

MINISTRY OF LANDS HOUSING AND HUMAN SETTLEMENTS DEVELOPMENT

**CONSULTANCY SERVICES FOR SYSTEMS REFORM IN THE OFFICE OF THE
COMMISSIONER FOR LANDS**

ISSUES AND OPTIONS PAPER

Client: Permanent Secretary



Ministry of Lands, Housing and
Human Settlements Development
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LIST OF ABBREVIATIONS

AG	Attorney General
BRU	Better Regulation Unit
CSL	Capital Shelterworks Limited
CBO	Community Based Organization
CRO	Certificate of Right of Occupancy
CCROs	Certificate of Customary Right of Occupancy
CoL	Commissioner for Lands
CLA	Commissioner for Land Administration
COVIS	A Database for managing scanned documents in the Ministry of Lands
CSL	Capital Shelterworks Limited
CT	Certificate of Title
CTI	Confederation of Tanzania Industries.
DRTP	Department of Rural and Town Planning
GIS	Geographical Information System
GPS	General Planning Scheme
IBC	InfoBridge Consultants Limited
LIMU	Land Information Management Unit
LD	Land Division
LGA	Local Government Authorities
LO	Land Office
LUPA	Land Use Planning Act 2007
MIS	Management Information System
MLHSD	Ministry of Lands, Housing and Human Settlements Development
MOLIS	Ministry of Lands Information System
NGO's	Non-Governmental Organizations
PMORALG	Prime Minister's Office Regional Administration and Local Government
PMU	Procurement Management Unit.
R/O	Right of Occupancy
SMD	Surveys and Mapping Division
TAMISEMI	Tawala za Mikoa na Serikali za Mitaa
TIC	Tanzania Investment Centre
TIVEA	Tanzania Institution of Valuers and Estate Agents.
TNCB	Tanzania National Business Council
TP Drwg	Town Planning Drawing
TPSF	Tanzania Private Sector Foundation
UCLAS	University College of Lands and Architectural Studies
UPA	Urban Planning Act 2007
ZACL	Zonal Assistant Commissioner for Lands

EXECUTIVE SUMMARY

The Office of the Commissioner for Lands is the sole organ which is mandated by the Land Act 1 No. 4 of 1999 to formulate institutional frameworks for the administration of Land Matters on mainland Tanzania. Owing to the sheer size of territorial jurisdiction, changes in social /political and economic developments internally and impacts of globalization, there are pressure on the National Land Delivery systems to administer the land more efficiently and to provide land more faster to prospective owners.

This is the third report of the Consultant Project for Systems Reform in the Office of the Commissioner for Lands, and it should be read together with the second first report- **As-Is Processes Report**. This report provides issues identified by Consultants to be the main causes for the inefficiency in land delivery systems in particular the processes concerned with land allocation and issuance of certificates of titles, the activities that are currently under the office of the Commissioner for Lands.

Our Interpretation of the Project Terms of Reference (ToR) has been expanded to study and analyze systems beyond mere “Land Allocation and Issuance of Titles” in order to cover the wide view which significantly touches on Land Delivery, which by definition would cover other Departments of the Ministry of Lands, Housing and Human Settlements Development (MLHHS) that we feel they should be considered for reform as well in order to achieve real reforms of the operation of the office of the Commissioner for Lands.

A study to review the existing system was done and the As-Is Report compiled. Analysis of the As-Is-Report revealed a number of issues that affect the processing speed of the land allocation and issuance of Certificate of Right of Occupancy (CRO). In this report, the key issues are pointed out and discussed giving various options and suggestions to rectify the situation.

The Issues, Options and Recommendations are presented in a Table Matrix in which the first column is an issue and its detailed explanation on how that issue is considered to delay the process. The second column gives the Options, and the last column gives the Consultant’s recommendations. In some cases the recommendations offered are treated as options to avoid duplication in reporting.

The areas presented in this report and discussed as Issues include the following:

1. Interpretation of the Land Act No. 4 of 1999 in relation to the current Ministerial Organization Structure and the roles of the Commissioner for Lands.
2. Interpretation of the Land Act No. 4 of 1999 in relation to the proposed structure and the roles of the Commissioner for Lands vis-à-vis other laws that have established other institutions dealing with land Administration (LUPA NO. 7 and UPA 2007)
3. The functions and relations of the three divisions concerned with land delivery process that is Physical Planning, Surveying and Mapping and Land development Services.
4. Land Allocation and Titling issues
5. Title Registration Issues
6. Manpower Disposition
7. Working relationship between the Ministry of Lands and PMORALG (TAMISEMI)
8. Land records keeping and quality control.
9. Private Public Partnership (PPP) in Land Delivery.
10. Other issues :-
 - Availability of stationeries,
 - Dispatching of official documents.

The above mentioned issues are , in our opinion, the crucial areas which needs a thorough reform and therefore the basis of the design of the new system to be presented in the next report. These issues are considered to be central to **speeding up** the Land Allocation and Title Registration in Tanzania.

The key recommendations for the reform are the following:

1. Changing the Ministerial Administrative Structure to make the Commissioner for Lands the Chief Land Administrator, in-charge of all the Land Delivery Components.
2. Harmonize all other laws dealing with Land Administration to conform with the Land Act No. 4 of 1999
3. Establishing a new Land Information Unit
4. Establishing the Zonal Land Administration Offices.
5. Establishing a Computerized Parcel-Based Cadastral Information System (PBCIS)
6. Initiating the Public Private Partnership (PPP) Arrangements
7. Amending the Land Act No. 4 of 1999 and the Local Government Act. 1982 to define the working relationship of the Lands sector employees employed by Local Government and the Commissioner for Lands .

8. Amending some clauses of the Land Act No. 4 of 1999 which are in conflict with the current realities.

The consultant's recommendations presented in this report have been discussed with the Client's Technical Working Group and the recommendations have been incorporated in this report.

BACKGROUND

On 15th May 1999 the President of the United Republic of Tanzania signed into law the Land Act NO. 4 of 1999 and the Village Land Act no 5 of 1999. These are the basic laws for the management and settlements of disputes and general matters for Urban and Rural / Village land respectively. These legislations came about as the result of the recommendations of the Land Policy formulated after extensive consultations and deliberations of the Government on the recommendations of the Presidential Commission of Enquiry¹ into land Matters and subsequent recommendations of the National Workshop on Land Policy² held at Arusha in 1995 , and comments and suggestions from the Public and Mass media.

The gnawing land administration problems examined in the above mentioned Commission and the subsequent formulation of the National Land Policy and enactment of the New Land Laws, have all been geared towards elimination of Public complaints on land allocation, causes of land disputes, to foster regular land laws reviews, to formulate functions / jurisdictions and organizational structures and institutions involved in land allocation and development, to curb overlapping powers in land administration, and other matters generally.

The Office of the Commissioner of Lands is the sole organ which is mandated by these laws to formulate institutional frameworks for the administration of Land Matters on mainland Tanzania³. Owing to the sheer size of territorial jurisdiction, population increase, urbanization, changes in social /political and economic developments internally and impacts of globalization has brought about pressure on the National Land Delivery systems which this study seeks to address and provide remedy to ensure it's faster, efficient and economical. The dynamics behind the above mentioned factors certainly calls for a new realignment in all the land delivery systems to meet these challenges.

This Issues-and – Options paper is being issued as part of the third report of the required deliverables and is a summary of findings of the –AS –IS-PROCESS in which we have been able to identify the problems lying in the way of the land allocation and Titling processes.

The current office of the Commissioner for Lands, heads the Lands Development Services Division which has three Sections and Seven Zonal Offices and also oversees the Land

¹ Report of The Presidential Commission of Inquiry into Land Matters , Vol. 1 Introduction . pg 1, para 1, 1-

² National Land Policy, Ministry of Lands Human Settlements , Second Edition 1997

³ Land Act No. 4 of 1999 (as amended) Sect. 10.

Officers who are employed by the Local Governments Authorities who generate most of the workload entering the Office of the Commissioner for titling and other land transactions.

The scope of this project is to reform the activities of the office of the Commissioner for Lands with a view to revamp the Land allocation and Title Issuance System in order to **remove delays** and be able to issue titles within the shortest possible time given the level of Current technology. Our Interpretation of the ToR has been expanded beyond mere “Land Allocation and issuance of Titles in order to cover the wide view touching on Land Delivery, which by definition would cover other departments of the Land Ministry that we feel they should be considered for reform as well in order to achieve real reforms of the operation of the office of the Commissioner for Lands.

A study to review the existing system was done and the As-Is Report Compiled. Analysis of the As-Is-Report reveal a number of issues that affect the processing speed of the land allocation and issuance of Certificate of Rights of Occupancy -CRO. In this section, the key issues are pointed out and discussed giving various options and suggestions to rectify the situation.

SCOPE OF THE STUDY

Land delivery in Tanzania is done in three stages.

First stage is Land Use Planning process which involves preparation of the master plan/landuse and detailed layout design. These processes are done by the Town Planning division.

Second stage is the Land Surveying process which involves demarcation and subdividing the land, placing the parcel corner beacons, coordinating and preparing cadastral plans. **Only parcels that have been designed in a layout (Town Planning Drawing-TP Drwg) are surveyed.** Processes in stage two are done by the Surveying and Mapping Division.

Third stage is the Land Allocation and Titling process which involves allocation of plots to successful applicants, preparation and registration of titles. **Only land parcels that are surveyed and approved by the Director of Surveying and Mapping are allocated to applicants.** Processes in stage three are done by the Land Development Services Division.

From the three stages listed above, it is clear that they are interdependent and in fact success of the third stage, greatly depend on the performance of the processes in stage one and two. However the scope of the project was to revamp processes in stage three which are done by the Commissioner for Lands. The project assumption is therefore that **there are sufficient land parcels to be allocated and issued with title deeds, and stage one and two are efficient.**

Another requirement of the project was to focus on speeding up the processes for registering plots for private commercial investors. However after studying the process and consulting with the client, it was agreed that a revamped system should work for all types of parcels because the land allocation and titling procedures are the same for both the private commercial investors and the private owners. Parcels for private commercial investors and other owners only differ by the land use and development condition, which are just some fields in the certificate of title. Therefore this project is designing a system that will speed up all land titles of all types by incorporating the activities done in the first and second stages of the Land Delivery process.

Issues, Options and Recommendations

The following sections present the issues that have been identified to be the causes of delays in the land allocation and title issuance. The Issues, Options and Recommendations are presented in a Table Matrix in which the first column is an issue and its detailed explanation on how that issue is considered to delay the process. The second column gives the Options, and the last column gives the Consultant's recommendations. In some cases the recommendations offered are treated as options to avoid duplication in reporting. The recommendations are the basis for reform and for designing the new land allocation and title issuance system.

The consultant's recommendations presented in this report have been discussed with the Client's Technical Working Group (TWG) during the meetings on 13th June and 25th June 2009, and their recommendations have been incorporated in this report.

ISSUES, OPTIONS AND RECOMMENDATIONS

1.0 ADMINISTRATIVE ISSUES

ISSUE	OPTION	RECOMMNDATION
<p>1.1 Government Policy</p> <p>The National Land Policy ¹ recognizes the importance of land as a foundation for human development which must be made available to all the Citizens in an equitable, efficient and fully secured manner by way of the Rights of Occupancy for the various classes of land occupation.</p>	None	<p>Maintain status quo (Yes)</p> <p>This is a fundamental policy statement for a nation that recognizes and safeguards the interest of its citizens. All other related multi-sectoral economic empowerment programs such as MKURABITA , MKUKUTA ETC depends on the success of the implementation of this policy, which should be extended to cover all other sectors such as mining, fishery, tourism</p>
<p>1.2 Ministerial Mission Statement</p> <p>To provide with efficiency, land development services to customers for their social and economic development and create conducive environment for the development of sustainable human settlements.</p>	None	<p>Maintain status quo (Yes)</p> <p>These are the core principles in which the office of the Commissioner for Lands must abide to in executing its mandated roles.</p>

1.3 Statutory Provisions

(a) The Office of the Commissioner for Lands is legally established under the LAND Act 1999 and amendments thereof. The Commissioner for Lands is a Presidential appointee and designated by law as.. **‘the principal administrative and professional officer of, and adviser to the Government on all matters connected with the administration of land and shall be responsible to the Minister for the administration of this Act and the matters contained in it...’**² (Sect. 9

Land Act. No. 4 of 1999)

Departmental interface confirmed in the As- Is- Process mapping section of this study confirms that the designated roles spelt under the law cannot be effectively attained in the current ministerial organization setup.

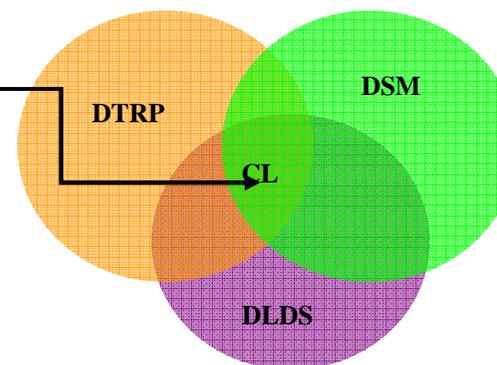
Option 1

Establish the Office of the Commissioner which fits the Roles specified in the Law so that all matters connected with **administration of land** are Coordinated from the envisaged office of the Commissioner for Lands.

The DSM, DLDS and TP directors will be reporting to the CL and replicate the same structure to the zonal offices. This option is in accordance to the existing land law.

Maintain status quo? (NO)

Technically the CL is at the Convergence of the Land delivery segments.



<p>(b)) As Principal Administrative and Professional Adviser to the Government on all matters connected with the administration of land, the CL Office automatically converges at the VEN Diagram which combines the principal land delivery segments of the Ministry of Lands which, by order of the land delivery process, starts with Town Planning Department, Surveying and Mapping Department and the Lands Development Services Department. The position of this office as defined in the law is not demonstrated by the current organization chart of the Ministry (<i>see Chart 1</i>)</p> <p>The roles of the CL in the current organization set up are such that the CL is the head of the Land Development Services Division and NOT the Head of the Land Administration which in principal is supposed to be the combination of Planning, Surveys &, Mapping, and Land Development Services Divisions, as well as the Valuation and Title Registration Units</p>	<p>Option 2.</p> <ul style="list-style-type: none"> • Amend the Land law so that the Town Planning Director is accountable for parcel land use and is directly answerable to the Permanent Secretary. • Surveying and Mapping Director is accountable for parcel definition and is directly answerable to the Permanent Secretary. <p>When this is done, then the burden of indicating improper land uses and improper parcel definition will be on to the respective directors.</p>	<p>Recommendation of the Consultants.</p> <p>Change the Organization Structure and Establish the Office of the Commissioner for Land Administration.</p> <p>The basis of the Consultant’s recommendation to changing the existing ministerial administrative setup and the position of the office of the Commissioner for Lands is based on the following arguments:</p> <p>(1) Definition of Land Administration</p> <p>Land Administration is defined as ..”<i>the processes of determining, recording and disseminating information about the ownership, value and use of land when implementing land management policies</i>” (UN ECE 1996⁴; UN ECE 2000⁵). Similarly, according to FAO (2002), land administration is defined as “ <i>the set of systems and processes for making land tenure rules operational</i>”.</p> <p>A definition of Land Administration is lacking in the Land Act No. 4 1999, the Land Use Planning Act -LUPA 2006, and Urban Planning Act - UPA 2007 where it ought to be defined in the preambles especially in the Land Act which is the mother of all land Laws.</p> <p>Nevertheless, reading through the Fundamental Principles of the National Land Policy , it’s easy to see that all what is contained in there conforms to the definitions cited above.</p>
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<p>1. 4 Qualifications of the Commissioner for Lands</p> <p>The requisite qualifications of the Commissioner for Lands are stipulated under Sect . 9 (2) of Land Act No. 4 of 1999 which provides that .. “ In appointing the Commissioner, regard shall be had to appoint a person of proven probity with qualifications , skills and practical experience in Land Management or Law in the public or private Sector “</p>	<p>Options (None available)</p> <p>Examination of the Roles bestowed upon the Commissioner for Lands by the law exposes several glaring omissions in the conception of the requisite qualifications of the Commissioner for Lands.</p> <p>(1) Overlooks the Fundamental aspect of Land Administration as lying in issuance of Title deeds and settlement of disputes .</p> <p>Land administration by UN/ FAO definitions starts at PLANNING stage.</p> <p>Traditionally Land Use Planning was predominantly for Urban Uses. But modern day Planning concept require Broad Land Use Plans to encompass</p>	<p>Recommendation of the Consultants.</p> <p>Amend SECT 9(2) Land Act no 4 1999 and 2004 which specifies the qualification of the Commissioner for Lands in order to fit the ven diagram shown in issue 1.3 above, because:</p> <p>(a) The proposed qualification of the modern day Commissioner for Lands to be appointed by the President should be a person of probity with practical experience of not less than 10 years and post graduate academic qualifications at a Masters level in the combinations of:- Either</p> <ul style="list-style-type: none"> • Physical Planning and Land Management Laws. or • Surveying and Physical Planning and Land Management Laws. <p>Our emphasis on the proposed combination of Planning/Land Management laws is that they are critical components in Land Administration but wish to add that the best candidate should also be Land Information System /Geographic Information System (LIS/ GIS) literate to be</p>
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	<p>a variety of land uses for Human Settlements and very many other things like agriculture, conservations (forestry, animals, mining etc) all of which must be put in contemplation to attain sustainable development and at the same time proving for avoidance of land conflicts, and promotion of environmental protection and conservation. This is a Multi-sectoral combination of skill and expertise required to bring about all-round feasible Master plans . It is therefore imperative to see that qualifications, skills and practical experience in Land Management or Law are not the only right combination for the Qualifications of modern day Commissioner for Lands.</p>	<p>able to cope with the challenges of the Digital Technology in Land Administration.</p> <p>(b) Movement towards <i>e-governance</i>³ due to globalization equally requires to prepare and to have a <i>e-Land Administrators</i>,</p> <p>(c) The proposed set up in which the office of the Commissioner for Land Administration is at the centre of the Ven diagram will bring into place a Top-Notch Land Administration machinery which in view of the changing Geo- Informatics/ Spatial technology will be capable of transforming the present land administration /delivery system into a much leaner and cost effective administrative setup at the Lands Ministry and the possible immediate benefit is to fuse up the Land Use Planning Commission into the Division of Rural and Town Planning -DRTP.</p> <p>(d) Currently, there are a host of GIS/LIS and Satellite-based application software's as well as web-based software which makes need for physical presence of, for instance a town</p>
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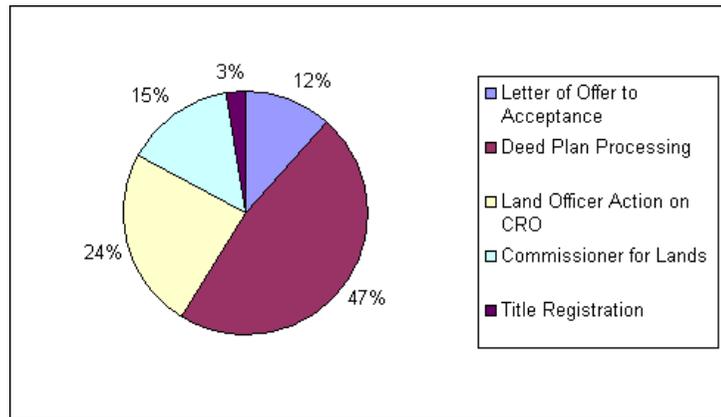
		<p>planner or a land officer on actual planning site to be at a minimum level. This technology enables a land administrator to have detailed and global view on developments on the land, thus facilitating proper and efficient monitoring and evaluation of the Ministry's activities. Also this modern technology enable the public and the Ministry's clients in particular to be well informed at a much cheaper costs, thus increasing the governments' services to its people.</p> <p>(e) There are obvious scale economies where combined activities or those nucleated around a single command centre are likely to yield lower land development cost to government and the land acquisition cost to individuals would be greatly minimized.</p> <p>Other : Further study to confirm the economies of transformation of the office Commissioner for Lands into Executive Agency is needed urgently .</p> <p>³ <i>e-Government</i> (short for electronic government, also known as <i>e-gov, digital government, online government</i> or</p>
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		<p><i><u>transformational government</u></i> is a diffused <i>neologism</i> used to refer to the use of <i>information and communication technology</i> to provide and improve government services, transactions and interactions with citizens, businesses, and other arms of government.</p> <p>⁴ <i>e-Land</i> is used to refer to the use of the information and communication technology to provide and improve government services on land delivery.</p>
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2.0 LAND ALLOCATION AND TITLING ISSUES

ISSUE	OPTIONS	RECOMENDATION
<p>2.1 Titling to Registration Procedures</p> <p>This is the critical part of the process that presently involves unnecessary back and forth movements. As-is-Study reveals that there is overwhelming response in acceptance of the letter of offer with response time ranging between prompt payment on the date of the letter of offer to the longest period of 4064days (nearly 11years) in exceptional cases .Majority (70%) pays within 20 days from date of offer.</p> <p>Of the average 824 days that this study has revealed as being the current time spent in processing and handling in a title to prospective owners, 12%,of the average time is spent on offer acceptance .</p> <p>After the offer has been accepted, there follows another step of Title deed preparation which entails the Lands Officer requesting for the development conditions and where available , he/ she may request for the deed plan which takes another 47% overall time spent in deed plan acquisition which together with other CRO preparation formalities prior to sending for signature</p>		<p>Maintain Status Quo (No)</p> <p>Recommendation of the Consultants.</p> <ul style="list-style-type: none"> • Establish a Centralized Parcel-Based Database (Master Land Register). The Restructured Ministerial set up proposed above should be able to facilitate and coordinate the centralized parcel-based database which will have an interface where titles will be pinned, such that the process of checking and compiling a certificate of right of occupancy and eventual registration is done as and when new data is entered in the shared database.

by CoLI takes **84%** of the whole time taken outside the office of the Commissioner for Lands of which he has no direct control. Majority cases takes above 60 days to prepare and submit deed plans and **45%** of days spent in title processing to dispatch to CoL is more than 80 days spent in the Lands Officer. (see diagram below & Titling Time Analysis Appendix 3)



The remaining **18%** of the time in the entire process is shared by the by the Commissioner's signature to title formalities with Scheduled Officers at head office checking on the minor technicalities the deficiencies of which would be eliminated by having titles prepared on proper checklist at the points of origin in PMO-RALG.

- **Amend the Land Registration Ordinance** and transfer section 86 to the respective sections related to CL Land Administration so that once a land parcel is issued out, registration process starts immediately, thereby removing requirement by Registrar of Titles to undertake re-verification of information that is supposed to commence at the Title Preparation stage.
- **Abolish registration of letters of Offer;** under **Cap 117** they are not justified in contemporary situations.
- Restrict the employment of Land Officers to Land Management & Valuation personnel with all –round skills in the interpretation of the Land laws, Town planning Laws and Land Surveys.

2.2 Registration of Title

Land related documents registered by the Registrar of Titles (RT) originates from the CL, after the CL who is the custodian of all the Land has done a thorough check on the Certificate of Right of Occupancy (CRO), signed and sealed the documents. The registrar of title is responsible for registering titles which have been signed by the CL in official land registers. The RT is the custodian of the land registers.

Most of the work done by the RT of checking validity, correctness and completeness of a title application is a duplication⁶ of the work supposed to be done prior to signature onto the title by the CL.

Recommendation of the Consultants.

The land delivery system should be harmonized in such a way that all offices involved in the processes should be able use the same information already discussed under 2.1 above.

- Checking the correctness of documents e.g. deed plan, calculating payable statutory fees and authenticity of the certificate of titles in general should be left to the newly proposed Land Information Management Unit (LIMU) which will be responsible for the data entry in the database and Quality Control of the Land Information.
- The Certificate of Right of Occupancy will be compiled and printed from the computerized system
- Once the certificate of title is printed, approved and sealed by CL the RT should proceed with registering the title with very minimum checkup. This will significantly reduce the time taken for one to obtain the certificate of title from the CL Office.

With Centralized Parcel-Based database in place, the Lands Ministry will be able to turn the existing Land registers into one Master Land Register which can be accessed by members of the public across the whole territory and be able to complete and obtain LAND SEARCH results in a matter of minutes rather than the 2 weeks official response time.

<p>2.3 Other Registrations</p> <ul style="list-style-type: none"> ○ Titles Entering CL’s Office for Transfer: Transfer may be over many reasons such as sale, natural love and affection, exchanges, and Inheritance etc. Application is made over specified Land Forms 29 & 30 for Notification and Approval respectively with each one requiring attachment of certain documents <p>Information required for Notification and Approval duplicates, resulting in bulky and unnecessary Paperwork . Most of the information in the Notification Form would suffice for both as notification and approval request form.</p>		<p>Recommendation of the Consultants.</p> <p>Forms 29 & 30 should be merged and made multipurpose by providing strikeouts so that one form suffices for both purposes.</p>
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2.0 LAND RECORDS AND REFERENCING ISSUES

ISSUE	OPTIONS	RECOMMENDATIONS
<p>3.1 Receiving Mails and Official Documents</p> <p>Mails entering the Office of the Commissioner for Lands are done through the Front Desk and disseminated upwards to the Executive Officer on a bottom–up fashion. This arrangement DOES NOT ALLOW THE Commissioner to censure issues and take corrective measures on sensitive issues that may be sabotaged in this fashion.</p>		<p>Recommendation of the Consultants.</p> <p>The normal practice of correspondences requires that all mails should reach the chief executive before any action is taken. This principle is a common practice in every institution for the executives to be informed through their designated principal assistants. It’s a feeler point to identify the problems besetting the enterprises generally. We recommend that all mails and official documents first reach the CLA to make him/her well informed.</p>
<p>3.2 Land Records Referencing and Maintenance</p> <p>Land records which are vital ingredients in the Land Administration are kept by each division depending on the particular section of the land delivery segments.</p>		<p>Recommendation of the Consultants.</p> <p>Same recommendations as for issue No. 2.1 above</p>

<p>Rural and Town Planning Division keeps records of Rural planning schemes/ Town Planning Drawings. The consultants could not establish a direct bearing on the impact of records of the RTPD in the preparation and issuance of title. The individual land parcel reference is difficult to attach at this stage because by the nature of the process, a parcel number is not issued at the Town Planning Drawing)TP Drwg) stage.</p> <p>The Surveys and Mapping Division maintains records pertaining to each subdivision that has been surveyed and issues the parcel number. Quality control of information for surveyed land in mainland Tanzania is done by designated officers at the office of the Director of Surveying and Mapping. The direct impact that the records of the DSM has on titling process is that after issue of the letter of offer, land Officers have to wait for a considerable amount of time for the deed plans to be included in the Titles. The CL has no control on the process of preparing a Deed Plan.</p> <p>The Land Development Division maintains their separate file referencing which will indicate File Reference for the originating District or Local Government authority and the Land Division No. (L.O). This is the number supplied by the statistics unit in the Lands Division and is merely a running number given out to district for purpose of individual parcel referencing.</p>		
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<p>The Registrar of Title maintains independent record keeping and indexing system and has divided the country into six land registry zones, while the Commissioner for Lands also maintains a Land Registry with seven zones. This implies that for each parcel there are at least three independent land parcel identifiers.</p> <p>The critical land information generated at the Mapping and Surveys Mapping Division is duplicated at the index Section in the land registry probably to comply with requirements of Section 86 of the Land Registration Ordinance Cap 334 and again is never so used but the final Title Number is issued according to a numbering system akin to the L.O used by the Land Division filing system.</p> <p>Other types of information that are recorded by the registrar include, date and time of registration. The registrar's office records other information pertaining to liens, mortgages and other encumbrances by a Filed Document Number , which again do not have any bearing with the title registry Numbers.</p> <p>When considered that this long process could be easily pegged on one single identity , it remains true that the requirement of section 86 of the Land Registration Ordinance would suffice if adopted at the Surveys and Mapping Division referencing and become the only parcel identifier.</p>		
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ISSUE	OPTIONS	RECOMMENDATIONS
<p>3.3 Records Storage and Maintenance</p> <p>The current space provided at the Mezzanine within the Ministry for Land’s eight storey building is too small to provide storage of all files for land parcels country wide, this in several ways impedes file movement, since searching for a particular file has not been an easy task. The efforts of the Ministry to introduce movable shelves have also not solved the file storage and file movement problems.</p> <p>The Ministry has already initiated various computerization projects aimed at solving problems related to management of land records. The projects include</p> <ul style="list-style-type: none"> (i) Scanning of land (records) files (COVIS) (ii) Automated File movement tracking in the CL Office (OSNyaruhuma). This system only tracks the file movement in the CL Office. (iii) Establishment of the Ministry’s of Land Information System (MOLIS). This is a comprehensive system 	<p>Shear volume of record is an indicator of the dynamics of growth mentioned in the executive summary of this report.</p> <p>It is therefore a matter of accommodation that we are supposed to expand for such eventuality.</p> <p>Option 1</p> <p>Convert and store the current old files into microfilm which occupy a small storage space, and ensure all the new documents are microfilmed.</p> <p>Option 2</p> <p>Transfer the respective files to their designated Zonal Offices ,</p>	<p>Recommendation of the Consultants.</p> <p>Adopt option no. 1.</p> <p>1. Establish a new Land Information Management (LIMU) in the office of the proposed Commissioner for Land Administration.</p> <p>The LIM Unit will be responsible for managing all Land Information in the Ministry, that is, the land information currently managed by the records section in each division.</p> <p>The current Department of Management Information System (DMIS) shall be responsible for the management and maintenance of the Information and Communication Technology (ICT) infrastructure for the whole Ministry, the</p>

<p>which manages land parcel land rent collection data. It is an entry point in designing an integrated system for land database.</p> <p>(iv) Establishment of computer operated movable shelves, whose objectives were to:</p> <ul style="list-style-type: none"> • Speed up the file retrieval process • Put a tight security and control when retrieving files from their physical locations in the shelves • Simplify the work of returning a file to its position in the rack; • Create conducive environment for the registry staff including removing dust. 	<p>which apparently are confronted with the same office space problems.</p> <p>Option 3</p> <p>Undertake real office expansion which in view of the reason mentioned above is an unavoidable long term solution because presently newly established Zonal Offices are operating from tiny office spaces and most important, the proposed team at the Zonal level will need to operate from modern offices with modern studios and information processing facilities. .</p>	<p>LIM Unit shall be responsible for the management and maintenance of the land information.</p> <p>The LIM Unit shall be responsible for the management and administration of the PBLIS and it's immediate task will include:</p> <ul style="list-style-type: none"> • Microfilming existing land records • Digitizing existing maps • Convert into digital all incoming land records <p>Microfilming and digitizing existing land records will be realized immediately by outsourcing the services to private companies on the local market. The Ministry should at the same time assist the private companies to develop capacity in order to create sustainable partnership.</p>
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		<p>There are many advantages of doing this now, apart from speeding up the titling process, but also because old files are potential sources for breeding of deadly wood boring insects that destroy wooden furniture and piles of old files have potential for causing of fire hazards .</p>
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4.0 MANPOWER DISPOSITION ISSUES

ISSUE	OPTIONS	RECOMENDATION
<p>Hierarchical arrangement and assignment of responsibilities to individuals is not properly understood by the staff and the hierarchy guidelines is not clear to staff. While there are Departmental Operational Guidelines, there are cases of employees who do not know exactly to whom they are answerable.</p> <p>Because of this state, many senior staff are advisors to the Commissioner, while they reported to be answerable to an officer with the same qualifications on the same level and experience.</p> <p>Chains of command do not conform to the Public Services Management Manual developed for the Ministry of Lands⁷.</p> <p>Responses to staff questionnaire has captured an array of the individual's Qualifications, age and work experience which under normal circumstances would be a reflection of staff dispositions and their job description.</p> <ul style="list-style-type: none"> • Examination of the As-Is –hierarchy indicates that of 		<p>Recommendation of the Consultants.</p> <p>Design new Organogram to address shortcomings noted to accommodate the following:</p> <ul style="list-style-type: none"> • Distribute workload⁸ among senior schedule officers according to specified guidelines and purge excess to acute needs. <ul style="list-style-type: none"> ○ There should be few individuals advising the Commissioner of Lands. ○ Individual's qualifications and experiences should be used in allocation of responsibilities and, training/ promotions , if any, should target to fill specific voids/vacancies eg. A lawyer with the Masters qualification in Law should be expected to be the head of the Legal section when its current head does not possess such qualification and the same applies to the rest of the sections ,

<p>the senior personnel (Senior Land Officers and above nearly 65 % of those who indicated their supervisor point to be directly reporting to a single individual whose response to his/her daily work schedule is fundamentally the same as that of the purported subordinates.</p> <ul style="list-style-type: none"> • A group of individuals, it was observed, don't recognize their Co-worker status and Supervisors and where recognized, each one of them reports separately to one supervisor (these are clear signs of insubordination) • Lacks of discernible groupings indicate inability to classify work responsibilities based on area / task specific criteria. <p>Over-training OR uncoordinated training results in excess employee whose daily tasks do not match the qualifications needed to perform certain tasks resulting in redundancy.</p>		<ul style="list-style-type: none"> ○ Avoid favoritism; a person joining five years after others have been in employment and gets promoted / trained to become supervisor to those she/he found in employment can not preclude feelings of favoritism among workmates. • In absence of proven cases of negligence, promotions should be on experience / and qualification to avoid demoralizing others.
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5.0 RELATIONSHIP BETWEEN THE LAND SECTOR EMPLOYEES IN PMO-RALG TO THE CL OFFICE

ISSUE	OPTIONS	RECOMENDATION
<p>The powers of the Commissioner for Lands extend to Land Officers employed by the Local governments, i.e District Councils and Municipalities. The Land Act No. 4, of 1999 section 11 (7) states that “<i>Any Local Authority Officer shall comply with any directives of the Commissioner issued to him specifically or generally and shall have regard to any circulars issued by the Commissioner</i>”. The Land (Functions of Authorized Officers) Regulations 2001, No. 8, says “Every Authorized officer working in a local Authority with directors, and have regard to circulars of the Commissioner shall comply to the directions of, and answerable to the Commissioner”.</p>	<p style="text-align: center;">OPTIONS</p> <ol style="list-style-type: none"> 1. Amend Land law and make Local Authorities the sole organs responsible for administration of the land Matters under their jurisdictions. 2. Fully enforce Provisions of the Land Law to make Land Sector Employees in PMO-RALG accountable to the Office of the Commissioner for Lands instead of depending on their compliancy to the 	<p>Maintain Status quo (no).</p> <p>Recommendation of the Consultants.</p> <p>PMO-RALG Land Sector employees are key inputs in effecting orderly Land Administration in Tanzania due to their close proximity with people at the grass roots of the stake holder which the Land Laws seek to benefit. They have Rural and Town Planning mandates, they undertake Land Surveying within their administration jurisdictions, they coordinate land Allocation Committees at the local Government levels , they use CL’s Stationery in issuance of Certificates of Titles to land , they collect and remit land rent on behalf of CL .</p> <p>The Consultants view are that these are de-facto the Front line Managers of the Land Administration process in the country and are considered the third segment in the hierarchy of the Top-Notch land administration machinery we have explained above.</p>

<p>In other words, the Land Officers employed by local governments are answerable to two masters in a situation where Land Administration matters have not been fully delegated to the Local Authorities. This is a situation that does not benefit either of the side; and rules and regulations governing land administration at that level could be easily compromised</p> <p>The as-is process mapping reveals that they account for about 70% of the end product of the day to day function of the Lands Development Services .</p> <p>Going by the first principles of accountability demands that no body can serve two masters at the same time . Divided royalty is likely to creep in and the end result is a don't –care-attitude which is displayed by Land Administration Officers in the employment of PMO-RALG</p> <p>Their un recorded complaints from the staffs</p>	<p>directives of the Commissioner for Lands.</p>	<p>The justification for introduction of Village Land section in the Land Development Division by the lands Ministry was based on premises that implementation of the New Land laws which have necessitated the Formation of new sections within the Lands Development Division to be solely responsible for Urban Land Administration and Village Land Administration will increase work load and therefore need to take these services close to the grass root level which is where village land is found.</p> <p>The new section created at the Head office of the MLHSD would in our opinion work best at the District authorities whereby we feel from economic point of view, the Land Officers at the LGA are best placed to administer this component rather than from the Head Office which amounts to increase cost of Land Administration.</p> <p>We therefore recommend that all land sector employees in the Local Government Authorities be seconded by the CLA to the Local Government Authorities.</p>
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<p>employed by PMO-RALG include the following:</p> <ul style="list-style-type: none"> • They expect no promotion from the office of the Commissioner for Lands . • They don't benefit from training opportunities available to Land sector employees which end up at the Head Office of the Lands Ministry . • General neglect for non -remittances of their portion of collection from the land rents etc. <p>In general, this is a disgruntled Labor force which the dictates of the moment demand a new realignment because Dual- Accountability erodes responsibility the attendant results of which are delays and other numerous lapses in the Land Delivery systems.</p>		
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6.0 OTHER ISSUES

6.1 Dispatching Documents

Document dispatch is a problem in the CL Office.

The delay of titles from the originating offices to various destinations (to and/from CL,ZALC and Local Councils) are due to the poor dispatching system which is a result of inadequate budget.

- Engage on contract basis a Courier Company to ship documents to and from ministry/zones/regions/districts/districts/, and other offices.

6.2 Stationary

All stationary for land matters are prepared by the Government Printers. When the stationeries are obtained from the Government Printer the distribution system is not smooth. There are delays in distributing the stationary to land offices. Since none of the land documents are classified as sensitive documents, there is no specific reason for having the documents printed by the Government Printer only.

- Simplify the Title document by eliminating phrases and contents that do not add value. This will reduce the volume and weight of the documents, especially the Certificate of Title.
- The Ministry should float printing tenders for the Printing companies to allow competition and efficiency.

RECOMMENDATIONS

- Through the Private Public Partnership (PPP) arrangement, engage on contract basis a Courier Company to ship documents from districts to zonal offices and/or to the Ministry of Lands.
- Introduce the Land Bureau services where people could go and get official documents, form and guidance at a fee.
- The Ministry should float printing tenders from private companies to allow competition and efficiency.
- Simplify the Title document by eliminating phrases and contents that do not add value. This will reduce the volume and weight of a Title.

6.3 Access to Land Information

All types of land information are available and obtained only from the lands offices at the local council lands offices and at the Ministry. People travel long distances and spend days on the way to the lands office, sometimes to just collect and fill a one photocopied form, or ask for their land rent bills which in itself is a few thousand shillings.

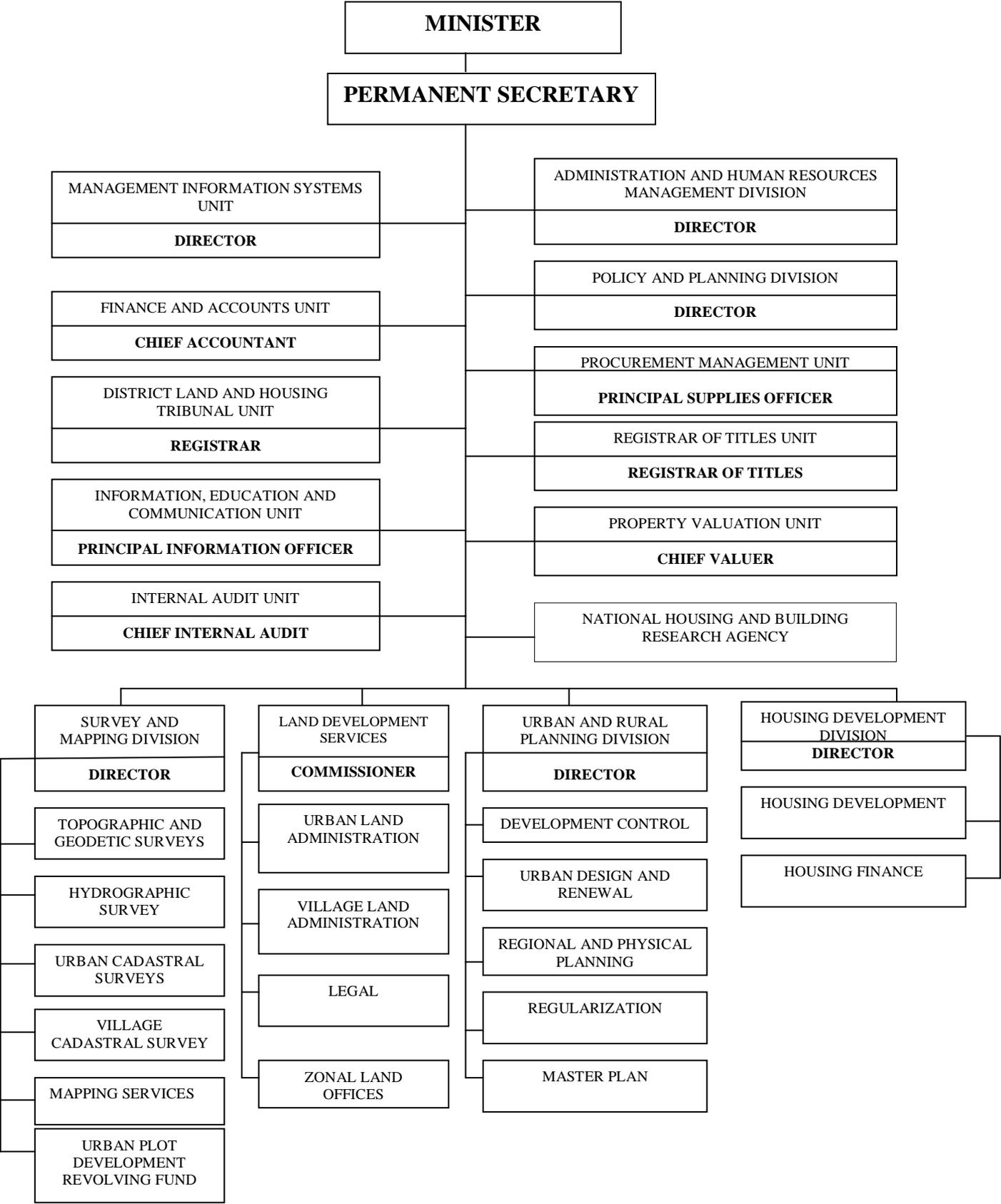
The Ministry should have a Public Private Partnership (PPP) Arrangement, whereby it should introduce the Land Bureau services where people could go and get official documents, forms, land information, data and guidance, at a fee. The Land Bureaus will have access to the land information that is categorized as public. With a web-based PBCIS, the Land Bureau will be able to access the land information from the Ministry's website server through the Internet, and therefore serve all the people in the country at the closest Land Bureau Office, or they can get the information direct from the Internet at any nearby internet connection/internet café.

Land Bureaus must be owned by the firms that are registered and licensed. The Ministry in collaboration with the professional registration boards and professional association should work on the registration and licensing modalities.

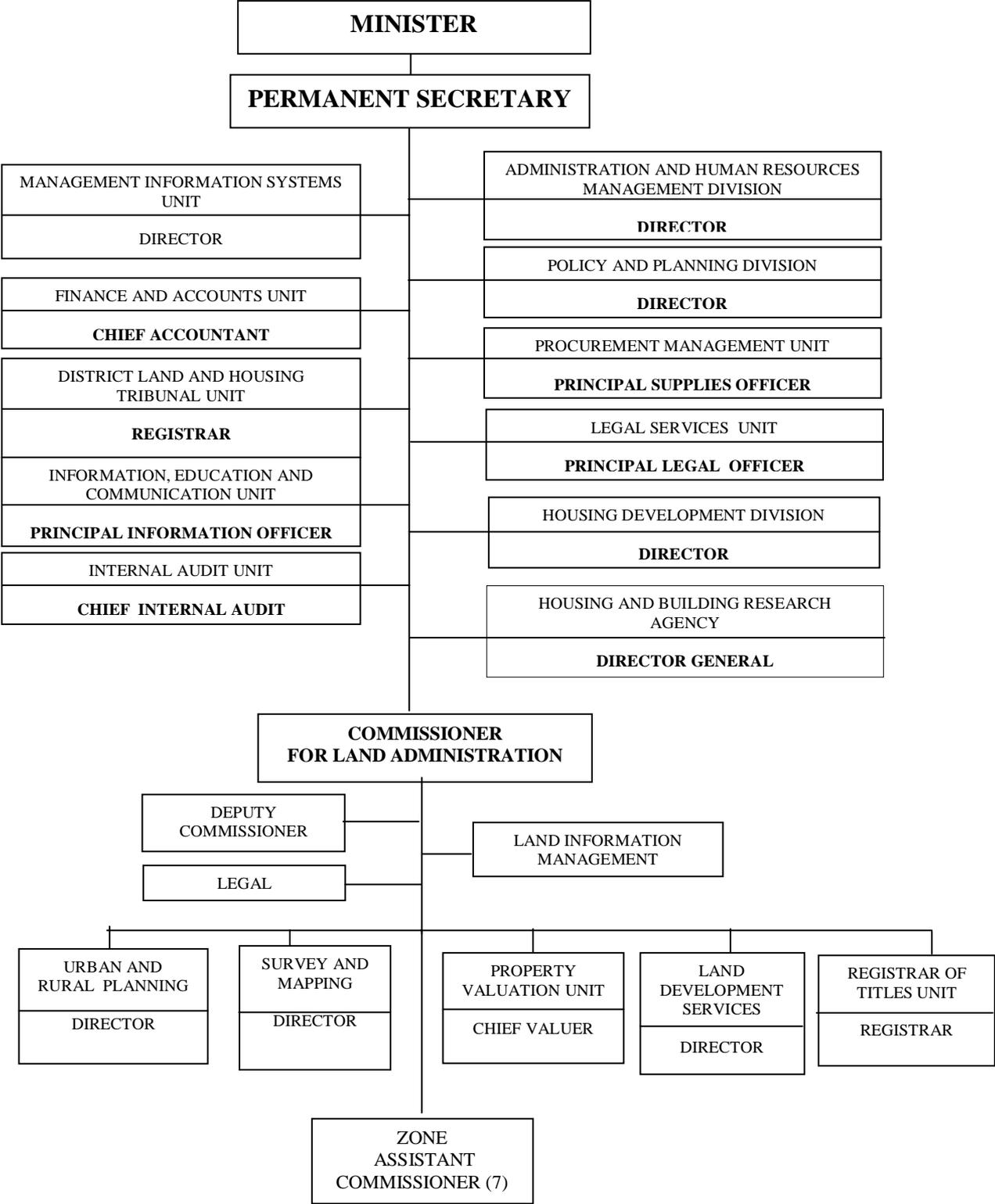
Since many private companies in the Lands sector are young and their capacity in terms of experience, equipment and manpower need to be developed. The Ministry should make initiative to develop capacity of such companies in order to create quality partners in the PPP programme.

- The Ministry should work more closely with the private sector through the respective professional bodies and higher learning institutions and make deliberate efforts to build their capacities in order to have competent partners in providing services to the public.
- Outsource all the works which could be best done by the private sector

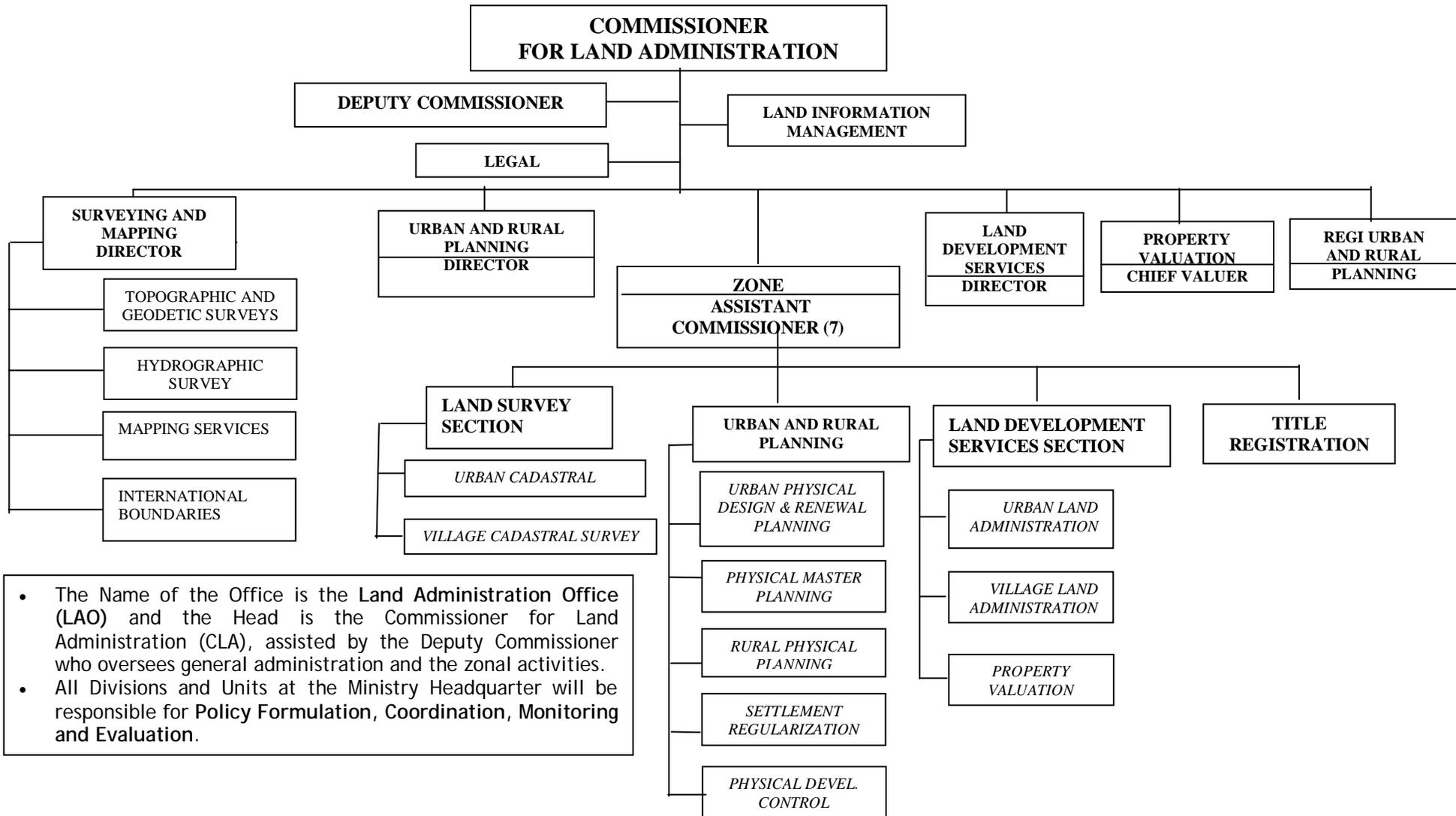
APPENDIX 1: CHART 1 - THE CURRENT ORGANISATION STRUCTURE OF THE MINISTRY OF LANDS, HOUSING AND HUMAN SETTLEMENTS DEVELOPMENT



APPENDIX 2: CHART 2 - PROPOSED ORGANIZATION STRUCTURE OF THE MINISTRY OF LANDS, HOUSING AND HUMAN SETTLEMENTS DEVELOPMENT



APPENDIX 3: CHART 1 - PROPOSED ORGANIZATION STRUCTURE OF THE OFFICE OF THE COMMISSIONER FOR LAND ADMINISTRATION

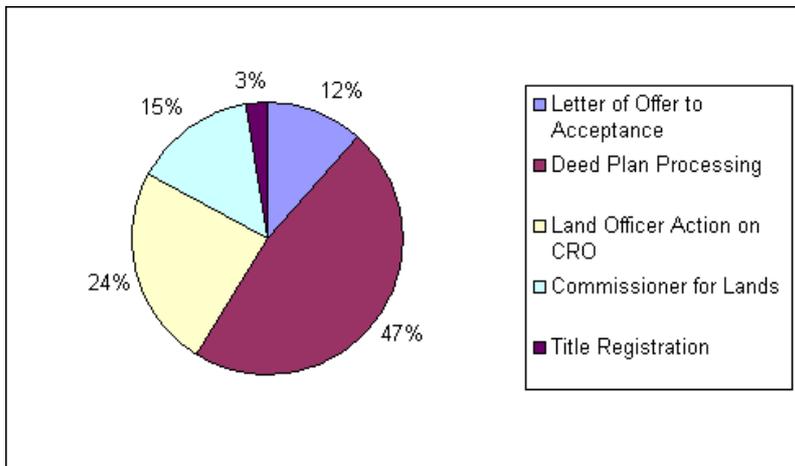


- The Name of the Office is the **Land Administration Office (LAO)** and the Head is the Commissioner for Land Administration (CLA), assisted by the Deputy Commissioner who oversees general administration and the zonal activities.
- All Divisions and Units at the Ministry Headquarter will be responsible for **Policy Formulation, Coordination, Monitoring and Evaluation.**

APPENDIX 3: TITLING TIME ANALYSIS

Summary of the Average Time Taken for Each Titling Component

Component	Days	%
Letter of Offer to Acceptance	96	12%
Deed Plan Processing	387	47%
Land Officer Action on CRO	200	24%
Commissioner for Lands	120	15%
Title Registration	21	3%
Total Days	824	



Breakdown Analysis for Each Component

(a) From Letter of Offer to Acceptance average is 96 days (population 372)

(Disregarding the unknown cases whose dates were not available in the record, a total of 26 cases).

Shortest time = same day Longest time = 4,064 days

Same day – 20 days = 206 Applicants (69%)

11 – 40 days = 46 Applicants

41 – 60 days = 28 Applicants

61 – 80 days = 21 Applicants

Above 80 days = 71

Majority of applicants responds within 20 days of the letter of offer. This should be taken as a standard time for applicant response.

(b) Processing Deed Plan (in the Land Office and Survey Office):

Average = 387 days (population 250)

(Disregarding the unknown cases whose dates were not available in the record, a total of 148 cases).

Shortest time= same day Longest time = 9664 days

Same day – 20 days = 63 Deed Plans (25%)
 21 – 40 days = 23 Deed Plans (9%)
 41 – 60 days = 18 Deed Plans (7%)
 61 – 80 days = 25 Deed Plans (10%)
 Above 80 days = 121 Deed Plans (48%)

(c) From the date the Deed is received by the Land Officer up to Submitting the CRO to Commissioner for Lands: Average = 200 days (population is 337)
 (Disregarding the unknown cases whose dates were not available in the record, a total of 61 cases).

Same day – 20 days = 94 CRO (27%)
 21 – 40 days = 34 RCO (10%)
 41 – 60 days = 37 CRO (11%)
 61 – 80 days = 19 CRO (5%)
 Above 80 days = 153 CRO (45%)

More than 50% takes more than 60 days between the Land Office to the Commissioner for Lands.

(d) From Entry to the CoL office to Release of file for Registration.
Average = 120 days (population is 333)

(Disregarding the unknown cases whose dates were not available in the record, a total of 65 cases).

Same day – 20 days = 85 CROs (25%)
 21 – 40 days = 60 CROs (18%)
 41 – 60 days = 31 CROs (9%)
 61 – 80 days = 27 CROs (8%)
 Above 80 days = 130 CROs (39%)

More than 50% of the CROs takes more than 41 days in the CoL Office .

(e) In the Office of the Registrar of Title

Allow three weeks, that is 21 days.

(f) Conclusion

From the above analysis, average time taken in the existing system, from issuing a letter of Offer to signing the CRO by the Commissioner is 800 days. Allowing an average of another 21 days spent in the office of the Registrar of Titles, this make the current practical time of processing and delivering the Certificate of the Right of Occupancy to take about 821 (nearly three years), unlike the official 180 days declared by the Ministry.

The design stage of our study aims at removing all inordinate delays emanating from the time spent in the Local Government Authorities and the Office of the Commissioner for Lands.

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