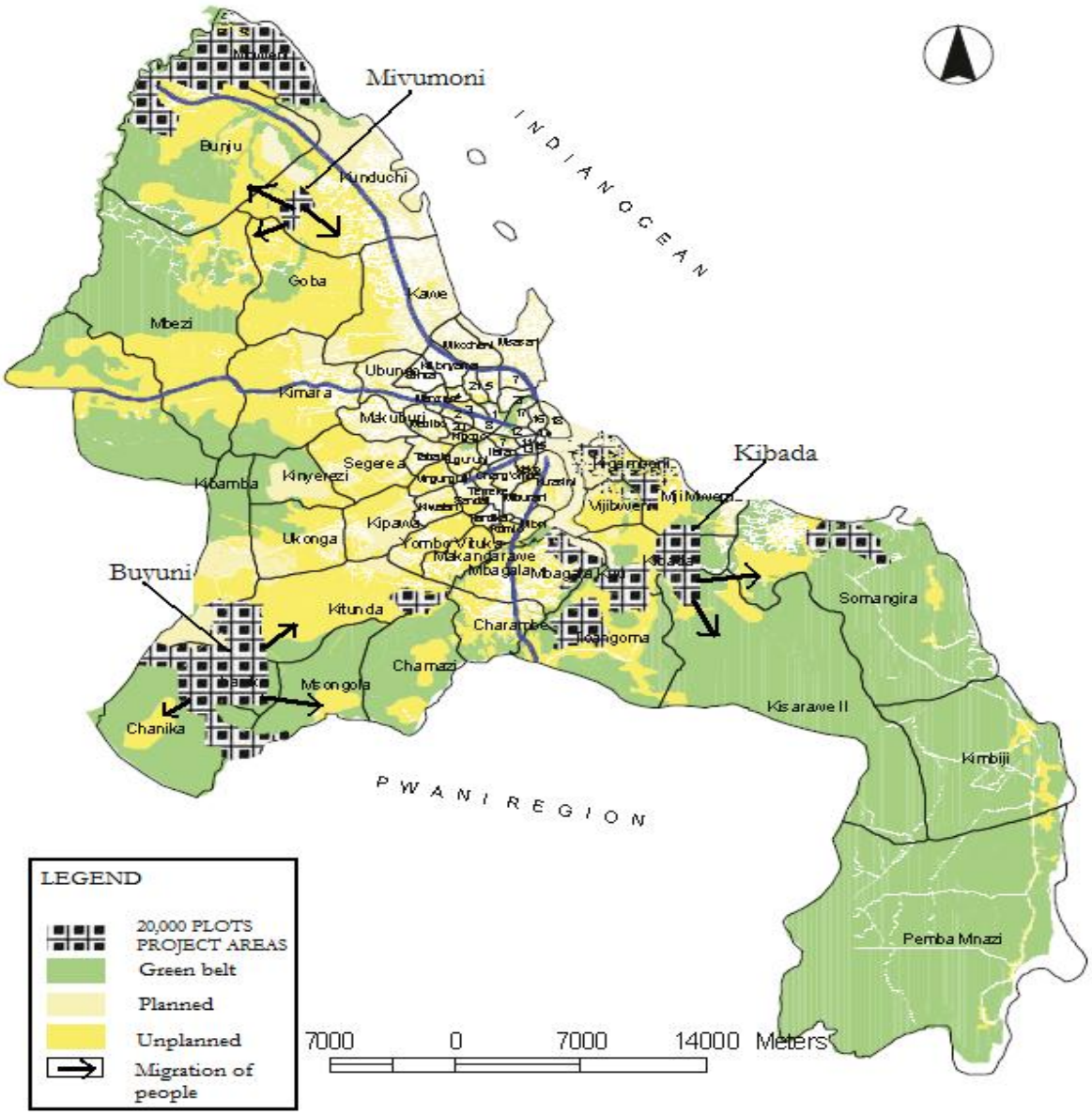


The study made a survey to get the response of individual plot owners, in Kibada, Mivumoni and Buyuni about plot prices. More than half of the respondents ranked the plot prices as expensive. This is indicated in figure 6.7 and figure 6.8 above. According to the study, majority of whom ranked plot prices as fair are government employees while majority of farmers mostly low income earners ranked the prices set as expensive

The above scenarios connote that very few famers i.e. low income people afforded to buy plots in project areas. Most of the plots were bought by government and private sector employees who are middle and high income people. Therefore majority low income people did not afford to buy plots in the project. According to the interviews conducted in three selected case studies, few of local people that were able to buy plots are those whose houses were in residential plots after surveying exercise, as they paid surveying fee only. Few others managed to buy as per prevailed plot prices. The rest who did not afford the prices, found their way to nearby unplanned areas, to buy land informal relatively cheap and construct buildings as illustrated in figure 6.9 and 6.10 below.

Figure 6.9: The growing unplanned settlement in Mivumoni at the background

Figure 6.10: Migration of people from planned to informal settlements and reserve land



Source Adapted from UN-HABITAT, (2010)

c) Grant of Certificates of Occupancy

Procedures for preparation and grant of certificates of occupancy to land owners, by responsible authorities according to the governing laws and regulations, are clearly described in section 5.11.2 of chapter 5. In the 20,000 plots project, the intention of the study was to know the complexity of procedures in terms of time the applicant has to wait before being given his/her title. For reminder, according to the Land Act [s.30(1)] (Tanzania, 1999), the Commissioner for Lands is supposed to issue a certificate of occupancy within 180 days (6 months) from the date of acceptance of a letter of offer. The study found that, the Commissioner for Lands has managed to abide to the provision stated above. As illustrated in table 6.5, most of interviewed plot owners in Kibada, Mivumoni and Buyuni received their titles within a period of 2 to 6 months. Few of them got their titles after 6 months. The study has established that those who received their titles after a lapse of more than 6 months to a year are either those who paid through instalments or were allocated plots that were discovered to be in hazardous areas.

Table 6.5: Period waited to get a certificate of title

Period	Frequency	Percentage (%)
2 months	8	7.8
3 months	18	17.5
4 months	16	15.5
5 months	17	16.5
6 months	26	25.2
More than 6 months	5	4.9
More than 1 year	13	12.6
Total	103	100.0

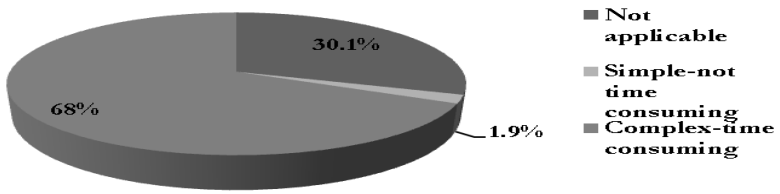
6.2.6. Land Development

a) Procedures to get a Building Permit

Procedures for a building permit falls under land development step number six of the conceptual framework (see figure 3.1 of chapter 3). Procedures to get a building permit and responsible granting authorities are described in section 5.11.1 of chapter 5. Complexity in getting a building permit is one of the problems facing regulatory frameworks of many developing countries as discussed in chapter 2 of this research. In attempt to deal the problem, the National Human Settlements Policy (Tanzania, 2000) states in section 4.1.2.2 policy statement (ii) says that "local authorities shall be bound to issue building permits within 30 days. Failure to do so, the applicant can appeal to the Minister responsible for town planning".

The concern of the research was to know if procedures are still complex (time consuming) as before. The Urban Planning Committee (UPC) used to meet once every three months to approve building permit applications. Such practice was seen cause delays in effecting land developments. Having seen the delays, some improvements were made and now the UPC meets once per month to approve applications. The study made a survey, to get the perceptions/stands of plot owners with regard to the issue of procedures in getting a building permit. From the survey, majority of respondents saw procedures as complex/time consuming, while minority saw them as simple. This is illustrated in figure 6.11.

Figure 6.11: Respondents' ratings of building permit grant procedures



Note: "Not applicable" in the legend of the chart stands for land owners whose plots are still undeveloped.

The research indicated that besides changing the timetable, still getting a permit in Tanzania is bureaucratic. It reaches a time when developers are forced to bribe some of the members of the Urban Planning Committee. In Buyuni one respondent said that

> "*…it took me two years to get a permit because I did not want to give them a kickback (bribe)"*

Another respondent in Kibada was quoted saying that

> "*…because I feared to misuse my money for construction, as a result of unnecessary delays at Temeke municipality I gave a kickback to one member of the Urban Planning Committee to speed up the process. After doing so I got a permit after two weeks"*

It should be kept in mind that complexity in procedures raises the costs financially. According to Payne (2001), a delay of a year to get a permission to build on a recently acquired land dramatically adds to total construction cost.

a) Planning and Building Standards

As earlier explained in chapter 2, planning standards refers to plot space standards (plot sizes) and building standards refers to building materials specifications to be used in erecting buildings. According to the National Human Settlements Policy (Tanzania, 2000) (s.4.1.2), planning and building regulations as well as standards are essential in development control and guiding building construction. Planning regulations and building standards and are provided in the Township Rules (Tanganyika, 1930), which is as old as 80 years now.

In the 20,000 plots project, the concern of the research was to get the perception/rating of land developers in selected project areas, about the effect brought by planning and building standards to cost of construction. The study enquired and got opinions of plot owners who have developed their plots about the issue of planning and building regulations and standards in relation to costs of construction. From the rating in table 6.6, the research observed that building regulations and standards are high and add up to the construction cost of buildings. Majority of the respondents saw them as high, while few minorities saw standards as medium.

Table 6.6: Respondents' ratings of building regulations and standards to construction costs

Rating	Frequency	Percentage (%)
Not applicable	8	7.8
High	81	78.6
Medium	14	13.6
Total	103	100

Through focus group discussion and interviews with local people, again building standards were seen as high and contribute to the increase in costs of construction. Some of the local people who had farms in project areas (who bought plots by paying surveying fees only), since they cannot adhere building standards, they decided to sell their plots and move to nearby unplanned areas, where they bought informal land and constructed cheap houses. During the discussion at Mivumoni one local person said that:

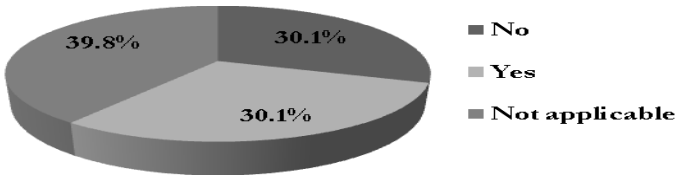
> *"...It is true that I was allocated a high density plot in Mivumoni block 2 by paying surveying fee, since I had a farm that was turned to residential plots. But because planning and building standards are expensive to adhere, I decided to sell my plot. I used the money from that plot to buy a piece of land in Madale village and managed to construct a normal house where I am now living"*

On the other hand the research wanted to see the level of adherence to planning and building rules for those who have developed their plots in Kibada, Mivumoni and Buyuni. Since there is no central sewer in project areas, adherence to the rules means leaving space for construction of a septic tank, a soak pit. The left space also facilitates connection of public services like electricity and water to buildings. According to the study done, only 44.7% of respondents who have developed their plots agreed to follow building and planning rules. 55.35% of them did not follow the rules in developing their plots.

The study further investigated to know the performance of municipal officials to inspect and ensure that land developers in project areas, erect their buildings with due regard to planning and building rules and standards. This was done by asking land developers (who have developed their plots) if they were visited by building inspectors, in the course of constructing their buildings. The study found that almost half of respondents were visited by municipal building inspectors, while the remained half was not, as indicated in

figure 6.12. It gives an indication that municipal building inspectors do not conduct regular inspections as required, in ensuring that buildings are erected to rules and standards.

Figure 6.12: Land developers visited by municipal building inspectors



Note: "Not applicable" in the legend of chart stand for land owners whose plots are still undeveloped.

a) Plot Development Duration

From various literatures cited in chapter 2, as well as an interview with a one senior land academician in Tanzania, Township Building Rules (Tanganyika, 1930) were introduced during colonial era. The condition to complete construction within 3 years was for foreigners who came to Tanzania (Tanganyika by then) to invest their capital. During that time, urban planned land for development was given to Europeans and Asians only. Since they were not natives and because of shortage of housing supply in urban areas, the colonial government put strict conditions to make sure that, those who were allocated plots construct buildings within 3 years, failure of which land was taken and given to somebody else. Soon after independence, the legislation was inherited by the government. The government had and has been unwilling to change such a condition, it turned to bind natives who Tanzania is their home country. The condition had been and is still there.

Development terms and conditions are now stipulated in section 2 (i)-(v) of a Certificate of Occupancy. Under such terms of granting a right of occupancy, the planned building with a development permit, must be completed within 36 months (3 years) from the commencement of the right. According to interviews made to various stakeholders (especially low income households) the in three selected project areas, the set duration of is too short to complete erecting a building. This is due to unreliable sources of income, lack of mortgage facilities, minimum amount of compensation received, complexities in getting building permits from concerned municipalities, absence of basic services that if provided could have reduced the construction costs.

The study learnt that, some land owners hold their plots for 3 years waiting for land value to appreciate, after which they sell their plots at higher prices. After selling their plots they go to nearby or far areas where they buy land informally and construct buildings without conditions (refer figure 6.9 and 6.10). Other land owners protect their plots by laying a foundation which suffices to signify development. This situation was noted in all three areas and has resulted to presence of many plots still undeveloped or with foundations only or with unfinished structures.

b) Land Speculation

As cited in chapter 2, land speculation is mentioned an obstacle to an orderly development of urban land. One of the specific objectives of the National Land Policy (Tanzania, 1995) is to set ceilings on land ownership which will later be translated into statutory ceilings to prevent or avoid the phenomenon of land concentration i.e. land grabbing for speculation. In the Land Act (Tanzania, 1999) [s 21(1)] talks about setting a ceiling on size of area of land that a person can hold under a single right of occupancy. Section 4.1.1 of the National Human Settlements Policy (Tanzania, 2000) recognizes the problem of land speculation in Tanzania. One of the issues raised in the said section is encroachment and speculation of

land by some developers which frustrate the government efforts of providing urban land equitably and in a desired manner.

The study interviewed one senior land professional/academician, who narrated that land speculation in Tanzania is result of high urbanization rate, especially of Dar es Salaam city (which is almost 5% per annum), and the problem with existing land laws and regulations. That currently there is no any section in operating Land Act or regulation that stipulates the ceiling number of plots one is allowed to hold, despite being one of objectives of the National Land Policy of 1995 and the concern of the National Human Settlements Policy of Tanzania of 2000.

The MLHHSD surveyed and allocated 37,653 plots to different land seekers. It was expected that such an attempt will reduce/control land speculation. The research observed that, latter has been controlled in the short-term. The study learnt that in the whole process of land allocation to land seekers, there was no limit on the number of plots a person is allowed to buy and own at ago as long as he/she is able to pay for them. There was no any follow up to check if the applicant has planned plots elsewhere in Dar es Salaam before.

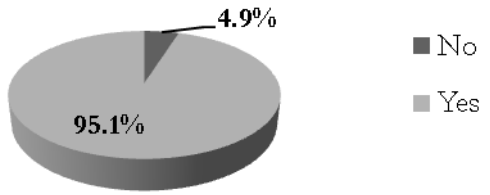
The concern of the MLHHSD was to recover its loan of Tshs.8.9 billion from the treasury and not who bought how many plots. Therefore the situation gave room to speculators to buy as many plots as possible in different prime project areas, registering them in names of their family members and friends. The results have been presence of undeveloped plots or plots with foundations only over a long period of time, which creates artificial land scarcity (see figure 6.13). By now potential land developers cannot get a plot in any municipality through normal procedures. They can instead, buy plots through transfer from land speculators at high prices.

Figure 6.13: Undeveloped plots in Mivumoni and Buyuni

a).Undeveloped plots with foundations in Mivumoni b).Undeveloped plots in Buyuni

The study conducted a survey to respondents in selected project areas, to test their level of awareness to the problem of land speculation and how they rate the government in controlling the problem. Figure 6.14 shows that, almost all respondents are aware of people of holding land for speculation.

Figure 6.14: Respondents' awareness of people holding land for speculation



Concerning the government commitment in controlling land speculation in study areas, the survey conducted shows that most of respondents ranked the government as poor in fighting against the scourge. This is illustrated in table 6.7 below.

Table 6.7: Respondents' ratings of the government in controlling land speculation

Ranking	Frequency	Percentage (%)
Good	1	1.0
Fair	14	13.6
Poor	88	85.4
Total	103	100.0

6.3. Output of the 20,000 Plots Project

6.3.1. Poverty Eradication through Certificates of Title as Collaterals

According to the 20,000 plots project implementation report (Tanzania, 2008a) a total of 37,653 plots were surveyed, allocated and titles issued to different land seekers. A total of 29,291 residential plots of different densities in eleven project sites were produced. Plot development is a capital intensive project. Quite substantial amount of money is needed to build a house in conformity with township rules and standards. For majority of middle and low income people it takes some years to complete constructing a house.

The project intended/expected to eradicate poverty, among residents of the city of Dar es Salaam through the land sector, by giving land owners certificates of occupancy to be used as collateral for a loan from financial institutions. The study researched how issued titles were useful as collaterals for housing loans in effort to eradicate poverty in the society. It also studied other sources of fund that enabled land owners in project areas to develop their plots after being allocated by the government.

As per a survey conducted in Kibada, Mivumoni and Buyuni, most of land owners, who have developed their plots, used their personal savings for building construction. It is only permanent employees who have been able to get bank loans for plots development, since their income is certain unlike to poor unemployed people. However that was enough to finish house construction. Other sources were also used to include; a combination of personal loan with either credit cooperatives or a loan from close friends/relatives. This is illustrated in figure 6.15 and 6.16. According to interviews made to those who have developed their plots, a combination of sources of fund has been used as a result of money from one source being not enough to build a house. Besides having the opportunity to get a bank loan, other employees are afraid to go for that because of high interest rate charged to repay the loan. According to a study done in different financial institutions in Tanzania, interest rates ranges between 18% and 20% per annum of a loan advanced.

Figure 6.15: Sources of fund for plot development

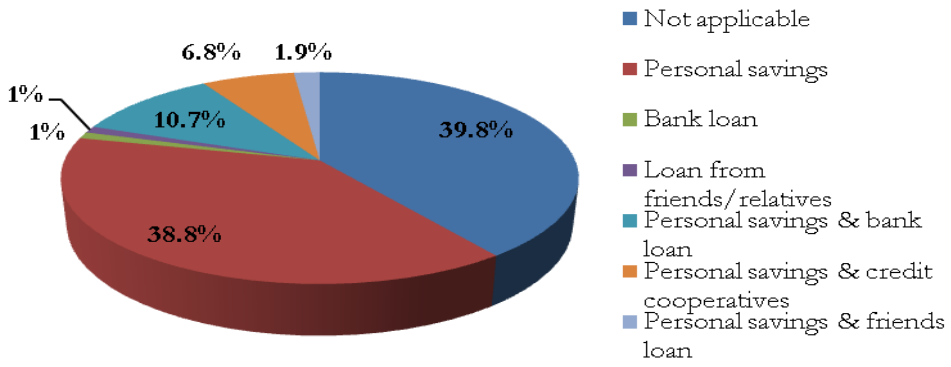
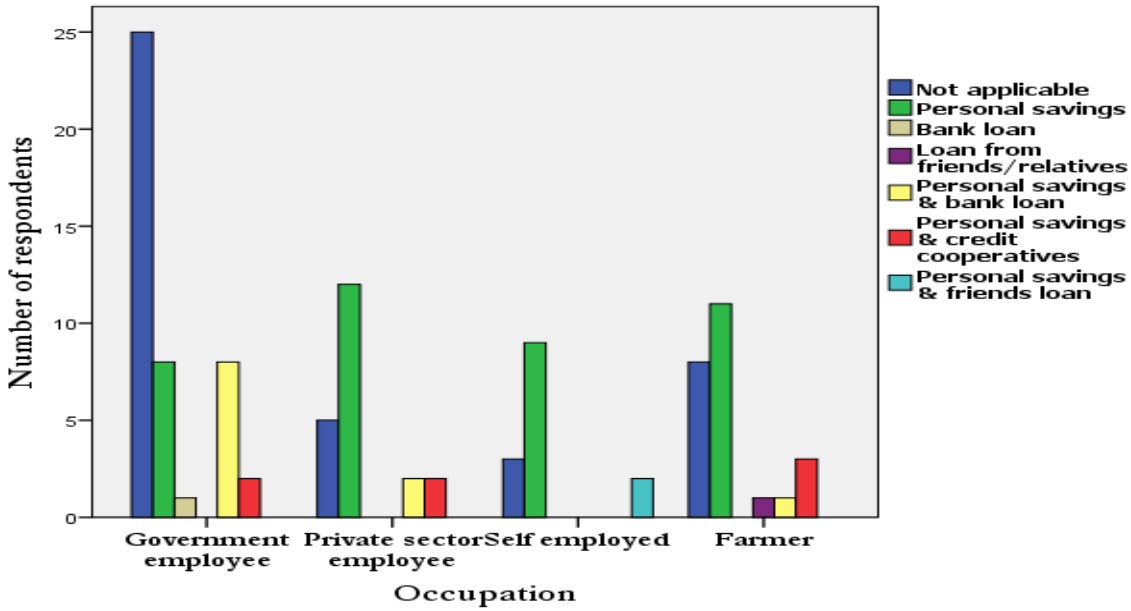


Figure 6.16: Sources of fund for plot development as per occupation



Note: "Not applicable" in the legends of both charts stands for land owners whose plots are still undeveloped.

6.3.2. Alleviation of Shortage of Surveyed Plots in Dar es Salaam

The MLHHSD estimated that Dar es Salaam needed about 25000 plots to meet the demand in the year 2001. There after there should be a supply of at least 5000 per year to sustain demand. According to the 20,000 plots project implementation report (Tanzania, 2008a) a total of 37,653 plots were surveyed and allocated, out of which 29,291 are residential plots. That was a great achievement in terms of land delivery for Dar es Salaam compared to past efforts, since it was financed and implemented by local source of fund. During the period when plots were available at disposal, the 20,000 plots project had eased access to surveyed plots to different land seekers between 2002 and 2008. Before the project it was difficult for land seekers to find and secure surveyed plots in Dar es Salaam.

However, by dividing the size of surveyed and allocated plots 29,291, to the estimated demand for plots/land of 5000 plots per year, from 2002 supplied plots had met the demand for only 6 years up to 2008. Since there is no any supply of new surveyed plots after 2008, then the shortage of surveyed plots is back again though not as before the project. The project has therefore reduced the shortage of surveyed plots in the short term. By now it is impossible to get a plot through normal procedures from the Ministry or Municipality as it used to be during the project. It is only through transfer i.e. buying from the current

plot owner. The MLHHSD has to make sure that the supply of surveyed plots is made to be a continuous exercise, ensuring that plots especially small plots are available anytime when needed by true developers.

6.3.3. Increase in the Supply of Plots per Density/Size Type

In the 20,000 plots project, plots sizes adopted were high, medium density, and low density as described in section 5.8 of chapter 5. The research made a study to check the distribution of residential plots according to densities. From the study made, most of the residential plots were low and medium density plots, as shown in table 6.8. It can be seen that there is domination of low density and medium density plots which accounts for 83% of all residential plots in project areas, leaving only 17% (4,892) for high density plots. Since the price of a plot among other factors depended on its size, the bigger the plot size the higher the plot price. It implies that few low income people, who are the urban majority in Dar es Salaam, were able to buy few high density plots competing with other income groups. Presence of many low and medium density plots connotes that, high and medium income people were able to secure planned land and not the majority urban poor community.

Table 6.8: Distribution of plots according to densities in different project areas

S/ No	Municipality	Project site	Surveyed plots	Residential plots	Plot Sizes (densities)		
					High	Medium	Low
1.	KINONDONI	Mbweni Mpiji	3,544	3,262	406	1,824	1,032
		Mbweni JKT	1,469	1,424	43	811	570
		Mivumoni	1,508	1,202	168	652	382
		Bunju	4,868	4,304	397	1,542	2,365
2.	TEMEKE	Tuangoma	3,384	2,892	605	1,610	677
		Kisota	2,362	1,274	183	609	482
		Mtoni Kijichi	1,776	1,484	344	642	498
		Mwongozo	2,754	2,410	489	1,445	476
		Vijibweni	(Estate) 31	25	0	1	24
		Kibada	6,223	2,495	586	1,452	457
3.	ILALA	Buyuni	7,570	6,535	1,234	3,392	1,909
		Mwanagati	2,164	1,984	407	1,170	407
Total			**37,653**	**29,291**	**4,862**	**15,150**	**9279**

Source: MLHHSD, 2010

6.3.4. Reduction of Growth of Unplanned Settlements in Dar es Salaam city

The project was intended to reduce the growth of informal settlements in Dar es Salaam city. The project has been able to survey and allocate 29,291 residential plots in areas that were informal settlements before. By being surveyed and registered, project areas have now been prevented from developing into unplanned settlements. Land owners are bound to construct buildings on their plots according to planning and building rules and regulations. The project has also reduced effects brought by construction of buildings in hazardous areas like river banks or below high tension power lines.

On the other hand the project has led to growth of unplanned areas, that near or adjacent to project areas. This has been as a result of having unaffordable standards, high plot prices, unaffordable building rules as explained in previous sections and implementation of the project policy for compensation,. For instance according to the MLHHSD report (2006), one of the policies for compensation was that, for those inhabitants whose land and buildings were found to be under public service plots like schools, open spaces, and cemetery, were not entitled to be given alternative plots. They were instead given compensation for land, crops and buildings only. In all selected three project areas former inhabitants who fall under such situation, complained to have been negatively affected by that policy. They were not given alternative plots other than compensation that was lately paid. The amount of compensation they received

was no enough to even buy a high density plot in the project. They instead move to other nearby informal areas buy land relatively cheap and start a new life as illustrated in figure 6.9 and 6.10.

6.4. Outcome of the 20,000 Plots Project

6.4.1. Pace of Development in Project Areas

The 20,000 plots project was executed to curb shortage of planned land, by availing surveyed as well as serviced land to land seekers, in peri-urban Dar es Salaam city. The expectation of the MLHHSD and other actors was to witness development of allocated plots by land owners to increase housing supply in the city.

The research identified eight main reasons that influence the pace of development in project areas, and were tested by getting the reaction of individual plot holders in three selected project areas. Reasons put forward include; lack of fund (mortgage facilities, subsistence economy, little compensation), complexities to get a building permit; absence of security services like police stations in project areas; and plots being far from work places. Other factors are high cost of building materials; land speculation; absence of public services (like markets, hospitals, schools and transport) and basic infrastructures; and world economic crisis. Interviewed plot owners were those who have developed their plots and vice versa. According to the study majority of land owners, agreed and ranked six reasons which have high contribution to the occurrence/presence of undeveloped plots and slow pace of development of plots as indicated in table 6.9 below. The percentage of response to the reasons ranges between 83.5% and 99%. World economic crisis is seen to have little effect.

Table 6.9: Respondents' weighting of reasons behind presence of undeveloped plots and slow pace of development in project areas

S/No.	Reasons for presence of undeveloped and slow pace of plots development	Weighting	
		Yes (%)	No (%)
1.	Lack of fund (mortgage facilities, little compensation etc.)	99.0	1.0
2.	High cost of building materials	99.0	1.0
3.	Absence of public services and basic infrastructures	97.1	2.9
4.	Complexities in procedures to get a building permit	93.3	9.7
5.	Land speculation	87.4	12.6
6.	Absence of security services in project areas i.e. police stations	83.5	16.5
7.	Plots being far from workplaces	67.0	33.0
8.	World economic crisis	24.3	75.7

More over the research studied the level or pace of plot development in the 20,000 plots project by taking a sample of three project areas. The study found that the level of plots/land development differs from one project area to another. As shown in table 6.10 below, in Buyuni and Kibada the number of undeveloped plots is greater than the number of developed plots. Buyuni has the highest level of undeveloped plots i.e. lowest level of land development. This is due to its location being the farthest of all away from the city centre, despite having lowest cost of land per square metre as compared to two areas of Mivumoni and Kibada (refer figure 6.6 of this chapter).

Table 6.10: Levels of land/plot development in three selected project areas

Locality/ blocks selected	Number of respondents interviewed	Plots in respondent s' name	Plots Co-owned (spouses)	Plots in children names	Developed plots	Undeveloped plots	Percentage of undeveloped plots
Mivumoni 1 & 2	34	41	6	9	31	25	**44.6**
Kibada 18 & 20	39	52	6	4	25	37	**59.7**
Buyuni 1 & 2	30	39	5	5	13	36	**73.5**
Total	**103**	**132**	**17**	**18**	**69**	**98**	**59.3**

Mivumoni has the highest level plot development as compared to the remaining two areas. This is because of having high land value attributed by its location relatively near to Bagamoyo road. In general the overall level or percentage of undeveloped plots in three selected areas is 59.3%, meaning that, each of the above eight mentioned reasons has a contribution to the presence of undeveloped plots as well as slow pace of development. As from interviews conducted, the study discovered that most of plots mentioned as undeveloped are either co-owned or in the names of children of respondents. One among many interviewees was recorded saying that:

> *"…since there was no restrictions on the number of plots to buy, I bought four plots; one for me, another one me and my wife (couple) and other two for my children. They will develop them in future. What I did is to lay foundation on every plot"*

Furthermore, the study inquired to know if neighbors of interviewed respondents have developed their plots in three selected areas. For the second time Buyuni is seen to have the lowest level plot development, having highest percentage (23.3%) of respondents who said their neighbors have not developed their plots. It is followed by Kibada with a difference of 2.9%. The overall level of undeveloped plots of neighbors, in three selected project areas is more than half of the total percentage. This is illustrated in figure 6.17, 6.18 and 19 below.

Figure 6.17: Development of neighbouring plots in project areas

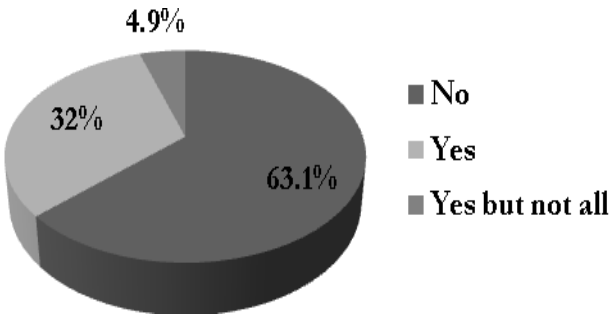


Figure 6.18: Pace of land development in Kibada

Source: Google Earth, 2011

Figure 6.19: Pace of land development in Mivumoni

In general, the paces at which plots are developed seem to be slow, as it has been discussed above. During interviews with some project officials, the research noted that there is no any action or effort done by the MLHHSD to speed up land development process in project areas other than providing rudimentary roads.

6.4.2. Provision of Space for Basic Infrastructures

The project planned at the end of surveying exercise to leave space for provision of basic services. This has been a success as spaces for provision of electricity, roads and water has been reserved. In terms of actual provision of the mentioned infrastructures, project areas have been provided with only paved rudimentary roads for the first time. However the research found that during the design of layout plans, no area was left for solid waste collection places.

6.4.3. Effect on Slum Prevention

In general, the project had the main goal of reducing informal settlements in Dar es Salaam city. But in its implementation, for instance in land allocation (especially plot prices, see section 6.2.5 (c)); and in land development especially in; procedures in getting building permits (see section 6.2.6(a)); adherence to planning and building standards (see section 6.2.6(b)) and plot development duration (see section 6.2.6(c)), we see that it creating a new push for people into informality. According to Fekade (2000), "the prevalence of informal settlements is as much as a sign or indication of ineffectiveness of existing official regulatory framework".

6.5. Conclusion

Tanzania adopts the approach of compulsory land acquisition to overcome the problem of scarcity of land and deliver planned land to the demanding urban population. The current regulatory framework has fully facilitated and supported the implementation of the 20,000 plots project. The project has succeeded to produce surveyed residential plots and equally managed to reduce shortage of planned land but in the short-term. It also prevented the growth of unplanned settlements in project areas. However the outcome of its implementation, have led to growth of nearby informal settlements due to systematic displacement of low income people from planned project areas. In short, the setting of the framework for urban land management and development is fine. Besides, there are few legislations like the Land Act (Tanzania, 1999) and Township Rules (Tanganyika, 1930), whose certain sections/provisions and their respective administrative effecting procedures need to be refined to reflect the current reality as described in various sections of this chapter. In implementing the framework in a project, the mentioned legislations seem to affect the move of the MLHHSD (government) to facilitate land development and prevention of growth of informal settlements in urban areas.

7. SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

7.1. Introduction

The main objective of this study was to investigate the existing regulatory framework by evaluating its effectiveness in availing planned land/plots for residential purpose to land seekers, in the context of the 20,000 plots project. This chapter addresses the key research findings which emanate from description of the regulatory framework done in chapter 3, the implementation of the 20,000 plots project as per the regulatory framework in chapter 5, results and discussions of analysed empirical and secondary data that were triangulated and presented in chapter 6. It also addresses conclusions and recommendations that are meant, to improve the regulatory framework in facilitating land delivery in similar projects in urban areas.

7.2. Findings and Preliminary Conclusions

In this section findings are presented as per-sub objectives of this research aimed at answering their corresponding research sub question.

7.2.1. Reflections on Sub-objective 1

The first sub-objective was meant to provide a description of the current regulatory framework for urban land in Tanzania. There are some laws and policy documents (see section 3.2 of chapter 3) that, are normally employed when the government through the MLHHSD or local governments/municipalities want to officially create and make available planned land for development for different purposes. The approach adopted by the government in creating planned land is compulsory land acquisition. Therefore the process starts with declaration of planning of planning areas, preparation of planning schemes and then land acquisition of land by the President backed by respective laws and regulations.

The regulatory framework is operationalized at the central government i.e. MLHHSD as the policy maker. The Ministry prepares and provides directives/policy guidelines on how to prepare and execute a planning scheme to municipalities and local governments. They can therefore prepare and execute their own land use planning schemes but subject to approval by the MLHHSD. Different actors are employed in operationalising the framework (refer section 3.3). However in its implementation there are problems that occur due to complexity of administrative procedures in effecting provisions of some legislations like the Township rules (Tanganyika, 1930) s.4 and s.11.

All in all the study found that, the setting of the framework is good as various laws that make it up, fulfil the purpose for which they were enacted. The descriptions of their key objectives show their usefulness and functionality in creating planned registered land, and enable the guidance and control of orderly growth of towns and cities.

7.2.2. Reflections on Sub-objective 2

The second sub-objective was meant to analyse the role of the regulatory framework in executing the 20,000 plots project as the case study area. The rationale behind this was to find out how the current regulatory framework has facilitated the implementation of the 20,000 plots project in availing planned urban land and development. In order to achieve this, the study made an analysis of empirical data collected during fieldwork whose results and discussions are triangulated and presented in chapter 6. The study established that, the regulatory framework was fully implemented in the project in all stages of

converting land (previously unplanned) to planned state (see chapter 5 and section 6.2 of chapter 6). The study observed that, in facilitating the project the framework was better supportive in cadastral works and land allocation than in provision of basic infrastructures and land development. In addition to this, there were also implementation problems in certain areas. This is discussed below.

a) Cadastral works and land allocation

The use of modern technology like satellite images for preparation of town planning layouts, GPS in surveying, and modern technology in valuation assignments and preparation and issuance of titles to allocated plots, made the regulatory framework supportive cadastrally in the project. There was no delays in approving for instance town planning drawings, surveys of project areas This was contributed by locational advantage of the project being within Dar es Salaam city, where all centralised approving authorities (for town planning drawings, surveys, valuations, preparation and registration of titles) are based at the MLHHSD headquarters.

However the study found some project implementation problems that occurred during cadastral surveying exercise. Some of the local people resisted to let surveyors do cadastral survey because they were not happy with the amount they received as compensation. The study found that in some project areas compensation was not paid in time to people. This contravenes the provisions of Land Act that order promptness in payment.

Moreover the study observed that, resistance from local people was also contributed by lack of full community involvement from the beginning of project planning. Everything in project planning was done by the MLHHSD; the community came to know about the project during meetings for land acquisition.

The framework was also supportive in administrative procedures for land allocation as well as the mode of payment by either full (lumpsum) or instalment basis as discussed in section 6.2.5 (a) & (b). It enabled all income groups to access land and pay by either lumpsum or instalments.

But for plot prices, the study found that the set plot prices which differ in per square metre from one project area to another (as discussed in section 6.2.5 (c)), were still expensive for majority of low income people to be affordable.

The study further observed that, the regulatory framework was effective in facilitating the project in terms of procedures to be followed by an applicant, from application to grant of certificates of title as presented in section 5.11.2 and discussed in section 6.2.5 (d). Land owners were able to receive their titles within 2 to 6 months as required by the Land Act(Tanzania, 1999). The grant of titles has increased security of tenure to land holders that got land allocated.

b) Provision of basic infrastructures

The regulatory framework (through the MLHHSD) has for the first time in Tanzanian history, been able to provide project areas with rudimentary roads. However there are many places where the condition/quality of roads is poor and in some blocks there are no roads at all. It has been expensive for the MLHHSD to provide roads in all project areas, because of domination of large-sized plots, which need more metres of road per parcel unlike to small-sized plots. Therefore the situation raised the unit cost, and made it expensive to provide. This is the implementation problem of the regulatory framework.

Implementers did not think through the consequences of their decision to have many large-sized plots, in relation to cost of putting infrastructures. If the MLHHSD would have tried to limit or solve the problem of road provision, experienced in other previous projects, it should have based on producing as much

smaller plots as possible. But they did not do that at all. Had they done that, small plots would have covered a small area, and this could have lowered the unit cost per parcel of putting roads in project areas.

The research further found that, no water or electricity is provided in selected project areas by responsible actors (DAWASA and TANESCO respectively) as described in section 5.10 and 6.2.4. This was due to lack of coordination in providing basic infrastructures, between the MLHHSD and two agencies for water and electricity during project planning and implementation. Had there been coordination, the agencies could have prepared their short-term and long-term plans and budgets for providing such services.

In general the implementation of the project did not meet the expectation of land owners and the public at large as it was thought before. They expected to see their plots connected with piped water and electricity. Absence of these services, have led to slow pace of development of plots in project areas.

c) Land development

In land development the regulatory framework as said earlier was not supportive in facilitating the project. This was seen in administrative procedures for building permits, planning and building standards, and plot development duration.

Administrative procedures for a building permit

In implementing the framework, there occurred problems due to complexity of administrative procedures to get building permit as provided by section.4 of the Township rules (Tanganyika, 1930). In the 20,000 plots project, the study found that besides increasing the number of sittings (see section 6.2.6 (a)), the Urban Planning Committee to approve permit applications, still getting a permit in Tanzania is bureaucratic, and it slows down the rate of formal land development.

Planning and building standards

The study has found that, existing planning and building standards are still high to be affordable by some middle and majority poor families as discussed in section 6.2.6 (b). High planning standards in terms of large-sized plots make plot prices expensive and building standards in terms of building materials specifications make plots development to be expensive. Unaffordable nature of the standards has systematically forced the poor end up living in unplanned settlements (refer figure 6.10).

Plot development duration

The research showed that, the duration of three years to complete construction of a building on a plot is too short and difficult to adhere especially for the majority of low income people as described in section 6.2.6 (c) of chapter 6. The study observed that, as a consequence of this condition, some land owners decide to hold their plots for 3 years waiting for land value to appreciate, after which they transfer (sell) their plots at higher prices. They later go to nearby or far areas where they buy land informally and construct buildings without conditions.

Land speculation

The study observed that, there is a weakness in the Land Act which affected the framework in facilitating the project in curbing land grabbing. There is no any section in the Land Act or its regulation that stipulates the ceiling number of plots a person is allowed to hold, to prevent land grabbing (as discussed in section 6.2.6 (d)). It therefore seems to support land speculation.

7.2.3. Reflections on Sub-objective 3

The third sub-objective was sought to see in which way the regulatory framework contributed to meeting or failing to meet the objectives of the project. This is has been done by finding out outputs and outcomes of the project.

a) Outputs of the project

Poverty eradication

The research has found that, certificates of titles given to land holders in project areas, to a greater margin did not help them to get loans from banks as a way of eradicating poverty. The study revealed that, most of land owners failed to get a loan from financial institutions, because banks policies do not honour titles of undeveloped plots. Besides having a title certainty of income is also a prerequisite condition for a loan. It is only permanent employees who were eligible to get bank loans for plots development. Thus the objective was not fully met.

On the other hand, the study has established that, in a way the money earned by local people through selling their plots in project areas (as discussed in section 6.2.6 (c)) have improved their living standard. They have been able to construct adequate buildings though in neighbouring unplanned areas.

Alleviation of shortage of surveyed plots in Dar es Salaam city

The study has established that, for the first time the MLHHSD has been successful to survey a total of 37,653 plots out of which 29,291 are residential plots using local source of fund. But it eased land seekers' access to surveyed land during when plots were available (2002–2008). It can therefore be said that the framework has partly contributed to the achievement of the project objective, but by reducing the shortage of land for a short-term. This is so because thereafter, the MLHHSD has not supplied any new surveyed land for allocation.

The study observed that most of surveyed plots availed by the MLHHSD were medium and low density plots which accounts 83% of all residential plots in project areas. It did that, so as to quickly get back its money (loan), since big plots are highly demanded by high income earners who are able to buy them.

Reduction of growth of Unplanned Settlements in Dar es Salaam city

The study observed that, the project has succeeded to change the status of land into planned settlements. On the other hand the project has led to growth of unplanned areas that are near or adjacent to project areas as discussed in section 6.2.5 (c) and from section 6.2.6 (a) to (c). New planned settlements have generated illegal land subdivisions in the nearby informal areas, as a result of systematic/automatic displacement of low income families from now called planned land. In the light of the above, this is a failure of the regulatory framework to meeting the project objective, since as a result of its implementation it creates new informal settlements. The project therefore, has created pockets of planned areas, leaving the rest of the city continuing to develop in unplanned manner (refer figure 6.9 and 6.10). The decision of the MLHHSD to select project sites in peri urban areas was meant to minimize expenditures in paying compensation, but has increased urban sprawl.

b) Outcome of the project

Pace of development

The research has observed that, the pace of development of plots in selected project areas is generally slow, as described in section 6.4.1. In short, slow pace of land development in project areas has been contributed by, complexities in procedures in adhering the Township rules, problems/weakness in the Land Act, domination of large-sized plots (which hinder provision of infrastructures in terms of cost) whose effects were seen during and after project implementation. There are other factors such as, lack of finance, high cost of materials and lack of security services (i.e. police stations) that together led to slow pace of development of plots in project areas.

Creation of space for basic infrastructures

The study observed that, the regulatory framework has facilitated the project which reserved space for basic services. Though it has only been able provide rudimentary roads.

7.3. Conclusions

The motivation of this study is to investigate how existing regulatory framework facilitates, in availing urban planned residential plots and development to land seekers, in the context of the 20,000 plots project as the case study. In the light of study findings, one observes that the regulatory framework was fully implemented in the project in all steps of converting land to planned state. The project was well designed with nice objectives. Some of the objectives were met and some were not. The regulatory framework has been seen supportive in cadastral works, but not so related to provision of basic infrastructures and land development.

With regard to the project, it was successful cadastral works/land allocation due to presence of a good setting of committees and commitment of various land professionals (actors) from within and outside the MLHHSD as well as the use of modern technology in cadastral assignments. The success was contributed by locational advantage of the project being within Dar es Salaam city, where all centralised approving authorities are present at the MLHHSD headquarters. Therefore in cadastral works and land allocation, the regulatory framework is good and it is well implemented.

On the other hand, the regulatory framework has been seen not supportive, in the provision of basic infrastructures and land development in broader land management perspective. For instance, project areas were not well provided with good roads and completely without water and electricity contrary to the expectation and promise of the MLHHSD to land owners. The areas to be serviced are large due to a domination of large-sized plots in the project, which made it expensive to provide. Implementers did not think about the effects of their decision to have many large-sized plots and cost implication side of it.

In land development the implementation of framework was also not supportive, because plots are not developed as expected. This problem came out as a consequence of implementing the regulatory framework. Bureaucracy (lengthy procedures) in getting building permits, plot development duration of 3 year being too short to adhere to especially for the majority of low income people, absence of basic infrastructures and land grabbing have all together led to presence of undeveloped plots and equally slow pace of development in selected project areas. Despite having titles in their custody, most of land owners failed to secure loans for land development, as bank policies do not accept titles of undeveloped plots.

The framework has also been not supportive in preventing slum creation or growth of informal settlements. The project aimed at reducing growth of informal settlements. But the study established that, the implementation of the current regulatory framework in general, creates a new push of people into informality and urban sprawl, as seen in research findings (see section 6.4.3).

7.4. Recommendations

In the light of the above study findings and conclusions, the following are important recommendations that are meant to improve workability of the regulatory framework.

i) In such projects in future, it will be wise to have much smaller plots on average (than large-sized ones) as will discourage high income earners to buy and give more room to low income group. This will in one way help to prevent growth of informal settlements and formation of new ones, facilitate infrastructure provision and consequently land development.

ii) Planning (space) and building standards should be revised, by lowering plot borders for all plot sizes/ density categories. The reduction of that will make project areas cover small areas (increase intensity of

land use) and will also reduce the unit cost of providing basic infrastructures to new residential settlements and reduce urban sprawl[1].

iii) For better support and facilitation of the regulatory framework in land development, the Township Rules (Tanganyika, 1930), need to be repealed, by extending land development duration and reducing procedures for a permit to reflect the current realities i.e. the financial capability of normal citizens to develop their plots.

iv) Municipalities should establish a housing section or department which will prepare building drawing models of different designs according to development conditions, which will be checked and passed by the section before being availed for sale at reasonable prices. Once selected, bought and fitted in according to plot size, the developer will not need to process a permit, since drawings will have permit already.

v) The Land Act (Tanzania, 1999)should be revised by incorporating a provision that sets clearly the ceiling number of residential plots a person or family is allowed to own. This will enable to reduce land speculation in the country. It may also institute high land rent/fine on plots that remains undeveloped for no reason after expiry of the extended development duration. The government should put conditions subject to consenting transfer of plots. For instance, a plot owner should develop the plot before selling or transferring his/her plot.

vi) The MLHHSD is advised to coordinate with other agencies and the community during project planning and implementation in providing basic infrastructures. The coordination between various activities and actors will help in reducing the unit cost of providing those services too.

vii) The research recommends for a study, to see the influence of the professions on redefining and implementing regulatory frameworks.

[1] In the meantime, the government introduced the legislation (Urban Planning Act 2007), where local authorities are allowed under s.38 to determine planning (space) and building standards in their areas of jurisdiction.

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4.1: Plot/Property Owner questionnaire

Dear participant,

I Brighton G. Mwiga, MSc student writing to ask your help with an important and interesting study being conducted by the Faculty of ITC of the University of Twente, in the Netherlands.

Your valuable response will contribute to a better understanding of how the existing regulatory framework (laws, planning and building regulations, administrative procedures and provision of services) is being implemented by the Ministry of Lands and Human Settlements Development and Municipalities, in availing planned housing land to urban community and accelerating urban land development. All are being done to have an orderly urban development in peri urban areas of Dar es Salaam city.

I would like you to know that your efforts and cooperation are highly appreciated. It is only with the responses of individuals/ professionals like you that knowledge in this field can be advanced. Please note that any information that you will avail will be treated as confidential and the findings will be reported in the aggregate only. Therefore information provided about you or your organization cannot be ascertained or deduced by the readers of the report.

Thank you very much for your kind response in this study.

Interviewer's Name	Date	Case study Area	Reference No.

Section A: Land Application and Allocation (*Tick the appropriate box)*

1. Gender ☐ Male ☐ Female
2. Current Occupation:

   Government employee ☐ Private sector employee ☐ Self employed ☐

   Farmer ☐ Other (specify)……
3. Where are you living now?

Planned area ☐ Unplanned area ☐

4. Is the house you are living in as per **Qn 3** your own house?

   Yes ☐ No ☐
5. Are you aware of the Dar es Salaam city 20,000 housing plots project?

   Yes ☐ No ☐
6. How did you get information the about the availability of plots sold by the Ministry of Lands and Human Settlements Development in the 20,000 project? Through:

   Ministry of Land's Advertisement ☐ Land Agent ☐ Friend ☐ Relative ☐

   Land Officer ☐
7. Did you buy a plot in the 20,000 plots project?

   Yes ☐ No ☐
8. Do you have another plot in the same project?

   Yes ☐ No ☐
9. If the answer in **Q.8 is YES** how many plots do you have the 20,000 project?

   2-plots ☐ 3-plots ☐ More than 3-plots ☐

10. How do you rate the procedures you followed to be allocated a plot in the 20,000 plots project?

    Simple (not time consuming) ☐ Complex (time consuming) ☐

    Other (*specify*)……

11. How much did you pay for your plot(s)?

    ……

    ……...

12. How do you consider the price for a plot(s) you bought?

    Fair ☐ Expensive ☐ Very expensive ☐

13. How did you raise money to pay for your plot?

    Personal savings ☐ Bank loan ☐ Loan from friends/Relatives ☐

    Loan from credit cooperatives ☐ Other (specify)…….

14. How did you pay for the plot(s)?

    Full payment (*lumpsum*) ☐ Instalments ☐

15. If you bought them by instalments, how many instalments in a year?

    Two ☐ Three ☐ Four ☐ Other (*specify*)……

16. What was/is the land use?

    Residential ☐ Commercial ☐ Residential/Commercial ☐

    Other (*specify*)…….

17. Which year did you buy the plot(s)? 2002 ☐ 2003 ☐ 2004 ☐

    2005 ☐ 2006 ☐ 2007 ☐ 2008 ☐ 2009 ☐ 2010 ☐

18. What is the size of your plot(s)

    High density ☐ How many? ☐

    Medium density ☐ How many? ☐

    Low density ☐ How many? ☐

19. Why did you choose to acquire a plot in the 20,000 plots project?

    Plot availability ☐ Affordable price ☐ Proximity to workplace ☐

    Possibility to pay on instalments ☐ Security of tenure ☐

    Dislike informal settlements ☐ Collateral for a loan ☐

    Other (*specify*)…….

20. Are all plots bearing your name?

    Yes ☐ No ☐

21. If the answer in **Q.20 above is No**, How many plots are in the name of:

    Yourself ☐ Co-owned ☐ Your children ☐ Your relatives ☐

    Other (specify)…….

22. How long did it take you from application to grant of a Certificate of Title in the 20,000 project?

    2 months ☐ 3 months ☐ 4 months ☐ 5 months ☐ 6 months ☐

    Other (specify)…….

Section B: Land Development (*Tick the appropriate box)*

23. Have you developed your plot(s)?

    Yes ☐ No ☐

24. If the answer in **Q.23 is YES**, what was the source of fund for development?

    Personal savings ☐ Bank loan ☐ Loan from friends/Relatives ☐

    Loan from credit cooperatives ☐ Other (specify)…….

25. If the answer in **Q.23 is NO,** why do you still hold it/them undeveloped?

    ……
    ……

26. Do you have a plan to subdivide your plot in future?

    Yes ☐ No ☐

27. Have you transferred/sold any of your plots?

    Yes ☐ No ☐

28. If the answer in **Q.27 is YES,** after how long did you transfer/sell it/them?

    1-year ☐ 2-years ☐ 3-years ☐ 4-years ☐ 5-years ☐

    Other (*specify*)……

29. Why did you decided to transfer/sell your plot(s)?

    ……
    ……

30. Are the neighboring plots developed?

    Yes ☐ No ☐

31. Did you get a building permit before developing your plot?

    Yes ☐ No ☐

32. How did you get a permit?

    ……
    ……..

33. If the answer in **Q.31** is **YES**, how do you rate procedures to be followed to get a building permit?

    Simple (not time consuming) ☐ Complex (time consuming)☐

    Other (*specify*)……

34. Did you follow the planning and building standards while developing your plot?

    Yes ☐ No ☐

35. If the answer in **Q.34 is NO**, then why didn't you?

    ……
    ……..

36. How do you rate the building standards in relation to building material costs?

    High ☐ Medium ☐ low ☐

37. Did you follow the planning and building rules while developing your plot?

    Yes ☐ No ☐

38. If the answer in **Q.37 is YES**, how do you rate the building rules in relation to the total construction costs?
    High ☐ Medium ☐ low ☐

39. Did the municipal officials pay visits in your site to check if you followed planning and building standards?
    Yes ☐ No ☐

40. What types of basic infrastructure are provided in the neighborhood in which your plot(s) is found?

Graded roads ☐ Electricity ☐ Piped water ☐ Sewerage ☐ None ☐

Other (*specify*)…….

41. If there basic infrastructures who provided those services?

Government ☐ Plot owners' efforts ☐ NGOs ☐

42. Was there any basic infrastructure when you were allocated a plot or when you started to develop it?

Yes ☐ No ☐

43. How do you rate the government in providing basic infrastructures in new planned residential areas?

Very good ☐ Good ☐ Fair ☐ Poor ☐

44. Are you aware of people holding plots in the project for as a saving account?

Yes ☐ No ☐

45. How do you rate the effectiveness of the government in controlling land speculation?

Very good ☐ Good ☐ Fair ☐ Poor ☐

Other (*specify*)…….

46. What are the reasons do you think have made development of plots in the project areas lagging behind?

☐ Lack of fund

☐ Complex procedures in obtaining a building permit

☐ High costs for building materials

☐ Absence of security services such as police stations/posts

☐ Plots being far from workplaces

☐ Holding land as a saving account

☐ Absence of services like schools, markets, hospitals and public transport

☐ World economic crisis

4.2: Key informants questionnaire

Dear participant,

I Brighton G. Mwiga, MSc sudent writing to ask your help, with an important and interesting study being conducted by the Faculty of ITC of the University of Twente, in the Netherlands.

Your valuable response will contribute to a better understanding of how the existing regulatory framework (laws, planning and building regulations, administrative procedures and provision of services) is being implemented by the Ministry of Lands and Human Settlements Development and Municipalities, in availing planned housing land to urban community and accelerating urban land development. All are being done to have an orderly urban development in peri urban areas of Dar es Salaam city.

I would like you to know that your efforts and cooperation are highly appreciated. It is only with the responses of individuals/ professionals like you that knowledge in this field can be advanced. Please note that any information that you will avail will be treated as confidential and the findings will be reported in the aggregate only. Therefore information provided about you or your organization cannot be ascertained or deduced by the readers of the report.

Thank you very much for your kind response in this study.

Interviewer's Name	Date	Case study Area	Reference No.

Section A: Land Application and Allocation (*Tick the appropriate box)*

1. Gender Male ☐ Female ☐
2. What was/is your current occupation?

   Government employee ☐ Private sector employee ☐ Land professional ☐

   Other (*specify*) _____
3. Which position did/do you hold in the Dar es Salaam city 20,000 plots project?

   Project manager ☐ Land officer ☐ Road Engineer ☐

   Surveyor ☐ Valuer ☐ Planner ☐ Task force manager ☐
   Other (*specify*) _____
4. For how long have been in that position?

   1 year ☐ 2 years ☐ 3 years ☐ 4 years ☐

   Other (*specify*) _____
5. Who were the main actors (implementers) of the Dar es Salaam city 20,000 plots project?
   _____
   _____
   _____
6. What was/is your role in implementing the 20,000 plots project?
   _____
   _____
   _____
7. How do you consider coordination among actors?
   _____
   _____
   _____
   _____

8. Who were the targeted beneficiaries of the housing plots in the 20,000 project of 2003-2006?

   Low income/poor urban people ☐ Middle income people ☐ High income earners ☐

   Low & Middle income ☐ All groups of people ☐

9. What were the plot prices for housing according to plot sizes in the 20,000 plots project?

   _____

   _____

   _____

10. What is your opinion about the price of plots? Is it realistic or not?

    _____

    _____

    _____

11. In one of the online 20,000 project reports it reads that "plots would be allocated to those who are able to pay for cost recovery" What do you think about this statement?

    _____

    _____

    _____

12. What elements contribute the price per plot?

    Plot size ☐ Land surveying ☐ Preparation of the deed plan ☐

    Provision of basic infrastructures ☐ Stamp duty & other taxes ☐

    Preparation of the certificate of title ☐

    Other (*specify*) _____

13. Are the elements in **Q 15** above known to the people?

    Yes ☐ No ☐

14. What is the Ministry's objective to the community with regard to urban planned land delivery?

    a) Provide affordable services to the society ☐

    b) Make business/profit ☐

    c) Both (a) & (b) ☐

15. What was the mode of payment for housing plots in the 20,000 plots project?

    Full payment (lamp sum) ☐ Instalments ☐

16. If installments how many instalments and within a year?

    2-instalments ☐ 3-instalments ☐ 4-instalments ☐

    Other (*specify*) _____

17. Was this mode of payment useful?

    Yes ☐ No ☐

18. Does the mode of payment supported/motivated people to apply and buy a plot?

    Yes ☐ No ☐

19. Have all people paid their dues (instalments)?

    Yes ☐ No ☐

20. What are the procedures (steps) to be followed by applicants for land allocation in the 20,000 plots project?

_____
_____
_____

21. Have the procedures in **Q.20** above been improved from previous ones?

    Yes ☐ No ☐

22. Have the procedures been easy to understand, less complicated/expensive and beneficial?
    Yes ☐ No ☐

23. Has the objective of reducing corruption in land allocation been achieved? (What is your opinion)
_____
_____

Section B: Land development control

24. What steps in the process are you involved in granting/processing building permits?

_____
_____
_____

25. What are other officers involved in the processing and granting of permits?
_____
_____

26. One of the project's objectives was to provide basic infrastructures. What were/are these infrastructures?

    Graded roads ☐ Electricity ☐ Piped water ☐ Sewerage ☐

    Other (*specify*)_____

27. What among ticked in **Q.26** above basic infrastructures have been provided in project areas?
_____
_____
_____

28. Who was/is supposed to provide those infrastructures?
    Roads:_____
    Electricity:_____
    Water:_____
    Sewerage:_____

29. Do you think the 20,000 plots project is successful in providing with basic infrastructures?
    Yes ☐ No ☐

30. If the answer in **Q 29 is YES** why has it been successful?
_____
_____

31. If the answer in **Q. 29 is NO**, why has the project been unsuccessful?
_____
_____

32. Most of the plots in the project areas/sites are not yet developed. What do you think is the reason for this situation?
_____
_____
_____

33. How much (in terms of percentage) of the project's plots have been developed?

    10%-20% ☐ 21%-30% ☐ 31%-40% ☐ 41%-50% ☐ 50%-60% ☐

    Other (*specify*)_____

34. What developments did take place in the developed plots?

    _____

    _____

35. What do you think are effects of presence of undeveloped plots in the 20,000 plots project and other planned areas?

    _____

    _____

    _____

36. Is the Ministry and Municipalities aware of slow pace of developing housing plots in the project and other planned areas?

    _____

    _____

37. What measures does the Ministry together with Municipalities take to solve the problem of presence of undeveloped plots and slow pace of development of plots?

    _____

    _____

38. Another objective of the project has been to raise the standard of living. Has it been achieved?
    Yes ☐ No ☐

39. Is the problem of land speculation an issue in the 20,000 plots project areas?

    _____

    _____

40. What actions does the Ministry of Lands together with Municipalities take to control the land speculation?

    _____

    _____

41. Are the land laws and regulations strong enough to control/prevent land speculation?

    Yes ☐ No ☐

42. If the answer in **Q 41 is YES,** why land speculation is still a problem?

    _____

    _____

43. If the answer in **Q.41 is NO**, What do you think are the weaknesses of the current laws and regulations in controlling land speculation?

    _____

    _____

44. Are people aware of the land development regulations?
    Yes ☐ No ☐

45. Generally are the development regulations (planning, standards, and building standards/rules) to all income groups:-
    High (expensive) ☐ Less expensive ☐ Affordable (fair) ☐

46. Do you consider the current development regulations affordable to the urban poor community?

    Yes ☐ No ☐

47. Are different land forms and procedures published in a language understandable to most of the people?

    Yes ☐ No ☐

48. What is your opinion about urban planned residential land development, in Dar es Salaam?

    _____
    _____
    _____

49. How did you ensure community participation in implementing the 20,000 plots project?

    _____
    _____
    _____