

**LAND REGULARISATION THROUGH PARTICIPATORY APPROACH
IN TANZANIA**

THE CASE OF UBUNGO DARAJANI – DAR ES SALAAM

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CERTIFICATION

The undersigned certifies that he has read the project and found it to be in a form acceptable by the Southern New Hampshire University and the Open University of Tanzania a project entitled. Land Regularisation Through Participatory Approach. The Case of Ubungo Darajani – Dar es Salaam in partial fulfillment of the requirement for the degree of Master of Science in Community Economic Development



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Date:..... 1/7/2005

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DEDICATION

To my parents Mr. Didas Ambroce Kessy and Natalia Didas Kessy, my wife Idaya J. Kessy, my children Dalton, Davis, Annette, Danford, Arnella and the rest of my family for their moral support and encouragement during the eighteen months period of study.

ABSTRACT

Community Land Regularization in Ubungo Darajani stemmed from common problems in the community. These include poor vehicular accessibility, increasing land conflict and fear of eviction by the government due to insecure tenure. The commonly felt problems obliged the community to come together and collectively work to address land development and management (regularization) problems. Community togetherness is seen as an instrument for engendering social capital as well as strategy for resource mobilization. They were attracted to belong to the common course at the same time they wanted to associate with community achievements. This is power of collective and social network theory. Their effective mobilization, coordination among the actors and effective linkage with other institutions such as University College of Lands and Architectural Studies (UCLAS), the Kinondoni Municipal Authority, Utility Agencies and the Ministry of Lands and Human Settlements Development were the basis for the achievement recorded in this area. In addition, the trust, networking capacity building, common norms and rules negotiation were important factors leading to success of the project. Community participation guarantees that a felt need is involved, sense of ownership, an intrinsic value and a catalyst for further development efforts.

The study concludes that unless the land Regularisation activities on going in informal settlements are closely monitored and regulated as the settlement grow, it will be costly socially and economically to retrofit.

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Acronyms

CBO	-	Community Based Organisation
EPM	-	Environmental Planning and Management
MLHSD	-	Ministry of Lands and Human Settlements Development
NGO	-	Non-Governmental Organisation
SDP	-	Sustainable Dar es Salaam Project
TSHS	-	Tanzania Shillings.
UCLAS	-	University College of Lands and Architectural Studies
UDADESA	-	Ubungu Darajani Settlement Development Association
UDADEFU	-	Ubungu Darajani Development Fund
WEO	-	Ward Executive Officer

CHAPTER ONE

BACKGROUND TO THE RESEARCH ISSUE

1:0 INTRODUCTION:

Chapter one is overview of informal settlements in Tanzania with particular reference to Dar es Salaam, its evolution and efforts by the government and different actors to upgrade informal settlements¹.

1:1 Informal Settlements in Urban Locations.

Sustained high population growth combined with generally weak administrative systems and lack of technical and financial capability to supply affordable surveyed plots and housing have resulted in the establishments and growth of informal settlements as a major source of housing in urban areas (Sliuzas 1988, Hayuna 1988, Kulaba 1989).

According to Kulaba (1989) the population growth rate in informal settlements of major urban centres at the end of the 1980's was around twenty to twenty five percent per annum which means that their populations were doubling within four to five years. Estimates of the 1980's put the average at above 40 percent of the urban population being housed in informal settlements (Mghweno 1984). This figure is now higher according to the data compiled by the Ministry of Lands and Human Settlements Development between 1990 and 1997. The average

¹ An informal settlement is a place whereby a group of individuals living under the same roof that lack insecure residential status, inadequate access to water, inadequate access to sanitation and other infrastructure, poor structural quality of housing and over crowding.

number of people living in informal settlements in the major urban centres is about 55% (See Table 1)

The government including urban councils is generally in favour of regularizing informal settlements instead of removing them but has yet to formulate coherent and participatory and practicable policies to implement its policy. Its most conspicuous action has been to ignore such areas. Nevertheless, since 1989 the Ministry of Lands and Human Settlement Development has prepared layout schemes for many informal settlements that could form the basis for regularizing land in these areas. However, the schemes have been difficult to implement since they differ considerably from what is actually on the ground and they are prepared with no consultation with the land and housing occupiers (Nhkya 1997, Kironde 1999). There are cases to show that if public authorities were to evolve policies that ensure close collaboration between themselves and the residents of informal settlements the condition in these areas would have been greatly improved (Kombe 1999).

Table 1.0: Statistics of informal settlements in 10 major urban centres in Tanzania

Name of urban centre	Jurisdiction on area in km ²	Built up urban area in hectares	Informal area in hectares	Ratio of informal to total built-up area in %	Population in informal area (estimated)	Population in informal area as % of total urban population
Dar es Salaam	1,393	14,878	5,197 (1992)	35	1,400,000	70
Mwanza	1,277	8,675	944 (1996)	11	213,646	58
Arusha	9200	9,198	3,494 (1992)	38	76,332	68
Mbeya	184	4,440	1,843 (1990)	42	114,380	86
Morogoro	110	5,345	275 (1996)	5	63,000	44
Dodoma	2618	4,733	681 (1994)	14	42,001	45
Tanga	360	4,025	356 (1992)	9	57,703	38
Iringa	162	5,980	679 (1990)	11	26,848	38
Tabora	117	6,278	683 (1996)	11	92,175	82
Moshi	77	5,679	346 (1992)	6	16,715	16

Source: Ministry of Lands and Human Settlements Development (URT 1996); URT 1995, Aerial Photographs 1992, Hoek-Smit 1991 and National Census data 1988.

1:2 Evolution and location of informal settlements

The process that led to the creation and growth of informal settlements in Dar es Salaam have been documented by many writers (see Jupenlatze (1970); Masembejo (1981); Kaijage (1982); Mghweno (1984); Uisso (1985); Materu (1986); Schemetzer (1986); Sliuzas (1988); Kyessi (1990); Kyessi (1993); Kironde (1995); Hakuya (1995) and Kombe (1995). Growth of informal settlements through City boundary extensions and squatting are some of the processes sustaining urban sprawl. Kyessi (1990) Citing Kajagi (1982) writes:

“Satelite settlements which in the past were outside the city administrative boundary influenced in a number of ways the rapid growth and establishment of squatter settlements in the open and sparsely built up areas between the satellites and city boundaries. Manzese, Mburahati and Mlalakuwa only to mention a few are among the many informal settlements developed in this way. Most settlements began as small peri-urban villages in which the allocation of land and development grew in freehold estates that were invaded after freehold titles were converted to Government lease by the Freehold Title Act of 1963. Examples include Hanna Nassif and Kurasini squatter settlements”.

Many other informal settlements in the city including Buguruni, Kimara, Ubungo Kibangu, Ubungo Darajani, Mbagalla, Tungi, Yombo Dovyha have evolved mainly through boundary change. Some settlements have emerged on land designated unsuitable for urban development or on land reserved for other land use. Examples include Kipunguni airport expansion and Shimo la Udongo for harbour expansion.

Under performance of formal land management and poor land servicing system in situation of fast urbanization are some of the contributing factors towards growth of informal settlements (Kombe 1995). Many informal settlements have developed along or around the major city transportation axes namely Kilwa, Nyerere road, Morogoro road and All Hassan Mwinyi roads. Others have developed near or around industrial

areas. A few settlements are found near Institutional areas such as Mlalakuwa service near the University of Dar es Salaam and land adjustment to the Lugalo Army barracks). Often informal settlements do not have adequate basic services and their location near serviced areas is critical and necessary. A few settlements are located in escarpments and others on marginal land threatened by environmental hazards e.g erosion, flooding and faulting. Such, settlements can be found in Msimbazi Valley and Mzinga creek respectively. This is because of nearness to employment places such as Dar es Salam City Centre and the harbour.

1:3 Growth and expansion of informal settlements:

Several studies describe the movement of population towards informal settlements. According to Kyessi(1990) citing Augus(1978), population flows from different hinterland areas and from the city centre towards informal settlements. Bruijn (1988) emphasizes that natural population growth; immigration from rural areas and shift of people from planned areas of a city build up informal settlements.

Bruijn (1988) adds that:

“When available houses in particular informal settlements cannot cope with the housing demand arising from the population growth an increase in occupancy rate (The number of people per dwelling or house) can only absorb for sometimes the new comers. But at a certain moment overcrowding surpasses some (local) accepted occupancy rate creating an

overspill situation and at this stage other new informal settlements will suddenly start to grow rather fast”.

Due to inability of the formal system to provide adequate housing in suitable locations amongst rapid urban population growth, movements of people and families towards informal settlements increase in Dar es Salaam. People tend to move and build in the informal settlements because it is less bureaucratic to obtain land for housing development Kyessi (1990); Kombe (1995). In addition it is less costly to build in an unplanned settlement because the ‘would be’ developer will not pay building permit fee, and the time one would have spent to look for the same will be used to start construction without much conditions such as building regulations for development control.

Settlers or new comers who are potential house developers usually have no knowledge of or regard to existing city layout plans. They need land but they cannot access and develop it in compliance with the prescribed formal standards, norms and processes. Therefore, they will start to build on land they have acquired when they believe that they have a chance of not being evicted. Recent studies on informal settlements in Dar es Salaam, show that there are two main housing densification processes:

- (a) The increase in terms of houses/rooms per hectare or people per hectare through in-fill

- (b) Extension of existing houses and expansion of a settlements outward to encroach upon unbuilt land.

Usually an informal settlement follows three stages of development that include: infancy, intermediate or booming and saturated stages.

- (i) With regard to infancy stage, it is characterized by predominantly perennial agriculture or bush land with scattered houses mostly owned by indigenous land occupiers. Also land is increasingly being cleared for non subsistence farming activities of urban use creating a mixture of landlords and non-landlords, for instance Tungi and Yombo Dovya in Dar es Salaam. Squatting for new informal housing is also rampant in valleys near the city centre or in hazard lands close to infrastructure services and employment e.g in Msimbazi Valley.
- (ii) Informal settlement in the intermediate areas is the “booming or consolidation stage”. It is an area where land use intensification (densities) as well as changes of use from agriculture to residential are rampant (Uisso 1985). This area is mostly found in between and around built up areas. It is at this stage that the gradual displacement of the indigenous population (often poor) by immigrants from the inner city is taking place. Examples include Kimara, Changanyikeni, Makongo, Tegeta, Tabata and Mbagala.

(iii) On the side of stagnant or stable informal settlements in the inner city this is often development of housing in the inner city where land markets have heated up (Kombe 1997). Settlements are located in highly competitive areas where development pressure is quite high (Hakuyu 1995). Often, these are located in the midst of planned areas and have no room for horizontal expansion. Intersification is through extensions, infill and gentrification. Such settlements include Kawe, Manzese, Hanna Nassif, Gerezani, Keko, Buguruni and Kurasini.

A major phenomenon of Dar es Salaam's spatial and demographic growth since independence has been informal housing development.

The inability of the formal urban economy and land management institutions to provide housing for the growing city population or respond to their demands explains the evolution and expansion of informal settlements. Some of the characteristics of formal and informal settlements are further elaborated in Table 1.2.

Table 1:2: Characteristics of Informal and Formal Settlements

Informal Settlements	Formal Settlements
Ease of entry – low entry costs	Top-down planning and restricted entry – state (public) control
Informal land allocation according to need (follow flexible standards)	Inappropriate (fixed) standards in land use planning and allocation
Build affordable shelter using step- by step procedure of development	Follow unaffordable building regulations leading to inadequate shelter.
Unregulated and competitive markets (Informal Markets)	Controlled markets (land value and rental markets)
Efficient socially regulated land delivery mechanism	Insufficient land delivery mechanisms based on 'paper plans'

Unserviced land subdivided at will and sold	Shortage of surveyed and serviced plots
Labour intensive and adapted technology	Capital intensive and imported technology
Indigenous resources - traditional family or class mutual self-help system	Resource constraints - insufficient cost recovery mechanisms and relying on grants/loans
Skills acquired outside the formal system	Formally acquired skills
Local governance and informal information flow	Lack of good governance

Source: Literature review 2004.

1:4 Status of unplanned settlements in Dar es Salaam

Going by the 2002 census Dar es Salaam has a total population of 2,498,000 people. About 70% of the population lives in unplanned settlements. The settlements are estimated to cover a total area of 5,655 hectares of land and are densely populated. The average population density in every hectare is 300 people. Table 1.3 below demonstrates the population density of the three Municipalities of Ilala, Kinondoni and Temeke within the jurisdiction of Dar es Salaam City.

Table 1:3 Major Unplanned Settlements in Dar es Salaam

Municipality	Total area (ha)	Unplanned areas (ha)	Total Population	Population in unplanned areas	% of Total population living in unplanned areas
Kinondoni	53,100	2,560	1,089,000	768,000	70
Ilala	21,000	1,095	637,500	328,500	52
Temeke	771,500	2,000	771,500	600,000	78
Total	2,497,800	5,655	2,498,000	1,696,500	68

Source: CIUP, 2004

- **Housing:**

Construction of houses does not follow the building regulations, standards and development control. The houses are haphazardly spread and in most cases they are Swahili type(single storey) houses accommodating more than the standard occupancy rate per room of 2 people. This results in an average

number of 12 residents per house and an average household size of approximately 4. It is estimated that 75% of the houses are sand cement blocks. About 20% of the houses is characterized as semi-permanent and the remaining five percent are temporary structures made of mud and poles.

- **Income and employment:**

About 80% of the population in Dar es Salaam is engaged with informal trade while the remaining 20% is engaged in formal (employed) with regular income. From secondary data it has been estimated that household income in informal settlements range from between TShs. 15,000 to TShs 180,000/= with an average household income of TShs. 65,000/= per month. Source: CIUP, (2004).

- **Infrastructure and Services:**

With regards to the above almost all informal settlements have inadequate infrastructure and urban services.

- **Roads and Drainage System:**

Constructed planned roads are non-existent and if any they are below standard without proper drainage system for rain water/storm water.

- **Water Supply:**

Recent studies carried in 16 informal settlements (CIUP 2004) have it that although simple piped water supply network do exist in some of the areas most of the taps have no running water. As a result most of the population in

those areas depends largely on shallow wells, boreholes or water supplied by vendors. Insufficient water quality combined with poor sanitation poses potential public health risks. As a result water borne diseases are common. In 2003, many causes of cholera were reported to recur in the Municipality of Ilala, Kinondoni and Temeke especially in the informal settlements. In addition unsafe and insufficient water supply in these settlements has also been associated with several other water related diseases such as skin diseases, diarrhea and typhoid.

- **Sewerage and Sanitation:**

The informal settlements benefiting under CIUP Programme, have poor sewerage and sanitation, majority of their population depend on pit latrines reaching about 80% of the population. Very few households use water borne systems (septic tank – soak away pit) mainly due to absence of piped water supply and because of high costs involved in good sanitation. In general, households residing on the same plot share a pit latrine. This implies that on average 3 households (12 people) share one pit latrine. Often incidences of water borne diseases are common due to inadequate sanitation facilities. It is estimated that 15% of the houses have either very temporary or no private sanitation facility.

1:5 Informal Settlement and National Policy:

Attempts to improve informal settlements have been undertaken before and even during the colonial period. Similarly, after independence

attempts were taken but all in vain. Informal settlements in the city grew from about 10 in 1962 to 25 in 1979 and to more than 54 in 1992, (Kyessi 2004). The shortage of adequate housing in urban areas especially in Dar es Salaam prompted the government to adopt various measures aimed at increasing the supply of adequate housing to the city dwellers. The measures range from destruction of informal housing to consolidation.

Informal settlement improvement strategies in Tanzania have undergone five distinct stages in last four decades. During 1950's we observed the Land Regularisation Schemes of Upanga and Shariff Shamba. The period between 1961 and 1969 observed the Government intervention in housing through the defunct slum clearance Programmes under implementation by the National Housing Corporation which was terminated in 1969 due to reasons that the programme was de-facto reducing the housing stock. Informal housing demolition –included Magomeni area, Kisutu, part of Keko and part of Buguruni (Kimonde 1994).

Between 1972 and 1985 there was a shift from slum clearance to more humane and economic approaches of site and services and squatter upgrading but that programme was short lived. In the 1990s we observe the emergency of participatory approaches such as the community infrastructure Programme (CIP), and the mushrooming of grassroots organizations in servicing unplanned settlements (CIUP 2004). The four stages could be grouped into three main types of responses; government, private and popular sector responses.

1.5.1 Government responses

The government had tried four main strategies of improving urban infrastructure in informal settlements:

- Land Regularisation of the 1950's (Kironde 1995) example Upanga and Sharrifu Shamba Regularisation schemes.
- Slum clearance Programme of the 1960's (see Lupala 1995; Kironde 1995).
- The squatter upgrading of the 1970's and 1980's (Kironde 1994; Materu 1986)
- Community Infrastructure Programme (CIP) of the sustainable Dar es Salam Project in the 1990's (URT 1997).

All these strategies have been tried with minimal success to solve the problem of adequate housing to urban residents especially the low-income population in Dar es Salaam.

- (a) **The Slum Clearance Programme:** Until 1970's the prevailing policy of many governments in developing countries towards informal settlements was to clear the land by demolishing the existing informal structures and resettle the inhabitants in low cost housing schemes or in rural area. The effect of the this slum clearance policy had both negative and positive impacts. It had positive impact on the sense that people could own houses through hire purchase and the houses were more modern. On the negative side tenants who were living in the slums could not find houses because

they were built specifically for government employees. For the case of Tanzania the National Housing Corporation, a Parastatal Organisation established in 1962 could not build enough and adequate units to accommodate all the affected families and meet new demands in housing for renting and hire purchase. In view of the magnitude of the housing problem of the expanding civil servants and urban poor (especially after independence) the government was not in a position to finance, on its own the provision of enough accommodation to urban residents. Since NHC was depending on government allocation and external finance for its projects it could not raise the amount required. It is reported that the government did not fulfil its earmarked budget allocations to the NHC to enable it to undertake its duty of clearing slums and other unsuitable housing and replace them with decent housing. During the first five year plan (1964 – 1969) the government disbursed only TShs. 69.4 million to the NHC instead of the earmarked TShs. 100.0 mill. Worse still out of the extra TShs. 100.0 mill which was supposed to be raised by NHC from external sources only TShs. 19.4 million was raised from Germany. As a result the largest of house construction were not attained. Only 3667 out of the 50,000 slum houses that were supposed to be rebuilt by 1969 when slum clearance was abandoned were actually demolished and rebuilt (NHC 1997).

In the late 1960's the awareness grew among the government and international development agencies that informal settlements should not be looked at as a mere system of the housing problem of the urban poor but rather as their contribution to its solution. Demolition of informal settlement means destruction of considerable investments in labour and money made by the poor. It does not solve the problem as the poor do not have an alternative to squatting and it only leads to reduction of already limited housing stock available to low-income families. The government realized that instead of demolishing an informal settlements it could regularize and upgrade it by provision of services. So that the existing housing stock is preserved and housing conditions for the residents are improved. Thus, this strategy was abandoned, and hence commencement of the squatter upgrading strategy under the site and services and squatter upgrading.

- (b) **The Squatter Upgrading Strategy** : With financial assistance from the World Bank, Site and Services and Squatter Upgrading Scheme was introduced in Tanzania in two phases: 1974 – 1977 and 1978 – 1981. The programme was thought to be modest in approach and softer in operation than the earlier strategy of slum clearance; it was also a national programme and benefited about 600,000 low income inhabitants throughout the country (Lupala 1995) The objectives of financial assistance was support to Tanzania's urban development sector to:

- Improve the environment and public health, thereby reducing the risk of epidemics.
- Demonstrate a replaceable approach which could respond effectively to the shelter and employment problem of the urban poor.
- Promote economic development by providing improved physical infrastructure;
- Strengthen the institutional and financially capability of government to implement such an approach on a continuing basis;
- Change the legal status of the settlements by registering the existing houses and giving the owners secure tenure and;
- Upgrade the housing stocks through the provision of improvement loans, technical assistance and secure tenure. The physical improvement of the houses was left to the residents themselves.

Limitation of the conventional upgrading strategy. The first phase was implemented in Manzese informal settlement and in three sites and serviced areas earmarked for displaceses. The sites were located in Kijitonyama, Sinza and Mikocheni areas. The second phase concentrated in Mtoni/Tandika informal housing areas and one serviced plot area in Mbagala (for details see Materu 1986 and Kironde 1995). These were only two (2) informal settlements out of about 25 at the start of the programme. The above discussion shows that the squatter upgrading programme did not achieve its main objective of improving living conditions for the residents of low income

settlements the strategy had deficiencies in its design. Some of the eminent problems included:

(i) Limited economic objective:

A major shortfall of the programme is that it did not aim at a combination of economic parameters in the provision process like job generation activities and provision of housing (Materu 1986). This omission had the following consequences:

- The settlements continued to be dormitories for the unemployed and for low income employees who commuted to places outside the settlements.
- Development of informal small-scale industries within the settlements was often observed only along improved access roads.

(ii) Difficult access of the poor to additional financial resources.

Prohibitive regulations to low income households and house owners in the informal settlements prevented them from securing additional finances to improve their houses. It is documented that soft loans issued by the (defunct) Tanzania Housing Bank could not reach the targeted group (mostly self employed) because of the prohibitive conditions that were set by the local financing institution that demanded a Title and formal employment.

(iii) Non – Participation of beneficiaries. The communities in the informal settlements were not effectively involved in the planning, implementation and maintenance of the services provided. Unlike conventional housing scheme or sites and services project the target population was already on site, and it was necessary to involve the community in the process of upgrading. Community participation is an indispensable element in squatter settlement upgrading project if the community that originally developed the settlement on self help basis is to have the responsibility for improving the houses and maintaining the services provided in the settlement (UNCHS 1985). The concept of self help that was already in practice and in the minds of the residents was not put in use. The project was centrally designed (by Ministry of Lands) and tendered to distant contractor. After upgrading exercise the project areas were handed over to the Dar es Salaam City Council to maintain the infrastructure provided; however without properly designed maintenance programme. The added task to the DCC was seen as imposition on them because there were no budgets for it and were again not particularly involved in the design and implementation of the whole strategy (Kyessi 1993). Existing literature indicates that this factor (non – involvement of beneficiaries) as one of the intricate issues which led to the non-replication of the programme in Tanzania (Materu 1986; Kombe 1995). Experience of upgrading in many countries show that

community participation in the design/planning, implementation, operation and maintenance is critical for their long-term success (Lucken kotter *et al* 1994). Their involvement increase their political power (decision making) and ability to manage their settlements development).

- (iv) Failure of government alone as provider of infrastructure services: Squatter upgrading at that time was defined as a government role, which meant financing the improvement of an existing informal settlement through the installation and maintenance of technical and social infrastructure. The Vancouver United National Conference on Human Settlements of 1976 had even prescribed the governments as the great providers of infrastructure services following theories and concepts developed during that period. Due to increasing demand and supply all local actors including community have a role to play in infrastructure provisioning (UNCHS 1996a).
- (v) Non-replication and non-sustainable strategy. The upgrading strategy which was top down and non-participatory in its design and implementation failed to continue improving informal settlements. The failure of the strategy in the provision process of urban community infrastructure services has resulted to deterioration or absence of services in all informal settlements in the city. Evaluation

carried out after the second phase of the site and services programme in early 1980's revealed four major weaknesses:

- Non realization of the economic objective of linking the provision process of infrastructure with income generating activities which would have produced new employment opportunities and extra income to low income households in the settlements.
- Lack of elaborate and effective operation and maintenance programme involving the community after the provision of the services leading to physical deterioration and collapse of the provided services.
- The planning and capital works were carried out by “distant” contactors and consultants without involving the local residents from the settlements. This option failed to retain some of the investment funds into the hands of the poor community of the settlements. Also the option created a sense of ‘dis-belonging’ to the communities as the project was seen as foreign. This was typical of an externally initiated programme, which was interested only in physical outputs within the time allocated to finalise the programme.
- Poor performance of cost recovery amputated its replicability due to absence of proper mechanism for cost recovery for capital investment. The programme failed to provide a replicable and sustainable model for effective and efficient infrastructure provision in informal

settlement in Tanzania. The government together with international agencies thought of the squatter upgrading strategy linked with sites and services as the “cure”. However, it appears that they took this strategy simply as a “project” in itself of meeting the housing needs and not a process which was demand driven and they also overlooked affordability and poverty eradication. In short it was not home grown and not locally based (Luckenkotter *et al* 1994). A desperate effort by the Government alone further this strategy into a third phase registered negligible achievements and due to lack of state resources the programme eventually collapsed.

- (c) Upgrading from the 1990’s On-ward: Upgrading projects in 1990’s tried to address the deficiencies of the previous projects and to ensure sustainability of the infrastructure with particular emphasis on:
- Involvement of residents and other stakeholders.
 - Effective operation and maintenance mechanisms
 - Cost recovery arrangements.

The Hanna Nassif Community Based infrastructure upgrading project, Tabata and Kijitonyama Community Infrastructure projects in Dar es Salaam and the Ibungilo and Isamilo regularization and infrastructure upgrading projects in Mwanza illustrates the participatory planning approaches and methodologies used in the 1990’s and early 2000’s in Tanzania.

The Common denominator for these projects is that upgrading is fully demand responsive. Unlike previous projects, target communities were involved in identifying and prioritizing needs in infrastructure improvement, planning and implementation. Planning standards, especially road reserves, were adopted to the local circumstances to avoid demolition of houses and to minimize overall costs. Initiatives were taken to mobilize residents to contribute labour or cash needed for project implementation and maintenance.

- (d) Community Infrastructure Programme: The CIP is an offspring of sustainable Dar es Salaam Project (SDP) whose main objective is to improve the living and economic conditions of communities in Dar es Salaam through the provision of basic infrastructure and services and in so doing, alleviate poverty by increasing employment and income generation opportunities. The specific objectives include community capacity building, institutional strengthening and improvement of infrastructure and services. CIP was established in 1995 to address infrastructure problems in deficient communities by working with them. Partners to the project include among others Dar es Salaam City, Council, Utility Agencies such as TANESCO and DAWASA, CBO'S, NGO'S the World Bank, Irish Aid and other Stakeholders in the development process by adopting partnership participation and self help approaches.

Two communities were beneficiaries of phase one of CIP project namely Kijitonyama and Tabata. The projects were mainly on rehabilitation of spine roads and neighbourhood roads to accepted Engineering standards together with improvement of storm water/rain, drainage, sewerage and sanitation facilities. The advantage with this project was demand driven and not supply driven. It is the respective communities which prioritized their immediate infrastructural needs without an imposition from the donor agencies. The communities contributed five (5) percent of the capital cost of construction being counterpart funding a condition by the donor (World Bank) hence a sense of ownership. Above all the community members benefited not only on physical improvement of infrastructure but economically taking into account that the contract was labour based therefore local residents were employed in the process. Therefore future CIP projects must aim at making the community members who are the recipients better off economically.

One of the conditions of the donor, the World Bank in funding neighbourhood roads in Kijitonyama and Tabata was the commitment to be responsible 100% for maintenance and operation of the same. The CBO'S in the two communities of Kijitonyama and Tabata, Kijico for the former and TDF for the latter are not profit making organization and they cannot afford to pay for road maintenance costs. This has necessitated the respective Municipalities to take up the responsibility. Currently there is the CIUP (Community Infrastructure Upgrading Programme) which has

taken over from CIP and is in the process of replicating the experience gathered in Tabata and Kijitonyama to upgrade deficient infrastructures in Buruguni Mnyamani informal settlements including Vingunguti, Manzese and Temeke.

- (e) The 20,000 plots projected under the coordination and supervision of the Ministry of Lands is another initiative towards improvement of unplanned settlements. With availability of 20,000 surveyed and serviced plots ready/for allocation in itself is a land banking approach which curbs the growth of unplanned settlement and minimizes land speculation behaviour. Despite of the efforts made under (a) – (d) participatory approach processes has not been well documented and understood by Researchers/Academicians and Practitioners.

(f) **Community Initiatives:**

In developing countries community initiatives is further associated with unplanned settlements where the intervention of the government is very silent. These settlements are considered to be developed outside the formal procedures governing development of settlements and there is less/no government priorities in developing them. The silence of the government to plan and manage these settlements is the underlying factor that prompts residents of these settlements to take up their initiatives. As the matter of fact the majority of people in developing economies reside in urban unplanned settlements which are characterized by among others

lack of urban services such as water supply, poor road network, poor liquid and solid waste management and lack of regulatory mechanism for land development.

Pretty (1995: 178) and Kombe *et al* (2000:231) note that, community involvement in land development and management activities in urban settlements need a coordinative and controlling mechanism to ensure its sustainability (ie. Continuity) interalia community involvement in land development and management activities needs to be sustained so as to enhance positive externalities while minimizing negative ones such as disregard public land use requirement in informal land development where private individuals are key actors. Examples of community initiatives in Tanzania is upgrading of Ibungilo unplanned settlement in Mwanza and the current land Regularisation taking place at Ubungo Darajani. It is argued that the emergence of community initiative in human settlements improvement in Tanzania is rooted in the failure of the government on adequately play its decisive role (Nhkya and Adreasson 2001; Kyessi 2002; Majani 2000). It is also worthwhile to argue that political and socio-economic changes which advocate democracy, participation and partnership arrangements among stakeholders in the development process is another underlying factor for the emergence of community initiatives in the country.

In all of the initiatives, which are now being undertaken by communities to improve their living environment, there is lack of knowledge on what these communities are able and unable to do so that the public sector can be informed and advised in its role of facilitation of different actors in the development process it currently claims to possess.

(g) **Practical Need for Regularisation**

It is the community members themselves who initiated the need for regularization. This, is aftermath of the difficulties they were facing in approaching the issue on individual bases in surveying their land in an attempt to get Title/Right of Occupancy. Initially the community members (few) organized themselves as a pressure group to tackle regularisation issue in order to minimize the cost of survey and finally acquiring title deeds.

As highlighted earlier Ubungo Darajani representatives asked for technical assistance from UCLAS. The contacted the Head of Department of Urban and Regional Planning (URP). The head having heard from the community representatives advised them on the importance of regularisation of there are. They arrived on terms.

Ubungo Darajani Community embarked on land Regularisation process in order to secure security of tenure and to improve infrastructure facilities and services. Other problems related to land management that the community wanted to address include solid waste collection, liquid waste

disposal, haphazard housing development and encroachment on neighbourhood road. However, improving security of tenure was the first priority. The community's desire to carry out land Regularisation was also in line with the framework of section 60 (1) (e) of the Land Act of 1999 No 4 and section 57 (2) (a – i) which stipulate important the criteria to be take into account when an area, has to be declared a regularization area, these include:

- The area should be substantially built
- The area should lack apparent lawful title of its settlements
- Land is occupied under customary tenure
- The area is ripe for urban development
- Landholders have lived in the area for substantial period of time
- Existence of a substantial number of residents who have invested in their houses

Ubungo Darajani met a number of these provisions and in principle qualified for regularization.

Emerging Issues:

The lessons learnt in this case are that local community involvement is not desirable in every situation and that it has advantages and disadvantages. For instance, it required time which in some instances is not available and it may lead to social and political conflicts because it touches the question of power, and those who may loose it are likely to appose and resist.

Undoubtedly, each project situation requires a careful analysis regarding the purposes that might be accomplished through citizen participation the costs and benefits derived from that all depends on nature of partnership created towards implementing the land development and management programme. In case of disagreement issues as the case shows, involvement fails to persists.

1:6 Regularization of Unplanned Settlements in Tanzania

As a result of rising poverty and rapid urbanization unplanned and informal settlements are increasing and currently up to 70 percent of urban population is living in unplanned settlements mostly under poor living and environmental condition. Through the Local Government Support Project (LGSP) the Government of Tanzania has requested from the World Bank a Financial Support for The Dar es Salaam Community Infrastructure Upgrading Programme (CIUP). The main target of this programme is focused on upgrading of basic infrastructure and services in low income settlements as part of increased participation in planning and development, improved sustainability, accountability and strengthened capabilities of local authorities. The overriding principle of the CIUP is that all investments should be demand driven and be made only when users and municipalities can pay for operation and maintenance costs of the proposed investments. The general objective of CIUP include to:

- Improve the productivity and well being of low income urban residents in Dar es Salaam by upgrading infrastructure and services in selected project areas being unplanned and unserved settlements (subwards) in each of the City's Municipalities.
- Strengthen the Municipal Systems for upgrading and maintaining infrastructure and services.
- Building Community capacity to participate in planning and maintaining infrastructure in coordination with the municipalities.

The phase I beneficiaries of CIP who are the predecessors of CIUP is Tabata and Kijitonyama Communities. Currently upgrading will be done among others Buguruni Mnyamani and Vingunguti unplanned settlements. The Community infrastructure upgrading programme is designed in a way that minimizes the need for demolition of existing buildings and resettlement of people. The planning standards have been adopted to the existing situation in unplanned areas where road reserve in general don't exist and buildings are haphazardly built without much consideration on public space. Unfortunately Land Regularization in Unplanned settlement were not considered neither nor in CIP and CIUP projects in the areas of Tabata, Kijitonyama and currently in Vingunguti and Buguruni. The advantage of regularizing land before any upgrading is that the community members commit themselves to their boundaries and public spaces volunteered for public use and they won't temper with the same after upgrading of infrastructure. This being the case after land regularization.

The Ubungo Darajani may emerge a Winner on Best Practice in Land Regularization in unplanned settlements in Dar es Salaam.

1:7 Legal basis of regularization

Regularization as a planning process operates within the framework of the Town and Country Planning Ordinance Cap 378 of 1956 revised in 1961 and the National Land Act 1999. Section 27 of the Town and Country Planning Ordinance explains about how the minister may make declaration on the preparation of schemes and development of land whom he is satisfied by the complexity of the boundaries and development of land in an area. In part III the same section the ordinance provides for the need for reserving public land for provision of road reserves and other public uses.

In view of the above, it suffice to say that the provisions allow for land redistribution, acquisition of land for public use and provision as well as improvement of services in regularized informal settlements. The process involve different actors and in cooperation they achieve an intended goal. For instance the President is the custodian of the land and has powers to acquire land for preparation of the scheme (section 45). The Ministry of Lands is empowered to prepare regularization schemes for carrying out of the provision (sector78) while the Commissioner for lands is responsible for implementation.

The National Land Act 1999 it also provides information in interested land (sect.61 and 63) section 61 (1) explains the purposes of regularization of scheme in facilitating, recording, adjudication classification and registration of land that is in line with objective of the exercise. Section 63 provide the procedure of declaration of scheme for regularization.

1:8 Why participatory approach in planning works in a poor economy?

- Different stakeholders have resources and information/knowledge
- A sense of ownership build in the process
- Ensure combination of skills and experiences because of multi-institutional and multi-disciplanatory skills embedded in the process.
- Potential of overcoming resource deficit.
- Capacity building is routed in the process eg. Ibungilo Mwanza and Hananasif Dar es Salaam.

1.9 Emerging Issues

- Community participation
- Resources sharing
- Joint planning
- Regularization of informal settlement
- Prevalence of poverty

1.10 Statement of the research Issue:

Participatory approach in regularization of informal/unplanned settlements is a new paradigm which is not well understood and documented for knowledge sharing. There are several examples which some of them are informally implemented but supported/facilitated by formal

mechanisms/institutions in place. This research intends to look into how this approach is working in unplanned settlements.

1.10.1 Objectives:

- To identify the participatory approaches in regularization, where are they?
- To assess the pro and cons of the process.
- Identify the stakeholders involved and their roles/funds.
- Propose policy implications.

1.10.2 Research questions:

- What is land Regularisation and how is it taking place in Dar es Salaam?
- How is it being done?
- Who are involved in the process and their role?
- Why this approach in taking place and its implication .
- Roles of participants.

1.10.3 Significance of the project:

The motive behind the project is that there are many unplanned settlements which are not yet regularized but yet they are benefiting from the Community Infrastructure Upgrading Programme (CIUP) funded by the World Bank. Examples of these settlements are Buguruni Mnyamani and Mtambani in Vingunguti. The programme is forming on upgrading

the deficient infrastructure in these two communities among others and the capital works include construction of tarmac road and improvement of drainage system. For Ilala Municipality itself the initial package is TShs. 2,640,582,461.

With regard to Mtambani in Vingunguti Ward the area under upgrading has a population of about 20,447 people at a population density of 386 per hectare. It is an informal settlement with the poorest income groups in Dar es Salaam. The area covered under CIUP upgrading in Mnyamani Buguruni Ward is 48 hectares accommodating 17,236 people with a population density of 359 people per hectare. Taking into account that these settlements are unplanned and houses are built haphazardly without much consideration of public space the output will be with appropriate below standard, because CIUP is adopted to the circumstances in unplanned areas where road reserve in general won't exist and the budget doesn't consider much on compensation to get spaces for public use.

If the project takes place after regularization of the area obviously the upgrading will result in improved infrastructure within the accepted minimum standards. With regularisation community members usually accept to contribute their land for public use without compensation and they commit themselves in writing to respect their plot boundaries and the public spaces therein through participatory negotiation. As for the case of

Ubungo Darajani unplanned settlement, it is expected that land regularization will start before community infrastructure upgrading.

CHAPTER TWO

2:0 LITERATURE REVIEW AND CONCEPTUAL FRAME WORK:

2.1 **Theoretical Framework:** Theories and concepts underpinning community involvement.

Community initiatives in settlements improvement is a result of the failure of the public sector to provide the people with the urban services they deserve. It is the manifestation of the governments failure to respond to the desire of their people (see for example Kyessi 2002, Nhkya and Andreasen 2001, Chorguill 1999, Mulengeki 2002, UNCHS 1988). In principle, when it comes to planning and management of human settlements there exists a social contract between the government and residents. The former is supposed to provide the latter with urban services in return for the taxes collected from the later (see Majani 2002). This group further associate the emergence of community initiatives with the developing economies. In those countries of the developing world government are not able to adequately supply the required services to their people because of the poor performing economies. In the developing world, community initiatives are further associated with unplanned residential settlements where the intervention of the governments has been minimal. Those settlements are developed outside the formal procedures governing the development of settlements. The absence of the governments to plan and manage these settlements is the underlying factor that prompts residents of these settlements to establish initiatives. As a

matter of fact the majority of people in developing economies reside in urban unplanned settlements which are characterized by among others, lack or inadequate urban services such as water supply, road network, liquid and solid waste management and lack of a regulatory mechanism for land development. In Dar es Salaam City over 70% of its population is accommodated in unplanned settlements (see Kombe, 1995, Kironde 1995, Kyessi, 2002) The fact that the urban councils charge flat rate property tax is that they tolerate their presence.

Moser (1989:91) argues that there is no single theory that seems to be best to explain contemporary community issues and phenomena especially in developing countries. Similarly there is no single theory that seems to capture the processes, actors, factors or contexts underlying the community involvement in Land Regularisation. Subsequently, this work considers collective theory and social network theory as some of the theories to which this project may be associated with. Furthermore, the concepts of decentralization and participation are central to this project.

Meaning of Regularisation

Regularisation has its definition varying from one country to another. The Department of Urban and Regional Planning at UCLAS worked at Hanna Nassif area and defined the term as the planning process which applies a selected planning approaches and techniques to legalise the rights over a

piece or parcel of land at the same time improving or providing services within that urban or peri-urban settlements (UCLAS 1999). Since Hanna Nassif almost resemble Ubungo Darajani settlements it differs slightly in its characteristics. The location is different. Regularisation in this study means land adjudication process in Ubungo settlement which aim at facilitation of acquiring security of tenure and basic minimal services.

2:1:1 Collective Action Theory:

This is an evolving theory that advances the idea that groups tend to act in support of their group interests. Kyemi 2002 referring to Olson (1965:1) writes that if members of some groups have common interests, and if they would be better off, if their objective was achieved it follows logically that the individuals in a group would if they were rational and self interested they will act or organize to achieve their objective. He further contends that unless the number of individuals is quite small, or unless there is cohesion of some other special device to make individuals action their common interest, rational, self interested individuals will not act to achieve their common group interest. Pretty et. al (2001:209) accentuates that group of people come together having experienced some problems that hindered their life or occurrence of crisis that goes beyond their boundaries. Further, he argues that in this respect people work together, electing their leaders. Decision making becomes a community responsibility and democracy becomes pronounced within the society.

On the other hand Ostrom (1990:6) observes that one who can not be excluded from obtaining the benefit of a collective good once the good is produced has little incentive to contribute voluntarily to the provision of that good, in other words there will be many free riders. Collective efforts make the group or community to develop strong norms of acceptable behaviour and to convey their mutual expectation to one another in many reinforcing encounters (Ostrom 1990: 204). The monitoring activities and maintenance are important elements in collective actions that guarantee sustainability in local development processes. This implies that in appreciating sustainability of local community initiatives in land Regularisation activities in local environments, understanding on how different actors are brought together and factors building their collectiveness towards local development initiative is crucial. For example, if most community members are affected because some settlers had extended their houses or hedges and this blocked existing access road which constitutes a critical access system to the community they will come together, cooperate, share the problem and may agree on a common front to improve their welfare by opening up the blocked roads. This is the trend in informal settlements in Dar es Salaam. Ubungo Darajani may not be an exception.

2.1.2 Social Network Theory:

Social network theory looks at social behaviour through relationships between actors be it organizational actors, individual, government land

holders, tenants agencies in the community,(2002). The theory acknowledges that in order to facilitate long term behavioural change it is necessary to develop a supportive or enabling environment. One major aspect of developing a supportive environment is creating links between people, which allow information and learning to occur across social networks. The creation of these links is referred to in development literature as 'social capital'. The term social capital captures the idea that social bonds and social norms are important for sustainable livelihoods. The theory was identified by Jacobs (1961:3) and propagated by Robert (1994:163) and Pretty et al (2001: 209) who referred to it as the structure of relations between actors and among actors that encourages productive activities. Spellerberg (2001:9) defines social capital as relationship among actors (individual, groups and or organizations) that create a capacity to act for mutual benefit or common purpose. Social capital is the social resource that is embodied in the relations between people. It resides in and stems from the contact, communication, sharing, cooperation and trust that are inherent in on going relationships. He further argued that, social capital is important part of managing learning and behaviour change initiatives so that they can be used to develop solutions and provide support for individuals within them. Stenlas (1999:46) observes that in social capital network there must be existence

of an exchange relationship. Each of the partners participating in the exchange will seek to reduce their dependence on the other, whilst increasing the dependence of the other on them. This interaction and its successful resolution are the basis of power differentials between the two.

Social capital lower cost by working together. It facilitates cooperation, builds confidence and trust to invest in collective activities, knowing that others will also do so. Pretty and Word (2001:172-5) put four major elements of social capital. These include (i) relations of trust (ii) reciprocity (iii) common rules, norms and sanctions (iv) connectedness, network and groups.

2:1:3 The Concept of Decentralisation

Numerous authors have come up with definitions of decentralization covering various dimensions of the concept. Rondinell and Cheema (1983:18) define decentralization in terms of how it is being implemented. The transfer of planning decision making, or administrative authority from the central government to its field organizations, local administrative units, semi autonomous and parastatal organizations, local government or non-governmental organizations. U.N defines decentralization as the transfer of authority on a geographic basis whether by deconcentration (i.e delegation) of administrative authority to field units of the same

department or level of government or by the political devolution of authority to local government units or special statutory bodies (United Nations, 1992). In simplistic terms, decentralization may be described as the devolution of power and authority to local governments. It is a multifaceted concept and encompasses fiscal political, administrative and spatial dimensions. It describes change to a new situation i.e from centralized to a more decentralized. Liviga (1996) emphasized that in the first place decentralization structures can be used to facilitate democratic participation empower grassroots and channel their inputs constructively into the development effort. Secondly decentralization would be designed to ensure that people express their real needs and hopefully take a bigger interest in seeing to their realization. Thirdly decentralization can be a solution to an organization that is overloaded, over centralized, hierarchies and monopolistic. Fourthly decentralization can be used to promote efficiency and effectiveness, improve delivery of services, allow for a careful consideration of local needs as well as reduce conflicts facilitate access to decision points, increase representation and enhance democracy.

Cheema and Rondinelli (1983) emphasized that different forms of decentralization can be distinguished by the extent to which authority to plan, decide and manage is transferred from the central government to local organizations and the amount of autonomy the decentralized organizations achieve in carrying out their tasks. There are four major

organizational forms of decentralization based on a conventional classic typology. These are:

- Deconcentration of central government bureaucracy defined as a transfer of power to local administrative offices of the central government.
- Delegation as the transfer of power to plan and implement decisions concerning specific activities to parastatal or publicly regulated private enterprises. e.g powers to prepare budget and implement development projects.
- Devolution as the transfer of power and responsibilities to sub-national political entities ie local authorities.
- Privatisation as (i) the transfer of power (control/ownership) of activities from the public to private sector. (ii) the transfer of actual service provision to the private sector while government retain ultimate responsibility for the service.(iii) the liberalisation or deregulation of entry into activities previously restricted to the public sector. The private sector entities include voluntary organizations and private business.

To introduce decentralization to a country certain criteria should be fulfilled. The foremost among all is understanding of the concepts their applicability and the conviction that introduction of decentralization will benefit people at large. Vital to the process is

introduction of supporting reform to create the environment and capacity at the local level to attain the objectives of decentralization. To be able to create the necessary environment and the capacity at the local level the following reforms are essential namely:

- Legislative reforms
- Structural reforms
- Functional reforms
- Fiscal reforms
- Participatory approach and related reforms
- Building local capacity and related reforms

Decentralization reform to the context of this study is Land Regularisation through a Participatory Approach. In this context participatory approach to development decision making aims at consideration of local interest, increasing accountability on the part of local decision makers and bringing transparency in the governing system. Ideally, genuine participation is the only mechanism in which citizens can articulate, protect and promote their interest. However, the real situation shows there are inadequate reforms which make participation more effective.

The decentralization has occurred in many parts of the Third World, is not a carefully designed sequence of reforms that is aimed at improving the efficiency of public service delivery or public sector

performance (Dillinger 1994). In many countries including Ghana, Brazil and Tanzania, the decentralization programme and its structure has enabled the governments and their agents to succeed in having certain things done the way the governments wanted.

This is a way reflects a centralized planning where senior officials and agents (mostly dominated by professionals and technocrats) supervise the planning process the implementation of development projects and the flow of funds. Normally there is hardly any room for things to be done differently because the officials are appointees of the central government and they are accountable and responsible not to the people but the President at the centre (Liviga 1996). Even where some service has been decentralized to private business things have been performed to please the giver and not the user.

Before 1990 planning and management of human settlement in Tanzania was largely done by the central government. Instead of maintaining an approach that placed the government to be the only actor (provider) in urban development issues including planning and management of human settlements the government introduced a more collaborative and participatory approach which advocated community initiatives participation and partnership arrangement with those who are holding the stake in urban development. Ubungo Darajani

initiative documented above and which constitute the case study of this research is a good example. With community members this study shows that are able to organize, identify issues of concern, prioritise and take action to address them.

In general the advantages of decentralization in service provision are many and may include; participation of grassroots groups (actors) in planning implementation and management (operation and maintenance); participation in decision making (in prioritization of needs); Lower investment costs through self help practice (activities) which are common at local level and empowerment of grassroots groups (control in the provision of technical services that can be used for income generation or production). All forms of decentralization – delegation Deconcentration privatization and devolution appear important and necessary. The key question requiring an answer is how best to exploit the four forms to provide not only regularized land but also to maximize local participation which is considered to produce efficient effective and sustainable results. What institution roles and partnership are necessary for each participant (actor) involved in the process to effect a u-turn (good performance) in consistency with National policy on Land Regularisation, replicability elsewhere and equality of access in informal settlements? What capacity do these grassroot actors possess that could be utilised to enhance the process

of Land Regularisation. Decentralisation works well with sufficient qualified manpower, availability of funds, availability of technical equipment and materials, and partnership among all actors from central and local government, parastatal organizations private sector, voluntary and Community Based Organisations, non-governmental organizations and individuals (Liviga 1996). In this situation issues of capacity building resource mobilization (including utilization of locally available resources) asset access and control participation and institutional organization and partnership require attention. However if the whole provision is not linked with self help practices the strategy may not be able to bring the results anticipated.

It is a common belief that decentralizing governance to local governments/authorities and local communities is more conducive to sustainable development. Decentralization can be an effective means of improving access to services credit employment, health, and education, eradicating poverty, achieving greater socio economic equity and safeguarding the environment raise a question here related to unplanned settlements. Is it possible to decentralise region to country level

2:1:4

The concept of Participation

Although there is virtually unanimity on the need for citizens participation in the development process there exists a wide spectrum of views on the

concept of participation and the ways of achieving it. One of the main problems encountered by governments and agencies deliberating over participation has been the lack of consensus on what is meant by citizens participation. Participation means different things to different people and varies largely depending on the context and the background in which it is applied. Participation may range from token dialogue and passive input to interactive participation which ultimately leads to self mobilization. Cohen and Uphoff (1977) stated that participation includes peoples involvement in the decision making processes in implementing programmes their sharing benefits of development programmes and their involvement in efforts to evaluate such programmes. In 1983, Moser proposed a two – pronged approach to explain participation for those who saw participation as a means and those who saw participation as an end. Participation as a means implies that the people are mobilized with purpose of achieving a desired outcome. It could involve bottom up or top down processes, but is commonly evaluated in terms of measurable outputs of the process. Participation as an end is not measurable in terms of development goals but in terms of transfer of power. It is a process where there is itself increasing meaningful participation in the development process and where the real objective is to increase the control of marginalized groups over resources and regulate institutions.

Types of participation:

The way in which participation is conceptualized and operationalised in different development intervention varies. The way in which it has been enlisted demonstrates the different conceptions that people/groups have. Various attempts have been made to develop a typology of participation (Arnstein, 1969, Hart 1992 Pretty et al. 1995) divide participation into the following seven types namely:

- Passive participation
- Participation in information giving
- Participation by consultation
- Participation for material incentives
- Functional participation
- Interactive participation
- Self mobilization

Objectives of Participation

In the delivery of urban services citizens participation has yielded positive results in several instances. In this context, a few objectives of governments for encouraging citizens participation in land regularization is:

- Provide approved layout/Land use plan that corresponds to peoples needs and priorities through participatory approach.

- Security of tenure which will eventually increase the land value and properly value in an attempt to enhance the community purchasing power and poverty alleviation.
- Provision of public spaces/areas for public use in particular infrastructure which will cater to the needs of the residents not to forget the disadvantage sections of the community eg women and other marginalized groups.
- Utilize local skills and human resources.
- Improve the quality of neighbourhood infrastructure.
- Establish cost sharing arrangements.
- Increase people's ownership of services. (sense of ownership)

Advantages of participation

The usefulness of participation in good urban governance cannot to be denied citizens participation is both an end in itself and a means to an end.

Participation on an end in itself

Direct participation can be seen an aspect of citizenship a matter of people having access to information and policy making processes as well as to the fully range of their society's decision making processes. In this sense citizens participation to local governance can be considered as an end in itself.

Participation as mean to an end

Citizens participation can improve governance by making it more transparent coherent accountable effective and efficient. The major advantages of participation cited by Oakley *et al* (1991) are:

- **Efficiency:** The people and other agents work in tandem towards achieving their objectives. All those improve efficiency and make the project more cost effective.
- **Effectiveness:** Citizens participation can make the project more effective by granting them a say in deciding strategies and by participating in implementation thereby ensuring effective utilization of resources.
- **Self reliance:** With active involvement of the local people it is possible not only to break the mentality of dependence but also to increase their awareness, self confidence and control of the development process. In fact, the involvement in decision making implementation and monitoring helps in developing local human resources.
- **Coverage:** Citizens participation can be a potent way of ensuring the flow of the benefits to the target groups. Furthermore, the cost effective operations can ensure that resources are available to water coverage of the weaker sections of society that would otherwise be possible.
- **Sustainability:** Experience has shown that the development interventions from the externally assisted projects fail to sustain the required level of development activity once supporter inputs are diminished or withdrawn by the funding agency. Citizens participation is regarded as an essential prerequisite for the continuity of the activities.

Stages of Participation

- Need Assessment and Project/Programme identification

- Project Planning and Design
- Project Implementation
- Project monitoring and Evaluation

Forms of Participation:

The following forms of participation have been identified (Kubus doc. VNG):

- **Resistance:** Active opposition from the people concerned.
- **Opposition:** This means several things: First the formal role played by political parties that are not in the government in controlling influencing the parties and policies of these governments. Second, the actions that citizens and/or civil organizations take to protest against and change policy decisions and other government measures. Lastly and more generally the term can also refer to all processes and mobilization of people actions/parties to protest, question and try to change decision or measures inside or outside organization.
- **Information:** Understood here as a or way communication to stakeholders.
- **Consultation:** Two way communication. Stakeholders have the opportunity to express suggestions and concerns but without any assurance that their in put will be used or used in the way they intended.
- **Consensus building:** Stakeholders interest with one another and discuss various options, with the objective of agreeing negotiated positions that are acceptable to all.

- **Decision making:** Citizens are already involved in making decisions and share responsibility for the resulting outcomes.
- **Risk sharing:** Participating citizens are personally implicated in the outcomes and share the risk that the outcomes might be different from what was intended in this way, they share accountability.
- **Partnership:** Builds on the two preceding ones. Here citizens do not only take part in decision making and accountability but also participate in implementing decisions on a basis of equality with other stakeholders.
- **Self management:** the highest level of participation, citizens autonomously manage the matter at hand, thus carrying full responsibility and accountability.

Tools for Participation:

In order to translate the concept of citizen participation effectively into our local governance process it is important to develop a fair comprehension of participatory mechanism and tools that promote open and participatory government. These may include local consultation processes, participatory action plans, participatory budgeting, local consensus, building workshops and so on. All these instruments imply different levels of transparency information and power sharing among local governments and citizens. The use of these tools, integrated into the participatory process has resulted in some cases a complete overhaul of the administration.

In a nutshell the following are the instruments/tools for participation namely:

- Participatory workshops
 - Public meetings
 - Public hearing
 - Community out reach
 - Committees, round tables, forums, focus groups
 - Surveys
 - Participatory Planning which is the context of this study. In participatory planning it is important that citizens participate right from the start of the process; at the problem identification and analysis stages as well as during the decision making stages. Apart from the above mentioned instruments several others are used for generating effective participation that include joint project teams open house, negotiation, mediation, lobbying referenda etc.
- (i) **Tools for Participatory Planning:** The draw backs of top down approach to development, the general disillusionment with questionnaire surveys and the difficulty of making correct appraisals led to the introduction of and further evolution of a number of methods that take into account people's participation in different project phases. Participatory approaches showed a way and were received with great enthusiasm as even illiterate could participate effectively in depicting their situation accurately. The situation were illustrated through maps and diagrams which helped better analysis and involvement of the most marginalized to come out with plans to change their existing condition.

These methods were of great help to development professionals in administering their research with ease. These all factors led to the surge of participatory methods and the emergence of tools such as Rapid Rural Appraisal and Participatory Rural Appraisal.

A number of participatory planning tools have since evolved. However the most popular participatory tools include Rapid Rural Appraisal (RRA), Participatory Rural Appraisal (PRA), Participatory Learning and Action (PLA) Participatory Action Research (PAR) and Appreciative Participatory Planning and Action (APPA). Many of these tools can be understood by both literate and illiterate persons who may then plan a leading role in information gathering planning and evaluation. When carefully applied, these tools help to resolve local people's needs rights, availability of human and other resources, to facilitate the incorporation of indigenous knowledge in management planning and empower local communities to effectively implement and sustain basic services and infrastructures.

The Role of Participatory Planning in Land Regualisation:

Generally community participation and self help is seen as the one viable alternative to dependence on external donors for technical financial and management support. Also if the users take an active part in the planning and design of the system, then the systems will

presumably be better adapted to their needs than if the technical solutions are decided by outsiders without consultation (White 1982, Kombe 1999 Kyein 2801)

- Community participation guarantees that a felt need is involved. The community demonstrates their need for the project and their willingness to support it by making contribution in cash or in kind. However some members of the community do not honour their commitments due to varying resources including urban household poverty. Thus, many project in poor communities do require outside help. However it appears doubtful whether the government represents or is genuinely committed to the interest of the poor majority of the population. Conditions, or by laws and policies need to be predetermined which would ensure that the public institutions give the required support to participatory approaches and that all members of the community are involved and commitments are met for collective action.
- Participation has an intrinsic value for participation
Apart from the advantages of community participation as a means to achieve ends, for instance the title deeds as collateral for loans hence a poverty reduction strategy there are other advantages. These include satisfaction in the services provided, having a voice

in the decision making process avoidance of feelings of alienation and powerlessness, increase in cooperative interaction leading to community cohesion, and increased activity which provides occasions for friction as well as for harmony.

Conditions:

Constant community meetings must be arranged in the community areas in small housing clusters, which would allow maximum participation of the households in the issues affecting them.

- Enactment of community rules and procedures are necessary to guide the community in conflict resolution.
- **User Participation leads to a sense of ownership:** It has been argued that when people have taken an active part in the process of land Regularisation they will collectively consider the completed project as their own, hence take of pride in it and have a sense of responsibility for it. Study conducted by UNCHS (1987: 199) generated similar findings. Ownership is sensitive issue and which has always been a binding force between the community and other actors. For example Ibungilo Community in Mwanza and Hananasif residents in Dar es Salaam participated in the project implementation so as to influence decision making and ensure success of the project. This led to good response resource mobilization and construction stage.

- **Use participation is a catalyst for further development efforts:**

The organizational pattern created for one project the committees and the arrangement for volunteering time as well as the enthusiasm generated by one success – provided both the means and stimulus for future efforts to tackle other needs. This phenomena was observed in the case of Tabata, Kijitonyama, Ibungilo and Hannasif. It seems that it has been the organizational framework and the stimulus that have been lacking in the past, while other constraints may include the absence of local linkage and the external agencies that continue to offer stimulus and help. Even if priority areas may change after the first problem is solved continued support from the state and other external actors is necessary.

Participation ownership and collaboration are basic and in dispensable components in Community Land Regularisation project in informal settlement.

2:1:5 Policy aspects:

The involvement of local community in Land Regularisation in Tanzania has been stipulated in Town and Country Planning Ordinance Cap 378 of 1956 revised in 1961 – section 24, 29, 31 and 35 – 44, Land Act of 1999 section 56 – 60, Land Policy of 1995 section 6.4.1 and 6.8.1, Human Settlement Development Policy section 4.1.4. and Building Regulation Act (Cap 101) of 1931 rule No.4 and 5. Local community involvement in

land regularisation activities such as service provision, spatial organisation, securing tenure rights act ought to be undertaken in sustainable manner. Despite supportive policies and legislative framework, community involvement in land regularisation activities, the role of the actors is yet to be acknowledged and institutionalised.

Literature shows that factors influencing community involvement in land regularisation in informal settlements include availability of information to the community on land development and management, presence of external funds to the local community for planning and implementation of community initiated activities government and legal supports, spirit to volunteer in community works and training of local communities on land development and management (Rakodi, 1987:88, Amos, 1989:135, Peorbro, 1992:26-31, Meshack, 1992:180, Mercadzo *et al.*, 1996:29, Fox, 1999:26, Fox, 1999:62 NCHRP, 2001:12-9, *et al*). What factors have influenced land regularisation in Ubungo Darajani and roles played by the key actors is one of the issue this study aspires to unveil.

Land Policy

Lichfield points out that the term land policy has a variety of meanings. For some, it is used indistinguishably from “Land Use Policy” for others it is associated with land reform and yet for others it is the policy of government in relation to the land which it owns. It is at its widest sense where under urban land policy, the minimal scope include government intervention in regulating urban land resources under the heading: Land Tenure, Public Land Management, Land

Title Registration, Land Laws and courts, property taxation, property valuation, etc. In this study Land Policy is to be considered with respect to the planning and development of human settlement or any of its more restricted forerunner i.e. town planning land use planning etc. though it is realised that land policy (Land Reform need not to be related to Land Use Planning, and also that other general socio-economical development policies have some effects on land uses. Land policy will therefore be taken to mean those promulgations or undertaking by public authorities aimed at affective the pattern of land holding within a society and aimed at directing the development and use of land in a certain predetermined way by or for, certain uses or segments of society.

Land Policy is an instrument of state power and as hinted to above the power can be manipulated to serve a variety of interests. Institutional implementation of land policy is within the realms of both central and local governments.

National Land Policy:

The government approved a new National Land Policy in 1995, after a long period of research and consultations. The new policy contains decisions aimed at correcting the shortfalls pertaining to Land Tenure, Land Management and administration in Tanzania. The aim of this new Land Policy are to improve access to land by all sections of the society ensure that existing rights in land especially customary rights of small holders (i.e. peasants and herdsman) are recognized clarified as secured in law to promote equity in land holding and increase efficiency in land administration in the country, set ceilings on land ownership and streamline the institutional arrangements in land administration

and land dispute adjudication and also make them more transparent and protect land resources from degradation for sustainable development.

National Human Settlement Development Policy:

It addresses most of the pertinent issues pertaining to human settlement development in the country. It suggest measures to facilitate alleviation of rural and urban problems, discourages gender discriminations in land development and or ownership, offers special attention to disadvantaged groups and provide measures towards attaining an improved or conducive environment and sustainable development of any society is reflected in the level of growth and management of human settlements. This is exactly what this policy strives to achieve, i.e. to assist the development of the society in physical social, economic and environmental aspects. More specifically it:

- (i). Accommodate both the economic and political reforms being undertaken by the nation. This is aimed at ensuring economic and social stability.
- (ii). Liberalizes planning. The physical planning process has been made more democratic while accountability is vested in the people themselves.
- (iii). Contains proposals for streamlining the institutional framework for planning and management of human settlements. Non bureaucratic human settlement planning and management, improved efficiency and accountability of responsible institutions would be the outcome of the policy.
- (iv). Clarifies and put in their proper contextual framework policy statements in the new National Land Policy which relate to human settlements. Hence

this policy is another form of implementation of National Land Policy which in essence is geared towards equality in land ownership, improved land development and management for betterment of the Tanzania society.

- (v). Accommodates principles and recommendations stated in the Habitat I Agenda and Agenda 21 on sustainable development and conservation of the environment. Shelter issues have been adequately explored policies stated and strategies formulated aiming at improving housing in general.
- (vi). Examines the legislation which relates to or has implications to human settlements development and recommends harmonisation of conflicting clauses in different laws. In brief this policy and its accompanying implementation strategies, present a desirable and workable approach towards sustainable human settlements development in Tanzania provided that all actors and stakeholders support it at all levels.

Policy statements:

- (i). Unplanned and unserviced settlements shall be upgraded by their inhabitants through CBOs and NGOs with the government playing a facilitating role.

The government through local government shall:

- (ii). Support the efforts of inhabitants to form and run CBOs and NGOs for upgrading purposes.
- (iii). Develop strategies for providing enough funds for planning plots. Among them will be:
 - a) Plot Development Revolving Fund,

- b) Cost recovery and cost sharing methods and,
 - c) Self financing for planning and surveying.
- (iv). Ensure timely planning surveying and servicing of land ripe for urban development in the peripheries of all towns so as to prevent haphazard/unplanned development. Hence increased availability of planned and serviced plots shall render the formulation and execution of special site and services projects in selected urban areas unnecessary.
- (v). Ensure that planning allocation and acquisition of land shall be as stipulated in the Land Act No. 4 and No.5 of 1999.

Designate special areas for low income group. These areas shall be provided with a minimum level of services which the residents or beneficiaries can afford.

2.1.6 **Empirical Literature:**

The story of regularizing urban unplanned settlement in Tanzania goes back to the colonial era, and the case of Dar es Salaam is instructive. At the beginning of this century, the Germans implanted a city land use plan based on racial segregation. Africans were displaced from what are today the city's government areas as well as the commercial area, and were directed to Kariakoo, a coconut plantation which has passed from the hands of the Sultan of Zanzibar, to German, one Schoeller. Africans coming into Dar es Salaam gravitated to Kariakoo where they were allowed to build haphazardly paying rent to the landowner. By 1914, 15,000 of the 24,000 Africans in Dar es Salaam were in Kariakoo. In that year, the German Colonial Government purchased the area from Schoeller

and embarked upon preparing a plan for an African settlement in the area. It was a grid iron land use layout. The allocation of land in the area became haphazard during World War I and readjustment had to be done after the war. Kariakoo can thus be seen as the first irregular area in Dar es Salaam to be regularized (Vorlaufer, 1970).

During the 1920s and 1930s the British Colonial Government regularized the chaotically developed commercial area of Dar es Salaam by: removing Africans from this area and by forcing Indians to take up long-term rights of occupancy carrying building covenants, in place of the indeterminate *Kiwanja* tenure which they then held. Slowly, the commercial area, which rebuilt. By 1940, the present status of the commercial area had more or less been attained (Kironde, 1994). But at the same time the Government failed to regularize Upanga area although the demand for such regularization was there, emanating particularly from the Indians who wanted to develop this valuable area.

During the late 1940s and 1950 the government undertook one of the most successful land regularization exercises in Dar es Salaam, involving the Upanga area.

2.1.7 **Experience of Land Regularisation in other countries Case of El Augustino Settlement in Limen, Peru.**

El Augustino settlement is an informal settlement located in El Augustino Municipality at fort of Augustino Hill in limen Peru. The settlement at the time of regularization in 1995 consisted of about 1,600 housing units

accommodating 9,472 people in 1,200 plots of varying sizes and shape in an area of about square meters 170,330. The regularization project aimed at providing infrastructure and plots surveyed. The community with a support of funds and experts from a Non-Governmental Organization (NGO) initiated the project. The community had a consensus with the NGO and the government in the upgrading some land holders would part of with some plots that will be allocated to those who were to be affected by the project. The implementation was carried out through participatory arrangement involving the non-government organization, land owners and local government as key actors (mercado it al, 1996: 29).

The land regularization in the settlement started by land use analysis process aimed at identifying the location of both social and technical infrastructure followed by layout plan and delineation of settlement boundary, plots and plotting of buildings. The local community was involved in initiating the project, setting priority areas and decision making on areas for public facilities, identifying the different land uses in the settlement and ownerships, and selecting their representatives to follow up the plan approval process. The outcome was that, the layout plan designed by the community was approved, while vacant plots were also identified. Meetings were held and consensus reached on how to distribute the plots among the displaced members. This step was planned before embarking on the infrastructure service provision. In the process of allocating plots among the members affected by the programme, the Lima

government introduced formal procedures where each member residing in the city has to apply for a plot. Because such agreement was not in place at the beginning of the project and due to lack of government consultation with landholders, there was resistance to contribute land to displaces. As a result the project was discontinued (Mercado et al 1996: 62)

2.1.8 **Experience of Land Regularisation in Tanzania, the Case of Upanga**

By the early 1940's, there was worry about continued native occupation of Upanga. The Government was ready to see Upanga regularized. There were several reasons why Upanga had to be regularized: First, was to reduce overcrowding in the city centre, and in this respect, some developers were allowed to put up temporary accommodation in the area. Second, was to produce a plan for the area to attract investments, considering that the residents (most of them Asian Community) had considerable resources at their disposal. The alternative was for the Asians to expand, on a large scale, into the native area, and into Oysterbay, both of which happenings were deprecated by the Government.

Prior to its regularization, Upanga consisted of approximately 100 different holdings, for a larger part, irregular in shape, most unsurveyed and undeveloped, and with no access roads, electricity, water or other amenities. The land was held by both natives and non-natives, the latter slowly buying out the former. The area comprised of some 470 acres

bounded by the Msimbazi Creek, portions of by then Bagamoyo Street, Sultan Street, Kisutu Street, Upanga Road and Ocean Road.

A preliminary planning scheme for Upanga was published in 1946 (Kironde 1995). This formed the basis of the large scale planning scheme of 1948. In the meantime, special legislation was drafted to enable the execution of the scheme. This, became the Upanga Area (Planning and Development) Ordinance (Cap 283) of 1949. The purpose of Cap 283 was to allow the appointment, by the Governor, of a Committee, whose duty would be to plan Upanga, i.e to provide piped water, open spaces and roads, and to subdivide the land into plots for residential and business purposes, and for public uses (e.g schools, places of worship, hospitals, etc). As this land was freehold in private ownership, the Cap 283 gave powers for the whole land to be pooled i.e. for each of the owners to lose rights to a particular piece of land, but to be reallocated another piece which would be 75% of the size of the original piece. The 25% of land contributed by all owners was to be used for the provision of roads, open spaces, and other public purposes. The Local Authority was given powers to form roads, and other public infrastructure, and charge either the whole or part of the costs against the owners of the land. In July 1949, the Upanga Area (Planning and Development) Committee was appointed. The members were: the Land Officer (Chairman), the Town Planning Advisor, and the Chief Surveyor. Others were Jaffer A. Meghji, and

Municipal Councillors P. Everett, D. K. Patel, and J. Scott-Barrett. Later on, an African, Mr. S. M. O. Mtamila was added.

The Upanga Planning Scheme, whose aim was to convert the 100 or so holdings into between 900 – 1000 plots, was ready in July 1950 and was adopted in 1951. No major objections were presented against it by the land owners except that places of worship, burial grounds, and other sacred places were not be tampered with. Land surveying started in 1952 and in that year alone, 753 plots were demarcated. Another 370 were surveyed 10 years later in 1962 as additions to the earlier plots.

In order to ensure some finality in plot ownership in Upanga, the Land Registry Ordinance was amended. Prior to 1949, land registration was optional. From 18th March 1949, an amendment of the ordinance allowed the Governor to order compulsory registration in any area he considered it necessary and within a time frame specified. Failure to comply with the order could have lead to the forfeiture of all rights in the land in question. Immediately, an order for compulsory registration was made in respect of a 2 square miles area in Dar es Salaam's City Centre and in respect of the Upanga Area. The closing date for application for first registration was 31st December, 1949. A study of the applicants for the registration of land in the Upanga Area gave some idea of the ownership of Upanga land, just before the adoption of the new planning scheme for the area. Results of

study of the gazetted applications for first land registration related to plots in the Upanga Area between 1946-1950 are given in Table 5.10

Table 2: Gazetted applications for First Registration under the Land Registry Ordinance, Upanga Area, 1946 - 1950

Years	Applicants			
	Indians	Other non natives (Europeans, Arabs, Goans)	Natives	Total
1946	8	2	-	10
1947	11	2	1	14
1948	11	6	1	18
1949	95	10	3	108
1950	30	16	4	50
Total	155	36	9	200
%	77.5	18	4.5	100

2.1.9 Informal land regularization in Kihonda

The settlement of Kihonda shows significant features of informal land regularization like efficient circulation and accessibility and an orderly layout of plots and houses. They have been achieved without any direct intervention by planning authorities but they can be traced back to influences rooted in the history of the settlement.

Settlement history

Between 1953 and 1954 the land which presently constitutes Kihonda Subward (Mtaa) was part of a sisal farm estate which was owned as a leasehold by a Greek settler, Mr. Anatograll who then sold the estate, together with other leasehold farms he owned (Kilombero and Mazimbu) to an Indian, Issa Fazal Hasan. The latter owned leasehold rights to the estates until 1973 when the government transferred it to the Tanzania Sisal Authority following the nationalization of land and large farming estates.

In 1975, under the villagisation programme, Kihonda farm was designated by the regional authorities as an area for resettling villages from within and outside the region. In 1979 Kihonda became a registered village. Elderly settlers, some of whom had been sisal farm labourers, pointed out that it was during the villagisation programme that a village government was set up to oversee the development of the village. The village government was responsible for the allocation of land for residential and farming purposes. Each household was allocated one acre (about 4000m²) for residential use and three acres (about 1.2 ha) for crop farming activities. Farming land was allocated in blocks outside the residential area. The village government was also responsible for scrutinizing applications from persons who wanted to join the village, seeing to it that land allocation in the village was fairly executed and for ensuring that development took place in a systematic pattern.

During the villagisation period, land was normally freely allocated. However, upon the grant the allottee was required to pay 60 Tshs. as a subscription to the village shop. He also had to pay Tshs.20 as a 'gratitude' to the 'surveyor', a semi-skilled technician who was responsible for designating and measuring the land. Up to the early 1980s the demand for land and the subsequent growth for Kihonda were fairly slow. The Subward leaders invariably reported that Kihonda was then a rural village with little or no attraction to urban settlers.

The human Resource Deployment Act of 1983 (*Operasheni Nguvu Kazi*) directed under – or unemployed people as well as public service and private sector employees to engage in food crop farming. Citizens from Morogoro Municipality were therefore brought to Kihonda and allocated land for farming. During this period the village authority in collaboration with the regional government authorities designated three acres per household for farming, three kilometers north of the settlement. Farming land allottees who wished to acquire residential plots and or settle in the village were free to contact the village government.

Initially most of the land allottees from the Municipality attended to their farms and returned to their residences in Morogoro town at the end of the day. Later, particularly after the construction of the Morogoro-Dodoma road, demand for residential land-use started building up. More and more absentee landlords decided to settle in Kihonda in order to be closer to their farms. This decision triggered the decision by the village council to reduce the size of residential plots granted from one acre to half an acre in 1988.

The socially-regularised spatial structure

Kihonda has a fairly-orderly layout pattern of houses and a fairly elaborate traffic circulation system which consists of roads and access paths. Obviously, the procedures for land subdivision and spatial development had from the very beginning adapted to the given pre-settlement fixtures, particularly the linear tracks and paths of the former sisal estate.

The Village Construction Committee (VCC) which was formed during the villagisation era in order to inter alia allocate plots and oversee land development process played a key role in promoting spatial order. For instance, it directed and guided home builders to phase the development of their plots in such a way that the initial houses (which were of temporary materials) were built at the rear end of the plot so as to reserve the front part for a permanent structure which they could gradually build as their household economy improved. To date one can still find numerous cases where the front part of the plot is still vacant.

Two other significant actors who played a role in the spatial regularization of the settlement were a former Village Chairman (1978-82), one David Omogi, and a semi skilled (surveyor cum planner) member of the Village Construction Committee, Ali Said alias Maganga. The two had joined efforts to ensure that land subdivisions and development in the settlement took place in an orderly manner. Maganga has received a training course at Kingolwira prior to becoming a foreman in land subdivision or a bare footed 'surveyor' measuring and allocation land in Kihonda. The course was geared towards training those responsible for parceling and allocating village land under the villagisation programme. The course equipped trainees with skills necessary for laying out plots and roads orderly and assisting the displaced villagers in rebuilding their houses in straight lines. In order to ensure convenient access to individual houses, a path measuring two paces (approximately two metres) was designated between

ad-joining plots. In structuring the settlement, the village construction committee proposed a system of roads running from south to north. The east-west roads which were inherited from the former sisal plantation were integrated into the new road system. Two of these east-west roads linking Kihonda with Lukobe and Mazimbu seem to be the most important and the best maintained roads.

Taken together, the existence of physical fixtures in the settlement, the training of the village surveyor cum planner and the formation of the village construction committee helped to guide housing land development and to create the orderly spatial structure that persists to date. Government intervention through the inception training seminar for those who would be responsible for resettling villagers is indeed a factor which engendered the fairly orderly spatial structure, because it imparted the basic knowledge and the capacity needed to undertake the task. Equally important was probably the decision to anchor the instrument for regulating land parceling and development within the administrative structure of the local community. This arrangement seems to have created complementarity or mutuality between the Construction Committee and the village leadership on matters of common interest.

2.2 Conceptual Framework: Variables for the study

The following variables seemed to be adequate for the project focusing on sustainable land regularisation.

(i) Relation of Trust

Trust lubricates cooperation. It reduces the transaction costs in Land Regularisation between people, and so liberates resources. Instead of having to invest in monitoring others, individuals are able to trust them to act as expected. This saves money and time. There are two types of trust.: the trust we have in individuals whom we know; and the trust we have in those we do not know, but which arises because of our confidence in a known social structure. Trust takes time to build, but is easily broken (Robert, 1994: 168). Community will act and adhere to common agreements if there is trust between them and those organizing them, say Ward, Subward or CBO leaders.

(ii) Reciprocity and exchanges

Reciprocity and exchanges also increase trust. There are two types of reciprocity. These includes specific reciprocity referring to simultaneous exchanges of items of roughly equal value; and diffuse reciprocity referring to a continuing relationship of exchange that at any given time may be equal but over time is repaid and balanced. Again, this contributes to the development of long term obligations between people (Stenlas 1999:46). In poor low income settlements reciprocity can be in the form of value achieved or gained which can justify their inputs.

(iii) Common rules, norms and sanctions

Common rules, norms and sanctions are the mutually agreed or handed down norms of behaviour that place a group interests above those of individuals. They give individuals the confidence to invest in collective or group activities, knowing that others will do so too. Individuals can take responsibility and ensure their rights are not infringed. Mutually agreed sanctions ensure those who break the rules know they will be punished (Spellerberg; 2001:9). In the absence of formal Urban Land Management Institutions, some local communities have established norms and rules which regulate individual behaviour and protect communal interests.

(iv) Connectedness, networks and groups

Connectedness, networks, and groups and the nature of their relationships are the vital aspect of social capital. There may be many different types of connection between groups Trading of goods, exchange of information, mutual help, provision of loans, common celebrations, such as prayer, marriages and funerals. They may be one way or two way, and may be long established (and so not responsive to current conditions), or subject to regular update (Pretty and Ward, 2001: 172 – 5). Connectedness is manifested in different groups at the local level from guilds and mutual aid societies, to sport clubs and credit groups, to forest,

fishery or pest management groups and to literary societies and mother and toddler groups. High social capital implies likelihood of multiple memberships of organizations and links between groups. It is possible to imagine a context with large numbers organizations, but each protecting its own interests with little cross – contact.

In this regard, connectedness, has five elements namely:

- Local connections – strong connections between individuals and within local groups and communities.
- Local – local connections – horizontal connections between groups within communities or between communities which sometimes become platforms and new higher-level institutional structures.
- Local-external connections-vertical connections between local groups and external agencies or organizations being one way (usually topdown) or two way.
- External-external connections-horizontal connections between external agencies, leading to integrated approaches for collaborative partnerships.
- External connections-strong connections between individuals within external agencies.

It is common to find not all these connections being emphasized. For example, a government may stress the importance of horizontal linkages between different

sectors or disciplines, but fail to encourage vertical connections between its institutions with local development groups. Others may emphasize formation of local associations without building their capacity to external agencies to explore vertical linkages.

As far as land regularisation process is concerned these theories seem important in understanding and explaining decisions and actions by different actors, how they involve and interact to effect land regularisation interms of preparation of layout plan planning and regularization, cadastral survey, and registration process etc in an informal settlement. It is worth to note that despite the differences of the local community interms of culture, purchasing power, education yet the community may manage to come together to solve their felt problems. One might raise a question here that would there be any conflicts, if yes ,what type and how resolved.

Institutional arrangement:

The multi focus approach so central to social and economic development and to the integration of sustainable human settlement development requires effective coordination and cooperation among relevant organs of the government and the society in general. It is necessary to recognise existing institutional arrangements and consider ways and means by which coordination of and cooperation between institutionally distinct bodies with over lapping mandates might be enhanced and their purpose and functions constructively arranged.

Successful implementation of the Human Development Policy depend on the existence of a conducive institutional and legal framework for its implementation and availability of adequate resources and coordination of all actors and stakeholders involved and interested in human settlement development. Prior to the enactment of the Decentralisation Act 1972 there was one institution which was responsible for human settlements development especially town planning at all levels of operator. The Abolition of Local Authorities in 1972 and their subsequent reinstatement in 1978 (for Urban Councils and 1982 for Rural, District Councils), led to a multiplicity of actors in human settlements development.

Capacity Building:

There are varying perceptions on the meaning of capacity building. In the narrowest sense it includes training of human resources while a broader perspective entails institutional development as a whole.

Capacity must be surfaces the ability to achieve performance to produce outputs and outcomes. Capacity building as such seeks to improve the performance of all elements that form an organisation. Capacity building is a systematic wide, planned effort to increase organisation at performance through purposeful reflection, planning and action. In particular capacity Building looks in depth at where an organization stands in comparison to where it hoper to be in future and how it develops the skills and resources to get there the ultimate goal of capacity building is to enable organisation to grow stronger in achieving its purpose and mission.

At policy level capacity building involves improving the rules of governance along with regulations and practices that foster development capacity building should therefore be all encompassing and entails the development of individuals, institutions and the environment in which institutions operate.

Although often used interchangeably, it is now evident that there exists a distinction between capacity building represents a broader perspective that includes the creation of a conducive internal and external environment within which individuals operate and function, training represents an aspect of capacity building which concerns itself directly with the development of knowledge, skills and altitude of individuals. Training as such is an integral component of capacity building

Community participation:

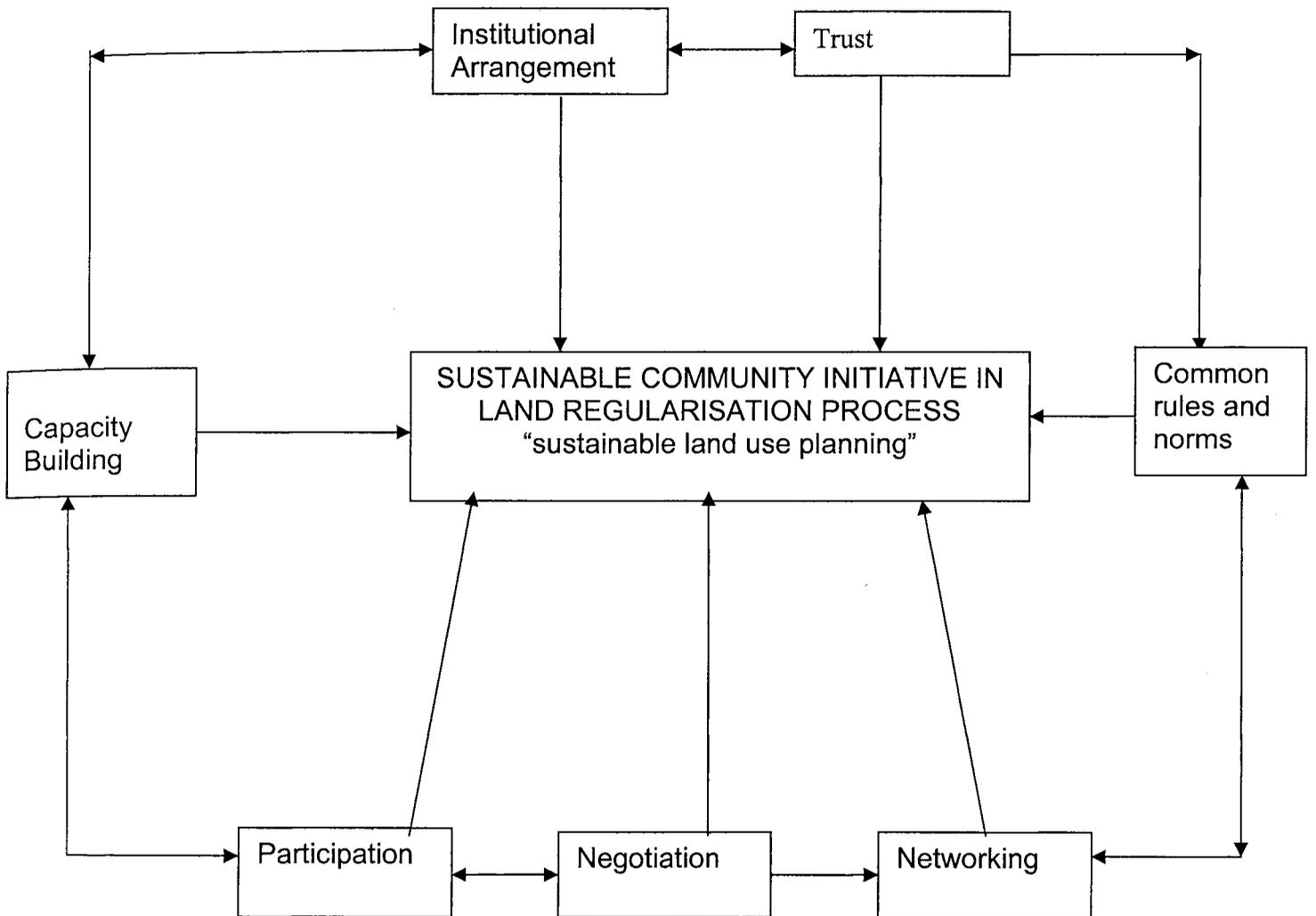
Community participation according to UNHCHS (Habitat 1996 cited mulengeko 2002:14) means the voluntary and democratic involvement of people in a community in contributing to the execution of a project in enjoying the benefit derived there from making decisions with respect in setting goals formulation of projects and preparing the implementation plans. Participation is therefore seen as an indispensable attribute in resolving community felt problem, and achieving goals and objectives. This is particularly so if one considers that often public sector has no sufficient resources. At the same time in order to enhance ownership, beneficiaries participation is necessary. Participation is therefore a prerequisite for sustainability of a project. According to schubeler (1996:32) participation may involve contributing labour money or material to operate and

maintenance of projects. It also involves contributing ideas and sharing responsibilities in the land regularisation project. Community participation is seen as both a voluntary and democratic right of a community member.

Negotiations:

Is a diplomatic way of solving a problem or achieving a certain goal. Here we are concerned with Land Regularisation through negotiation involving all stakeholders e.g. negotiation between landowners and the planners. Negotiation to demarcate public land, achieve accessibility get drainage right of way etc.

Figure 1: Conceptual Framework



Source: Own construct May, 2004

CHAPTER THREE

THE RESEARCH METHODOLOGY

3.0 The Study Methodology

The case study approach is picked in order to get knowledge/information and also is easy to understand a contemporary (living)/ expand issue. (Yin 1994) Kilawe (2004), Wakuru (2004). Mchome (2004) Malele (2004)

Dar es Salaam is selected for the study because there are living examples of communities dealing with participatory approach issues such as there in Tabata, Kijitonyama, Hannasif and Mlalakuwa.

- The identification of the research problem/issue was an initial and very important stage in this research work. It is the community members themselves who initiated the need for regularisation. This is the aftermath of the difficulties they were facing in approaching the issue on an individual basis and in piecemeal approach in surveying their land in an attempt to get Title/Right of Occupancy. Initially the community members (few) organized themselves as a pressure group to tackle the regularization issue together in order to minimize the cost of surveying and finally acquire title deeds.

Selection of the case study research strategy:

Basically the nature of the research issue is what dictates the approach for the investigation. The nature of this research requires qualitative investigation ie tracing the phenomena on the way it has happened. Events or activities constituting community initiatives are investigated chronologically and in descriptive manner. Yin (1984) quoted by Nhkya (1996) and Merriam (1991) argues that the nature of research strategy that is appropriate for a particular study, “What” and How many type of Questions are best answered by survey research. “What”, “How” and “Why” are appropriate in case study. This study, which focuses on community initiatives in land regularisation intends to get answers to the second category of questions and the case study strategy is appropriate method to use.

Yin continues to argue that case study strategy suites more in researches, which intend to study contemporary phenomena. Land regularisation through community initiative in Tanzania is a contemporary issue. In the past settlement planning and management was perceived to be the role of the government. Currently, there has been a shift of this perception and what is witnessed is several communities being engaged in planning and management of their settlements. This new phenomenon can only be understood in the context of real life examples. It requires therefore a case study where community initiatives are being or has been practiced so as to be able to understand it promptly. There are several other acquirements in

favour of case study strategy. Patton (1987) argues that case studies become particularly useful where one needs to understand some particular problem or situation in great depth, and where one can identify cases rich in information. Rich in the sense that a great deal can be learned from a few exemplars of the phenomena in question. This argument is also supported by Becker, (1968) an earlier researcher who writes. *“The Case Study strategy is used when one wants to arrive at a comprehensive understanding of the groups under study”*.

Flyvbjerg (1999) on his part argues that the closeness of the case study to reality and its multiple wealth of details is important because if researchers want to develop their skills to a high level, then concrete, context – dependent experience is just as central to them as it is to professionals learning any other specific skills. Concrete experiences can be acquired from the studied reality.

3.1 Selection of the case study

Why Ubungo Darajani in Dar es Salaam?

Ubungo Darajani community representatives met UCLAS requesting them to provide technical assistance to survey their land. They contacted the head of departments of Land Survey and Land Management respectively. Due to the nature of the exercise they were advised to see the Head of Department Urban and Regional Planning (URP). The URP department

having heard from the community representatives advised them upon the importance of regularizing their area in which they agreed.

The settlement has been selected for this project because of the following:

- It is an informal settlement with an active Community Based Organization and the regularisation process has already started whereby the layout plan has been approved by the relevant authorities.
- The Community members in the informal settlement are willing to cooperate to give the required information on Land Regularization process.
- The settlement is manageable i.e. accessible in terms of time of travel, resources needs and size.
- Also it is in the city with many informal settlements.

3.2 Unit of Analysis:

Patton (1980) argues that the unit of analysis or “the case” of a particular study can be an individual, a program, an institution, a group, an event, a concept. The key issue in determining the unit of analysis is to decide what one wants to be able to say something about at the end of the study. In view of this research, to understand how the government is operationalizing its role of facilitation, how different actors are related to each other, and how such relationships are maintained when executing

their roles in planning and management of human settlements, I had to look for a real life case, rich in information where there are ongoing community initiatives. Initiatives undertaken by the community in the selected case study areas are therefore what constitute the unit of analysis of this research.

Ubungo Darajani informal settlement is the unit of analysis. It is made of the initiatives taken by the community in the Land Regularisation process.

3.5 Research Process in data collection:

The production of this report has been possible through the utilization of both secondary information and primary data. Secondary information was obtained through documentary analysis, which in principle served two purposes. First, was to establish the existing knowledge base with respect to the research issue to be investigated. This was done to avoid duplication of knowledge. Secondary documentary analysis supplemented the interviews and discussions made to the relevant independent sources and this happened whenever the documents relating to the issues being investigated were made available.

Several steps have been followed:

- (i). Pre fieldwork:
 - The first step was extensive readings on literature pertaining to land regularization and acts related to the same. Through this activity, knowledge gaps including theories which are connected to this study were unveiled.

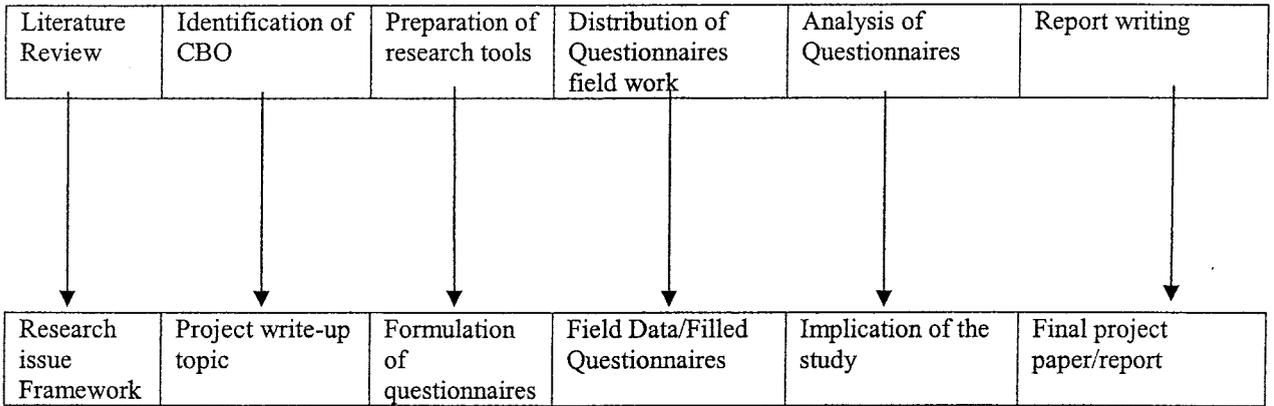
(ii). Field work:

- The second step was self introduction to Ubungo Darajani CBO and a letter of intent to do project write-up in their community.
- The third step was meeting with the CBO, Ubungo Darajani Development Fund Executive Committee to get information on their initiatives in particular land regularisation process.
- Fifth step was to question the residents. About 100 questionnaires form were executed. Out of the 100 questionnaires only 43 were filled and collected.

(iii). Post field work:

- Sixth step was analysis of the data using qualitative and quantitative method both in the field (interviews, discussions and on site observation) and others.

Figure 2: Research Process from day one



Source: Own construct June, 2004

3.5 Data Collection Protocols

(i). **Field observation:**

Observation was considered one of the main sources of information from the study area. Through observation, ongoing activities including land development activities were documented.

(ii). **Interviews:**

Interviews were conducted using questionnaires. A list of questionnaire was used among the stakeholders including landholders, tenants, local leaders i.e. Ten cell and Subward and land development committee within the settlement. Others include local leaders, local authorities personnel.

Key informants were identified at local level to give information on land development and management process in concretizing the collected information. Criteria used for selection of the key informants includes the period have lived in the settlement where

preference was given to settlers who have been in the area for a long period (10) years and above. Others include tenants who were involved in the process of land development and management.

General protocols were applied in data collection.

(iii). **Focus group discussion:**

This involved three group discussions namely the CBO executive committee, the landowners whose plots were surveyed before this initiative and the rest of the landowners including tenants. Discussion with the CBO known as Ubungo Darajani Development Fund was coordinated by the Chairman of UDADEFU while the remaining two groups discussion was facilitated by Mtaa Chairman. The discussion started by landowners who were involved in the process from the beginning and contributed money or labour to expedite the regularisation process of preparation of layout plan, services provision, guiding encroachment of roads and cadastral surveys. These landowners were identified by the chairman of the CBO i.e. Ubungo Darajani Development Fund.

The other group identified was a group of people who were against the initiatives taken by the community to regularize land. They perceived land regularisation initiative as attempts of the CBO leaders to enrich themselves.

(iv). Face to face interview

A meeting comprising of *Mtaa* Chairman, the Ubungo Darajani Development Fund (CBO) Executive Committee and some of the residents of Ubungo Darajani bringing a total of 23 representatives were interviewed. The meeting was facilitated by *Mtaa* Chairman and therefore a good number of ten cell leaders participated. 70% of those interviewed were men while women were 30%.

In the interview we used the same questions but flexible enough to accommodate some which were not in the questionnaire.

The main questions used were as follows:

- How many landowners have their plots surveyed and whether prepared to pay survey fees.
- How many landowners have title deeds in particular those who surveyed their plots based on the 1990 Ministry of Lands layout. In addition whether they have used their title deed to secure loan.
- What were the social services in order of priority.
- The type of water source and toilet facility
- Priority of donor support projects.
- The major common Diseases in the area by list.

3.6 Data Analysis theory:

Data analysis as Meriam (1991) indicates is a process of making sense out of the data collected. Analysis of data in a broader understanding is an ongoing activity and it starts even when the data is being collected. However, analysis becomes more intensive when the data is in hand. In

this study, the analysis part started when data was being collected. This simultaneous data collection and analysis was aimed at allowing the data to be collected to be more productive as well as to develop a data base, which was both relevant and applicable. Intensive analysis however, started after data collection. For easy retrieval, data was at first organized according to the sources they were obtained to constitute what Patton, (1980) called the case record ie pulled together and organized voluminous case data into a comprehensive primary resource package of what Yin, (1984) calls the case study data base. Due to the nature of the study and data obtained from different sources the tools employed for analysis included stakeholders analysis, problem analysis, potential analysis and documentary analysis.

3.7 Limitation as for the work:

- The limitation of the study which was noted during the conduct of this research, was based on land holders interpretation that the author is going to solve their land problem and get donors to upgrade their deficient infrastructures after land regularization process. This was overstated during the group discussions, which led to similar answer especially to tenants, and landlords who decide to conclude in responsible to questions.
- The survey plan and survey instruction provided cover the whole area of Ubungo Darajani without considering the 32 plots which were surveyed using the 1990 plan layout prepared by the Ministry of

Lands. It is not proper to issue survey instructions to survey over surveyed plots. A procedure was to cancel the existing surveys and letter of offer and issue new ones after resurvey of all the blode neighbourhood of Ubungo Darajani. Some individuals had title deeds using the 1990 plan layout and they died not see the essence of having collective agreement upon them.

CHAPTER FOUR

REGULARISATION OF UBUNGO DARAJANI

This chapter will be an overall overview and socio economic context of Ubungo Darajani Settlement.

4:0 Overview of Ubungo Darajani

Ubungo Darajani is part of Ubungo Ward situated to the Southern East part of Dar es Salaam about nine (9) kilometers from the Central Business District of Dar es Salaam. It lies unplanned settlement along Mandela express highway on the left hand side as one goes towards the Dar es Salaam harbour. Ubungo Kibangu borders the settlement on the South West and Ubungo Maziwa lies on the North and Mabibo on the East. It covers 26 hectares of land and its growth is however restrained on the North part by the Ubungo Kibangu River (Map 3). In the 1979 Dar es Salaam Masterplan Ubungo Darajani was industrial area despite the fact that people were already settled there. The existing development has mostly been contributed by the nature or type of land ownership ie informal or quasi land ownership since land owner had acquired land either through buying or by inheritance.

4:1 Socio-economic context

In year 2002 Ubungo Darajani settlement had a total of about 849 households with a total population of 4,245. The houses in the area are

either owner occupied or rented. In addition the settlement is made up people of different attitude, culture, education, varying purchasing power, religion multiple and, tribal groups.

The major source of living in this area in terms of economic activities is horticulture along Ubungu Kibangu river banks, petty trading, retail shops, garages, hotel and Restaurants, Bars, poultry and animal husbandry. Literature shows (sub-ward level) that 60% of the land holders are employed in the formal sector while the remaining 40% are in the informal sector.

About 100 questionnaires were availed to the landowners ranging from ten cell leaders, mtaa chairperson, UDADEFU Executive Committee and the rest of land owners. Only 43 forms were filled properly and returned back to me. The questionnaires were distributed to the landowners by assistance from the UDADEFU Executive Committee and Mtaa per Chairman. However in some instances some landowners refused to fill the Questionnaire claiming that they know me therefore a need to see me personally. In some instances they allege that those distributing the Questionnaire forms had a hand some pay a privilege which they also wanted to enjoy.

Going by the Data analysis the following are the findings namely:

- (i) Interm of gender 79% of the respondent who filled and returned the questionnaires are male while 21% are female.

With regards profession the following were the findings:

Artisan 36.8%: The rationale is that there are many artisans probably because the area is characterized by having many garages for repairing/maintenance of vehicle. Therefore the community living in the neighborhood is specializing in a profession which they can get employment within same locality.

Farmers 21%. These are mainly dealing with urban agriculture mostly poultry and other Animal Husbandry activities but in small scale.

Housewife: 5.3%

Economists: 5.3%

Drivers: 26.3% This is mainly self employed transport sector

Teachers: 5.3%

- (iii) Activity Performed: The informal sector which is comprising of farmers and businessmen is 63% while the formal sector (employees) is 37% as shown on the table below

Table 1: Activity performed

	Activity	% Employees
1.	Farming	35
2.	Paid Employee	37
3.	Self employment	28

- (iv) **Survey and Registration Costs:**

Almost all respondents were ready to contribute survey (cadastral survey) and registration costs. However only 69% of the land owners were ready to provide their land/area for public use while the remaining 31% indicated that they were not ready to make such

contribution for public probably due to the uncertainty of acquiring alternative site after shifting from the current location leave alone the issue of compensation.

(v) **Surveyed/unsurveyed plots:**

About 7% of the plots are surveyed while the remaining 93% are unsurveyed. However the Land owners are willing to undertake cadastral survey and pay all registration costs.

(vi) **Surveyed with/without Title Deeds:**

Only 25% of the surveyed plots have title deed while efforts are underway to ensure the remaining 75% get Certificate of Titles.

(vii) **Loans:** Out of the 7% Land owners with Title Deeds only 5% have made use of their Title Deeds as a collateral to get loan. The remaining 95% have not applied for loans probably because of ignorance that vacant Land or any landed property has value and can be used as a collateral to get loan.

However further enquiry of advantages of surveying land and obtaining title deeds has shown that 67% of the respondents are aware that the advantage is to use the title deed to obtain services such as loan from formal banks. 33% indicated that title deeds can also be used to secure other services such as education and the like that are provided by the government on the condition that the plot must be surveyed with Title Deed.

(viii) **Services:** Most respondents pointed out that they are willing to have various services in their area and interms of priority is as per table below:

Service	Score	Rank
Schools	87.1%	1
Clean water	86.2%	2
Health services/Hospitals	81.5%	3
Liquid waste disposal	80.6%	4
Road maintenance	61.1%	5
Drainage system	46.2%	6
Solid waste disposal	16.3%	7
Market place	7.0%	8

Note that the total does not sum up to 100% because respondents selected more than from one option.

(ix) **Land area/Plot size (sq.m)**

Our findings from the questionnaire have it that the average plot size in the neighbourhood of Ubungo Darajani is 502 square metres and the mode is 500 square metres. The maximum plot size/land area in this area is 2000 square metres while the minimum is 20 square metres.

The plot size recognized by the Ministry of Lands in planned settlements is as follows:

- High density plot 400 sqm – 600m².
- Medium density plot 601 sqm – 1200m²
- Low density plot 1201 sqm and above.

Given the data collected most of the land owners are occupying high density plots.

(x) **Type of water used:**

68% of those interviewed use water from the shallow wells. The water is not safe because the area is densely populated while the water table is high hence a danger of being contaminated. Access to clean and safe water is a prerequisite for health. When lack of clean and safe water is combined with lack of sanitary facilities many diseases are likely to develop and spread.

10% use tap water assumed to be safe for drinking. The term safe drinking water is used because the aim should be to ensure access to safe drinking water rather than any kind of water.

22% of the remaining population have no water. Water borne diseases such as cholera, diarrhea and Amoeba are common in this area.

(xi) **Toilet Facility:**

Modern toilet facility – 26%

Pit latrines – 74%

(xii) **Priority of Donor Support Projects.**

Project	Score	Priority
Control of Liquid waste	64.3%	1
Solid waste disposal	46.5%	2
Availability of clean water	37.2%	3
Schools	18.6%	4
Hospitals	14.0%	5
Road maintenance/services	9.3%	6
Shift TANESCO	4.7%	7
High Tension Wire		
Market place	2.3%	8

Note that the sum is more than 100% due to the fact that respondents selected more than one option.

(xiii) **Occupancy rate per room:**

The average occupancy rate per room is two (2) people representing about 62.1%. This is followed by an occupancy rate of three (3) people per room while the highest is 8 people per room amounting to 6.9 percent.

The standard occupancy rate of 10 square metre room is two (2) people while most of squatter areas like Hananasif and Manzese the occupancy rate is on the average of six (6) people per room.

When too many people are occupying one room they risk a danger of contracting tuberculoses etc.

4.1.1 Face to face Interview:

On 25th May 2004 we had a meeting comprising of Mtaa Chairman, Ubungo Darajani Development Fund Executive Committee and some of the residents of Ubungo Darajani. Gender wise 70% were men while

women were 30%. Going by Age group below 45 years we had about 8.7% while above 45 years we had about 91.3% representation.

Following are our observations and findings in the following areas namely:

- (i) **Volunteer land for public use:** About 60.8% of the residents are willing to provide land for public use. The remaining 39.1% are not willing to provide land for public use. Of the 39.1%, 8.8% are men while 30.4% are women. The rationale is that all women said they have no say on land because they are not lawful owners therefore they cannot commit themselves to provide land for public use.
- (ii) **Surveyed / unsurveyed land:** 17.6% said they land is surveyed while 65.2% said their plots/area are unsurveyed. 78.2% indicated that they are willing to pay survey fees.
- (ii) **Title deed/loan:** out of the four (4) people with surveyed plots only one (1) has title representing about 25%. With regards loan the holder of Title Deed said he has secured loan from NBC and CRDB bank respectively using his title deed as a collateral.

(iv) **Services required in the area:**

All the residents to the meeting voted in favour of clean drinking water, sewerage and drainage system about 100 percent score.

Other services are as per the table below.

Project	Score	Priority
Clean water	100%	1
Drainage and sewerage system	100%	1
Schools	95.6%	2
Health service/hospitals	91.6%	3
Liquid waste control	78.2%	4
Solid waste disposal	73.9%	5
Road maintenance/repair	69.5%	6
Market place	65.2%	7

However it is worth to note that on the issue of market place all women voted infavour.

(vi) **Type of water source:**

- Boreholes/shallow wells: About 86.9% of the residents who attended depend on borehole and shallow well water source.
- Tapewater: About 56% of them has Dawasa water network connection but they rarely get water.

(vii) **Toilet Facility:**

- About 17.3% of the landowners have modern toilet facility.
- With regards pit latrine about 82.7% use this facility.

(viii) **Priority of Donor Support Projects:**

We wanted to know interms of priority which projects they will prefer to be funded by a donor should opportunity arise. Following was the response as per the table below:

Project	Score	Priority
Clean water	100%	1
Drainage and sewerage system	100%	1
Hospital/Health services	73.9%	2
Market place	60.8%	3

* Note that the sum is more than 100% due to the fact that respondents selected more than one option.

(ix) **Occupancy rate:**

The standard occupancy rate per room in planned settlements is two people per room. Following is the occupancy rate in the neighbourhood of Ubungo Darajani:

- 1 person per room: About 17.6% of the residents interviewed show that one room is occupied by one person.
- 3 people per room: 39.1 percent of those interviewed had it that 3 people occupy one room.

(x) **Profession:**

Going by the avenues of profession following was the composition:

- Farmers: About 34.7% of those interviewed are earning their living through subsistence farming ranging from small farms, and animal husbandry.
- Housewife: About 21.7% of them are housewives without any reliable source of income.
- Artisans: 17.6% of those interviewed are specializing in motor vehicle mechanics, electricians plumbers and masons.
- Drivers: 8.8% of them are employed as drivers.
- Economists: 4.4% of them are in the caliber of economist.

(xi) **Diseases:**

All those interviewed agreed on Malaria being a killer disease number one. They are convinced that the source of malaria in the neighbourhood is Kibangu river with foul water and the overflowing cesspit/septic tanks which are sometimes left open without manhole covers and hence a breeding ground for mosquitoes because no chemical treatment.

Note: The quantitative analysis is in the appendices appendix D

4.1.2 Land Value/Property Value:

The process of land regularization has amounted into land and property value increment in the neighbourhood. A vacant plot or a dilapidated structure along the Mandela Highway is fetching up to Tshs. 8.0 million. A plot of the same size and a similar structure, away from the main road is fetching around Tshs. 2.0 million. Reliable informed sources have it that in 1990 a piece of land measuring one acre (4000 square meters) was fetching between Tshs. 50,000 to Tshs. 80,000/=. In 1996 similar plot was selling between TShs. 120,000/= and Tshs. 200,000/=. In 1999 the sale price was elevated from Tshs. 300,000 to Tshs. 1,500,000/=. In year 2003 with a wave of land regularization accompanied with land speculation it was difficult to get a vacant plot in the settlement. (Table 3)

Table 3: Land Value increment at Ubungo Darajani 1990 to year 2003

No	Year	Size of plot in acre	Minimum/maximum price reported (TSh)	Average price (TSh)=P	Discount factor (10%) V	PV	Remarks
0	1990	1	50,000-80,000	65,000	1	65,000	Initial value
1	1991	0/5	50,000-80,000	65,000	0.909	59,085	Decrease
2	1992	0.5	70,000-150,000	110,000	0.826	90,860	Increase
3	1993	0.5	50,000-2000,000	125,000	0.751	93,875	Increase
4	1994	0.5	100,000-300,000	150,000	0.683	102,450	Increase
5	1995	0.5	120,000-300,000	210,000	0.620	130,200	Increase
6	1996	0.5	300,000-6000,000	450,000	0.564	253,800	Increase
7	1997	0.5	300,000-600,000	450,000	0.513	230,850	Increase
8	1998	0.5	600,000-1,000,000	8000,000	0.466	372,800	Increase
9	1999	0.5	300,000-1,500,000	900,000	0.424	381,600	Increase
10	2000	0.5	1,000,000-6,000,000	4,500,000	0.385	962,500	Abrupt increase
11	2001	Dilapidated building less than 0.5	2,500,000-6,000,000	4,250,000	0.350	1,487,500	Increase
12	2002	Dilapidated building less than 0.5	2,000,000-7,000,000	4,500,000	0.318	1,431,000	Decrease
13	2003	Dilapidated building less than 0.5	3,000,000-8,000,000 1,500,000-2,000,000	4,250,000	0.289	1,487,500	Increase

Source: Field data compilation :2004

Using discount cash flow method

Formula: $PV=K [1/(1+r)^n]$ where

P=Average price of land

V=Present Value of land at a discount rate flow from base year

K=Initial land price a base year 1 donated as zero

$1/(1+r)^n$ =Discount factor at 10% (World Bank, 1992 project report)

Table 3 shows that the value of land one acre (4000 metres square) in 1990 was TShs.65,000/=. In year 2003 the half of the same land i.e. 2000 metres square worth at TShs.1,487,500/=. Suggesting increase of land price.

As per table 3 the price increase in landed properties in this neighbourhood is the result of regularization process which assures the

landowners and any 'would be' land owner security of tenure. A property with security of tenure is more valuable than a similar property without security of tenure. With Title Deed the value of land increases because the subject property is secure and the same (title deed) can be used as a collateral for loan. Therefore regularization process is geared at poverty reduction strategy in the neighbourhood.

However the study noted that the increase in landed property prices have forced low income settlers to sale their land or buildings and shifted to alternative sites in the peri-urban settlements. One landholder who was selling his plot argued.

“My son, I don't have means to live here I used to cultivate my shamba (plant mchicha and maize) today these crops are never grown. Changes of the settlement from farming to residential and commercial/business has made my life difficult. Thus I have to sell my landed property and move to Nyantira area where I will get big plot for cultivation”.

The quote implies increased demand for land and changes of land use has had negative effects to low income people. This has displaced low income people; they have largely moved into the periurban areas where they can access land for cultivation. Changes in land use have increased housing densities and made it more expensive to undertake regularization exercise.

4:2 Settlement evolution and Institutional Framework

In 1968 under Urban Land Development and Regrant Act of 1968 Tanzania government acquired all land without establishing Institution to which the land was entrusted. This meant the acquired land was in no men's land as a result people invaded the area as the city grew. Such is the case for Ubungo Darajani and other similar settlements such as Hannasif and Mlalakua.

Ubungo Darajani is a subward of Ubungo within the jurisdiction of Kinondoni Municipal Council. The subward has 20 ten cell units under ten cell leader the typical of one political party system. The subward leader reports to the Ward Executive Officer (WEO) who is a Municipal Council employee. There is also a councilor elected who is also the chairperson of the Ward Development Committee.

Other Institutions found in the neighbourhood include volunteer groups such as UBODET a local association supporting matters related to funerals in the settlements. With regard religions groups/associations we have Christians, Moslems and Sabatol associations. Other associations include Ubungo Darajani Development Fund which was formally known as UDADESA, the credit and savings society in the name of FINCA and women credit association (Upatu). Others are social tribal groups including MUWASA, which brings together residents from lake zone and

KWIYANGATANA for residents from Southern highlands regions. These are also groups from Northern zone eg the chagga. These social groups have in one way or another worked together to support the subward and CBO leaders efforts in planning for land regularization.

UDADESA un registered CBO which was the predecessor of the current UDADEFU CBO was established in 1997. A land holders meeting held in March 1996 initiated the formation of this association . According to the associations chairman the meeting was convened to discuss among others, a proposal by the government to acquire land so as to implement industrial land-planning scheme prepared according to the 1979 Master plan and forfeit the 1990 land use (layout) plan. The association was therefore established out of the residents needs to defend their interests on land. The objective of the association are:

- To ensure that Ubungo Darajani landholders are provided with Certificate of titles which will enable them to secure loan from banks and other lending institutions for their economic prosperity.
- To guide direct and control land development in collaboration with other institutions for societal development.
- To improve infrastructure facilities and utilities for settlement development.

UDADESA had, 40 members out of which 18 are ten cell leaders. This leadership comprise a chairperson, secretary and treasurer. The

association has only 2 women members. The low representation of women in this association is the after math of their culture leave alone the low level of education. A key informant reported that women suffer from inferiority complex to stand for leadership position. One women remarked;

“Most of us (women) in this settlement have low education level that does not allow us to compete in leadership position. Also men regard us as child caretakers, with little decision in land development. Even land titles bears our husbands name (she sited her case at home)”.

On cultural context, the informant reported that because the Kurya and the Chagga are the dominant tribes in the settlement, women assume second class citizenship and have little say in decision taken on land matters.

A ‘prima facie’ evidence of the above is the recent interview I made on the number of land owners prepared to provide or volunteer land for public use. All (100%) the seven (7) women representatives said they cannot support it because they have no say on land matters. This is also a justification of the low level of education of women in this settlement. They are not aware that the land Act 1999 give them (women) equal opportunity to access or acquire land.

4:3 Dar es Salaam Master Plan of 1979

According to 1979 Dar es Salaam Master Plan, Ubungo Darajani was zoned as Industrial area despite of the existence of 'exhausted improvements' built since 1960's. It is worth it to note that the master plan was prepared without stakeholders views and inputs. This plan was not implemented. Interview with the subward level leader have it that majority of the landowners were not even aware of the existence of such a plan layout. Majority of land owners had full mandate on their land hence subdivision or sale transactions were taking place despite of the existence of plan layout.

In 1990 the Ministry of Lands and Human Settlement prepared a plan layout on the permitted land use to guide development in Ubungo Darajani neighbourhood. The process of preparing the plan layout was also a top down approach because the land owners/residents in the settlement were not involved or did not participate. In addition, the approach used in preparation of this plan layout did not reflect future public development needs in the settlement. For instance it did not designate public use areas for schools, community centre, and market place.

4:4 Community Initiative in Land Management:

The settlement had deficient infrastructure and Land Management problems before land Regularisation process in 1998. This include poor

road accessibility, lack of community facilities, lack of electricity, in adequate water supply, severe health hazard, and haphazard building development. Ubungo Darajani Community attempted to address these problems using own efforts as individual landowners and using their CBO. The level of involvement is as follows:

4:5 Spatial Organisation

Ubungo Darajani settlement has been divided into four clusters. These include Kwa Mzungu, Kwa Kidevu, Royal Garage and Zambezi (Map 3). Kwa Mzungu cluster is found to the eastern part of the settlement and is well planned. Kwa Kidevu cluster is located adjacent to Kwa Mzungu cluster, and is denser in terms of housing per hectare compared to other clusters. However the cluster is characterized by temporary mud pole structures a testimony of poverty. Royal Garage cluster stands at the middle, stretching from Mandela road to Ubungo Kibangu river. The land development pattern in this cluster is spatially fairly arranged despite the encroachment upon, especially along Mandela road which is density.

In terms of tools used in order of ensure orderly spatial structure, informants said most people use strings set or align houses on plots and measure the area for road and plots. It was also noted that the relatively better achievements in terms of spatial order at Royal and Kwa Mzungu clusters were attributed to stronger political and economic position of local leader. The leader commanded much more respect among cluster

members because he helped in shaping the clusters members he was also economically well off. The late Mzungu whose cluster was referred to as Kwa Mzungu was very systematic in development guidelines. He even provided seven metre wide way leave from Lyimo residence to Corner Bar and today this road is serving the neighbourhood.

The existence of informal land transactions before regularization where settlers acquired a built on land without informing or consulting one another led to growth of disorderly structures in many parts of the settlement. Adaptation of common building lines which led to orderly pattern of houses along the road without Municipal or external enforcement of laws and regulations depicts community potentials in regulating spatial organization of informal houses. On the other hand where this failed like Kwa Kidevu and Zamber clusters, it is a manifestation of community limits or deficit which require intervention by or stronger support from the government.

4:5:1 Settlement pattern and housing quality

The fairly, orderly spatial pattern of land development especially in the Kwa Mzungu and Royal Garage Clusters was attributed to the following factors namely:

- Action taken by cluster leaders who ordered house owners living in the area (Royal Mzungu) to provide between two to four metres of land for access road.

- Land buyers were directed by cluster leaders on the need for provision of common access when carrying land development.

Linear Land development pattern has been stretches from east to West. To the South the orderly layout is restrained by Mandela road and Ubungo river (Map 3) Zambezi cluster is characterized by single storey buildings and multistorey buildings and it is a cluster with dominance in business activities eg the splendid Land Mark Hotel.

Kwa Kidevu Cluster: Kidevu was reported to be an earlier settler who lived in the neighbourhood. It was reported that unlike others Kwa Mzungu and Royal cluster he divided his land and sold with no space left for access roads. Settlers living in this area have extended their buildings and subdivided their land without respect to public needs such as access road and children playing grounds. Settlers have nicknamed cluster "Manzese" due to high density "The Cluster has fairly many temporary, mud poles buildings with corrugated iron sheets roofing.

In structuring the settlement orderliness Mandela road seems to have the reference point. This road has also been instrumental in improving accessibility to the settlement as well as to other parts of the city.

This dis-orderly spatial pattern of land development especially in the Zambezi and Kwa Kidevu clusters was attributed to several factors. These include actions taken by cluster leaders directing to guide land

subdividers/settlers. It was reported that cluster leaders in this area were not conscious or sensitive to the social rules necessary to ensure common building line. It was noted that because land in this area was predominantly held poor they held smaller pieces of land which they subdivided and sold making it difficult to enforce orderly development. The continued plot subdivision resulted in increased housing densification as well as environmental problems.

4:6 Land Development Pattern

The Aerial photography of 1967 shows that only 16 buildings existed then the rest of the land was forest. The aerial survey of 1982 show that there were 87 buildings. In 1992 the aerial survey shows that the number of houses increased to 158 buildings. An updated map of 2000 revealed a total of 475 buildings. The 2003 updating shows that only 26 buildings were making a total number of buildings to be 501 houses. In the recent years land subdivision and transaction have been declining due to increased housing density. This underscore the need to put in place a mechanism of checking land subdivision and development in informal settlement, as a to check excessive densities.

4:7 Land Demarcation System

A narrow trench surrounding the house or other dominant physical features such as trees, tyres, bush poles or other physical boundaries such as walls and fencing is used to demarcate individual boundaries. In the

absence of cadastral surveys, recent years hedges, mud block walls and at times, barbed wire fencing have increasingly become a dominant feature for defining property boundaries. In the densely built up areas; boundaries are less conspicuous. In such area often plots owners refer to imaginary middle line running between eaves of houses. So far these fixtures seem to have been more or less acceptable and fairly effective in demarcating boundaries.

4:8 Security of Tenure

Before 1970 land transactions were generally concluded without written transfer document (ie transfer deed and sale agreement) the mid 1970's the use of written transfer documents became more pronounced. Ten cell leaders started playing a central role in selling and authenticating land transfers. In the early 1980's most buyers started demanding written agreements and seeking local leaders involvement. This stemmed from insecurity such as double sales and there are however, some incidences where individuals sold their properties without seeking subward leader authentication. In Ubungo Darajani buyers seek local leaders authentication before a land deal is concluded together with transfer or selling agreements papers. land buyers rights are also secured through social recognition by adjoin land holders and other residents living in the area. Most land dispute in Ubungo Darajani are associated with trespassing on road reserves, public open spaces, foothpaths and haphazard dumping of waste on private lands. Most of the conflicts are

first referred to and resolved by the respective ten cell and subward leader. In case where subward leader fails to resolve dispute they refer the cases to Ward Executive Officer. If the Ward Executive Officer fails to conclude the issue it is thereafter referred to law enforcing organs.

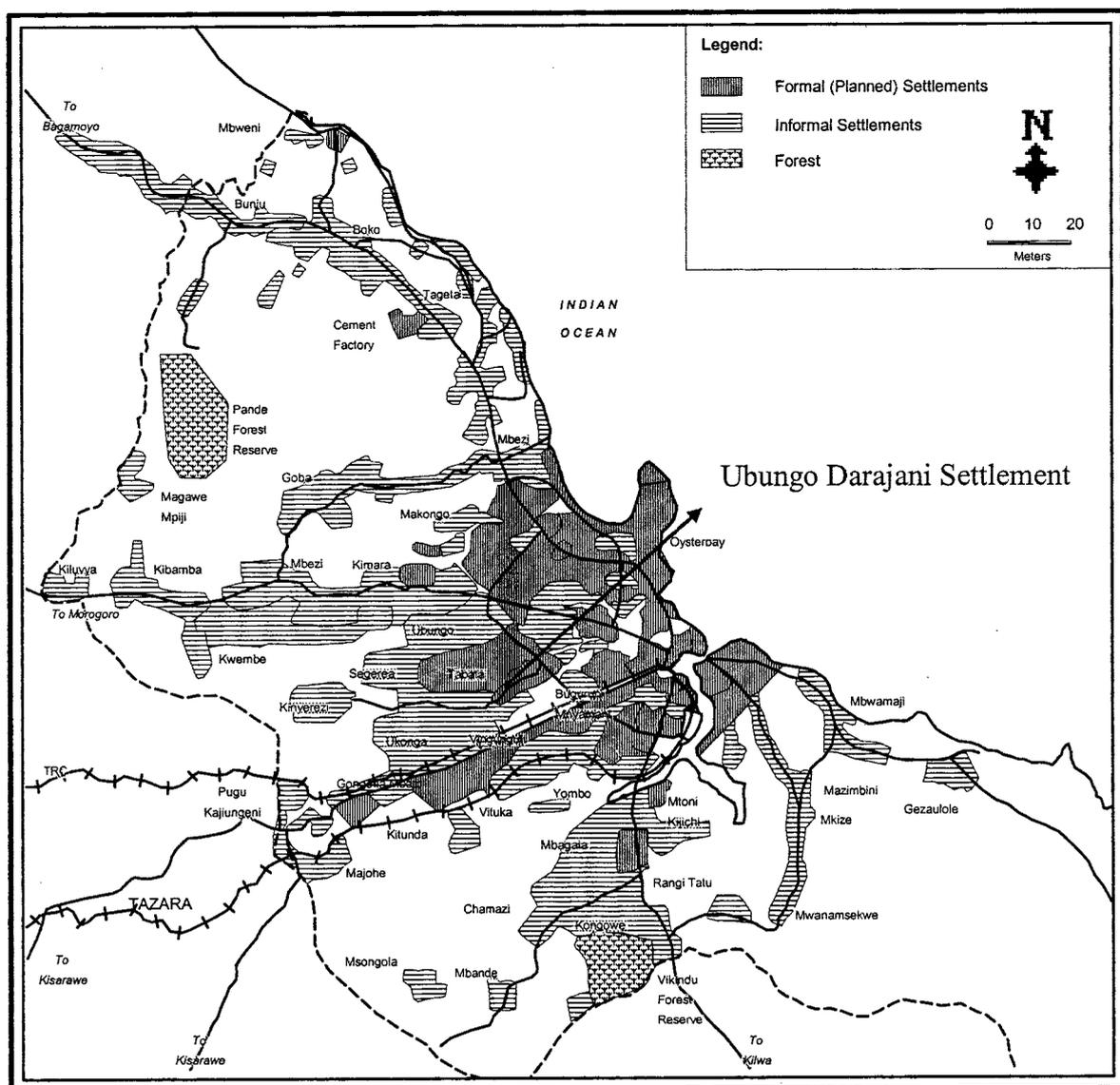
To conclude the role of local leaders in mediating land conflicts at subward level has been insignificant. This has been caused by lack of legal provision to enforce land development control at local level the practices that show dependence on high level institution for making decision at local level.

4:9 The Rationale for Land Regularisation at Ubungo Darajani

The key informants reported that the major driving forces for local community involvement in land development and management through regularization process stemmed from fear of being evicted from their land following the designation of the area as an industrial area by the 1979 Master plan. The other reason was inaccessibility to loans from financial Institutions due to lack of collateral, fraud inland transfers and need for land demarcation and surveying to reduce land conflicts in the settlement. These factors motivated landholders to explore strategies for securing their land tenure. In addition experience has shown that some landholders who were operating at individual level to survey their plots ended up using un qualified licenced surveyors who swindled their money without producing survey plans. A solution to the above was for the land

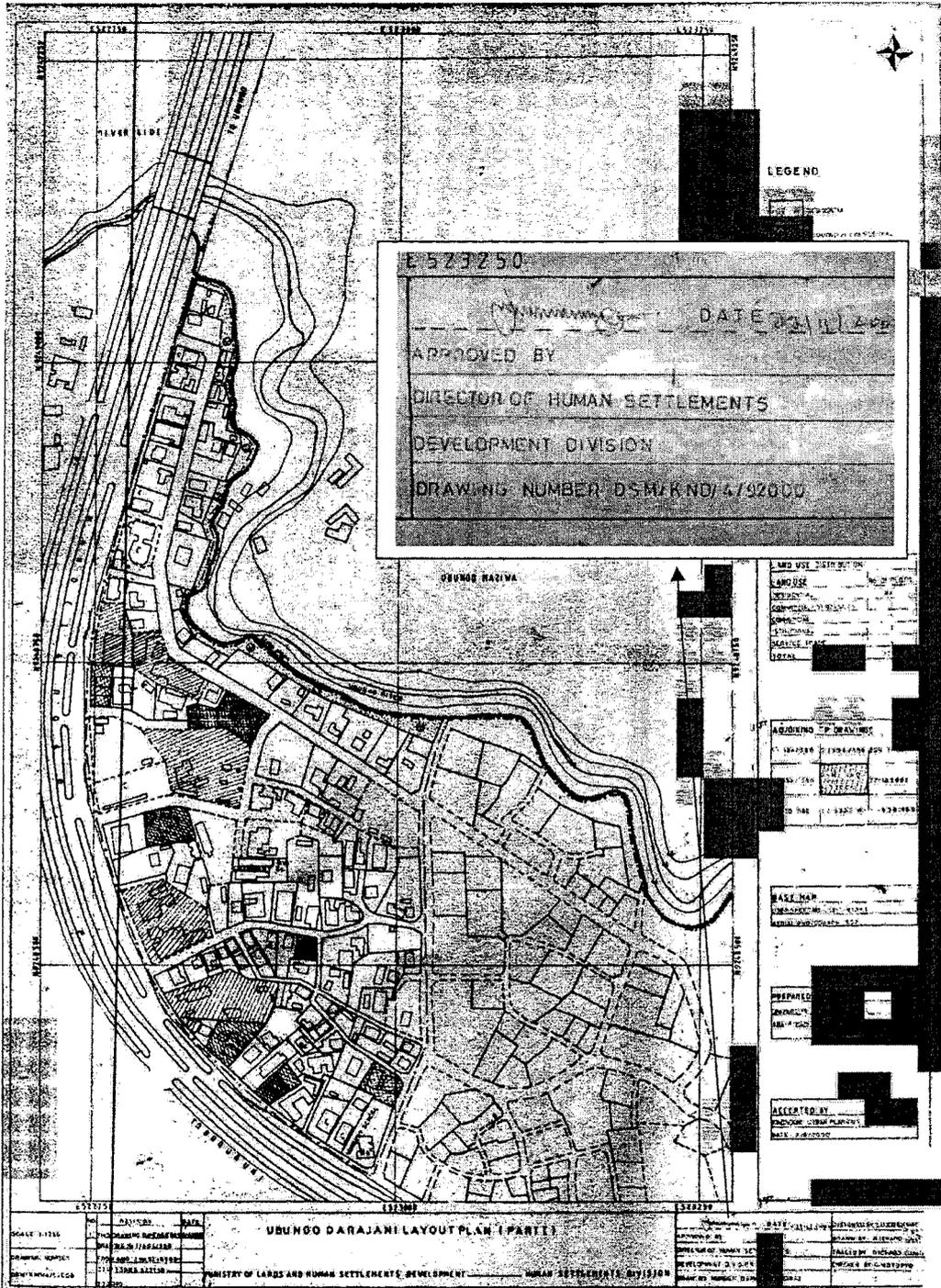
holders team up together an initiative towards Participatory Land Regularisation.

Figure No.3: Location of Ubungo Darajani Settlement in Dar es Salaam City.



Source: Kyessi 2002, based on 1992 aerial photograph

Figure No.4: The 2002 Ubungo Darajani Amended Upgrading Scheme



Source: TP Drawing No. DSM/KND/4/92000 in Mchome 2004; 80.

CHAPTER FIVE

REGULARISATION PROCESS

5:0 Introduction:

This chapter is on the Regularisation process and stakeholders participation at different levels in Ubungo Darajani.

5.1 The approach used

We used the variables to document the case namely trust, networking, common rules and norms, negotiation, participation, institutional arrangement and capacity building.

The approach used in this exercise is Participatory Planning Approach with emphasis on involvement of the people (ie landowners) in different areas. The process of involvement mainly aim in identification of planning issues and ways of addressing them through various tools like negotiation. Through the tool the planning Team in Cooperation with the local CBO and land owners succeeded to identify public and private spaces, resolve conflicts of plots boundaries, blockage of circulation and provision of new access.

5.2 Role of the Community in the regularization process

In 1998 the Ubungo Darajani Community Organisation (UDADESA) the predecessor of the current Ubungo Darajani Development Fund (UDADEFU)

approached University College of Lands and Architectural Studies (UCLAS) with a view to seek their support in preparing a layout plan. Prior to contacting UCLAS, the CBO had consulted Kinondoni Municipality seeking its support in preparing land use plan, cadastral survey and processing of titles for land-holders. The management of Kinondoni Municipality referred the community organization to the Ministry of Lands and Human settlements. From the interviews with Kinondoni Municipal officials who referred the community organization to the MLHSD, it was revealed that the Municipal Council (Kinondoni) was hesitant to give the community a go ahead because there were unclear issues regarding regularization policy and approach. This include unclarity regarding the appropriate standards, to be adopted and how to handle compensation issues. On the other hand the Municipality had to refer the Community to MLHSD in order to comply with The Land Act of 1999 no 4 section 58 (1) which states that “The Minister may on his own motion or at the request of Urban Authority or a Village Council within an urban or peri-urban area, either direct the Commissioner to consider or appoint an inquiry under section 18 to consider the question of whether any area to which “ section to 60 to 64 declared to be an area of Regularization. When the Ministry of Land received the proposal advised the community representatives to followup a reply at a later date. Within a month the Ministry of Lands endorsed the Community request, but verbally advised them to contact UCLAS and promised compliment efforts show a by the Community in Regularisation process . In principle the MLHSD endorsed the community request informally (i.e verbally and not in writing) because it was hesitant to

commit itself (in writing) as it was not sure whether the community will be able to mobilize resources for carrying out regularization plan ie. Plan preparation and its subsequent implementation including paying compensation in accordance to the land Act of 1999 provision. The community contacted UCLAS and the contract agreement was entered whereby UCLAS were commissioned to execute Regularisation. Among other things the agreement required the consultant to produce regularisation plan (detailed layout plan) as one of the outcomes.

Land use planning phases cost amounted to Tshs. 1,260,000/=. Other phase which were considered but not included in the agreement are cadastral survey and Registration.

In approaching the land use planning UCLAS undertook the following activities, field reconnaissance conducted general meeting where regularization process was explained and clarified to the community members (Appendix A – 2) was explained and clarified to the community members. Also preparation of base maps, forms for negotiation and property registration were prepared and together with identification of areas for community facilities such as major roads and other public services. Other activities include plot identification through negotiations and layout planning. Submission of the layout plan to the local authority scrutinisation endorsement and presentation to the Ministry of Lands approval was also done by UCLAS (Appendix A – 3) UCLAS was also involved in making followup in collaboration with the community organization leaders (Table 5)

Table 4: Summary of Land Regularisation Process in Obtaining Layout Plan : Activities, actors and duration

S/N	Activity	Actor	Year	Duration taken	Technical support
1	Establish contacts and define land regularisation processes and activities including how to plan and survey the areas and improve security of tenure.	Community organisation leaders	1998	1 year	Individual, contacts and initiatives Municipal authority advice.
2	Advised to survey the whole area as a whole and to contact the municipality, UCLAS and MLHS for support.	Community organisation leaders	1999	1 Month	Kinondoni Municipality MLHS, UCLAS
3	Decision made by the community to send an application to the MLHS seeking its approval for the community to prepare regularisation plan.	Community organisation and Sub ward leaders landholders	1999	2 Months	MLHS
4	Consulting UCLAS to provide technical support.	Community organisation leaders	1999	2 weeks	UCLAS
5	Contract preparation and signing between UCLAS and the community (CBO).	Community organisation leaders (UCLAS) consultant	1999	2 weeks	UCLAS
6	Preparation for project execution including preparation of base maps.	(UCLAS) Consultant	2000	2 weeks	UCLAS
7	Reconnaissance and mapping of major roads and facilities.	Community organisation leaders (UCLAS) consultant.	2000	1 week	UCLAS
8	Conduction of general assembly/meetings for introduction, elaboration of the tasks, developing community consensus and selection of community representative/spokesman.	Landholders tenants Community leaders consultant (UCLAS)	2000	1 day	UCLAS
9	Identification of major access roads, areas for public services and negotiation for plot demarcation and conflicts.	Landholders tenants Community leaders consultant (UCLAS)	2000	3 months	UCLAS

S/N	Activity	Actor	Year	Duration taken	Technical support
10	Preparation of layout plan and report for Local Authority endorsement (in collaboration with community leaders).	Consultant (UCLAS)	2000	3 months	UCLAS
11	Submission of layout planning to the urban Planning Committee (UPC).	Landholders/community spokesman consultant (UCLAS).	2000	1 week	Kinondoni Municipality
12	Follow-ups and endorsement by Kinondoni Municipal council.	Community spokesman consultant (UCLAS) and Kinondoni Municipal council.	2001	10 months	Kinondoni Municipality
13	Submission of the layout plan endorsed by Kinondoni municipality to the MLHS	Landholders/community representatives consultant (UCLAS)	2001	10 months	Kinondoni Municipality, community spokesman.
14	Incorporation of MLHS comments in the layout plan	Consultant (UCLAS)	2002	3 months	UCLAS
15	Resubmission for approval of the detail layout plan	MLHS	2002	3 months	MLHS
Total	15 steps	7 actors	NA	48 months, and 8 days	NA

(Source, Fields data compilation 2004)

N/A:Not applicable

5.3 Participation

(i) Community Involvement in Land Use Planning:

The key actors involved residents ie. Landholders, tenants Local Community Based Organisation, Ministry of Lands and Human Settlements, Kinondoni Municipal Council UCLAS, pressure groups such as women association, Credit Society (FINCA) and social groups including tribe groups and associations. Community involvement was by way of meetings, interviews, information dissemination, consultation, contribution in cash or kind making followup at various levels and verifying documents. Others include donating lands for public services and mutual certification of boundary conflicts during regularization process. The involvement fostered interactive approach to addressing commonly felt problems such as the need for regularization plan.

(ii) Attending Meetings

Landholders, tenants local and Community organization leaders, and consultants were participants in meetings were mainly chaired by subward Chairman while the community organization leader remained a key player as a secretary during land use plan preparation meetings. The community organization leader reported and organized the following events after a consensus reached by community development committee and local leadership. Also the community organization has played a leading role in the entire process including making day to day follow-ups on decision

made by community on land development and management issues, resolving land conflicts sensitization and mobilization of the local resources such as funds and labour and aweless creation. Tenants informs landholders living outside the settlement about decisions made during various community meetings. In this regard tenants were not acting or involved as beneficiaries but actively participating actors. The existence of common problem (ie increasing boundary conflicts, lack of disposal sites, floods during rain season, poor vehicular access, fear of eviction due to lack of Titles and commitment among the community members to improve their living were critical in the success observed.

(iii) **Women involvement in the regularization activities**

The study revealed that women are not adequately involved in issues related to land regularization. In interviews with women groups, during focus group discussion on 26th May, 2004 it was most women has no say on issues related to land matters. However it was noted that in the land use planning phase 17% women landholders contributed in installment while 6% contributed in fully making a total of 23% of women contribution in the process (Table). During the cadastral survey it was noted that 22% contributed in installments while 6% contributed in full making 28% contribution in the process (Table 7). The women contribution in cash amount to 19% ie 988,620 of Tshs. 5,122,400/= amount contributed in land use planning and cadastral survey phases. This signifies importance of intergrating women in land regularization process

in which their practical and strategic gender needs can be accommodated for societal development. A sustainable land regularization process must be gender sensitive and gender balanced.

(iv) **CBO Involvement in the Regularisation Process**

Todate there is no registered CBO registered by the Register of Societies Ministry of Home Affairs in Ubungo Darajani settlement. However despite of being unregistered the CBO referred to as Ubungo Darajani Development Fund (UDADEFU) the successor of UDADESA is operating in this neighbourhood. This Community Organisation has played a decisive role towards success of the land regularization process. The study noted good linkage with external institutions good education background of the CBO leader were useful in the strength of the CBO. The linkage with and use of grass roots, ten cell leaders especially in resource mobilization, information dissemination to residents, enhanced participation in the land Regularisation process. Despite the fact that the CBO (UDADEFU) is unregistered yet they have a good linkage with the Mtaa Chairman at sub-ward level and the ten cell leaders who plays important roles in mobilizing residents to attend meetings and mobilizing them to contribute funds towards land regularization account. Other linkage created by the community organization includes consultation with institutions such a Kinondoni Municipal Council, Ministry of Lands and Human Settlement and UCLAS. This linkage assisted to build trust

among landholders and tenants to participate and contribute, even though the community organization has not been statutorily recognized.

The author of this study has advised them to register their society and procedures involved. In a meeting held on 24th January 2004 of which the author participated the idea of registering the CBO with Registrar of Societies Ministry of Home Affairs was discussed and endorsed unanimously. A copy of the minutes to the meeting is in appendix A in the appendix. Subsequent to the meeting deliberations a draft of the constitution has been prepared for onward transmission to the Registrar of Societies Ministry of Home Affairs. The proposed name is the current one i.e. Ubungo Darajani Development Fund (UDADEFU). As per the constitution the main objective of the 'would be' CBO is to coordinate social and economic development activities of the area through self help with particular interest on land Regularization. A copy of the draft constitution and letter of acceptance for the project write up is in appendix B and C respectively.

(v) Institutionalization of Development Control

Despite of the limitations by use of signed agreement involving property owners and witnessed with the signature of Mtaa Chairperson we expect the agreements to be binding.

The plan layout was also made available to Mtaa leader while agreement forms were availed to all landowners for signature. A critical issue is how to institute development control. This is pursued as follows:

- Land owners who refused to agree to the plan have to be summoned and convinced to agree to plan.
- A task force of wise men and the Mtaa Chairperson was formed for the purpose of visiting the area of conflict and find ways to solve the problems.
- Agreement maps were left with Mtaa Chairman and Ubungo Ward Executive Officer to enable them to harmonize Ubungo Darajani Community to control development of the area.

(vi) **Cadastral Survey**

The purpose of regularization project was to prepare a layout plan on land use on the basis of which a cadastral survey and land registration would be based. The final product is security of tenure. Through community initiatives the layout plan for Ubungo Darajani was approved in year 2002 by the Director of Human Settlement Development Ministry of Lands and Human Settlements. After the approval the local leaders at sub-ward level together with the CBO leaders in the name of UDADESA met in General assembly to discuss the next step of cadastral survey. In order to enhance participation a community land Development Committee of 10 people was

elected. The community Land Development Committee (CLDC) in cooperation with UDADESA the predecessor of the current UDADEFU was given overall incharge of the process of carrying out cadastral survey and title preparation.

In their endeavour to survey the area UDADESA and local leaders contacted Kinondoni Municipality with an intention of getting surveyor to provide cadastral survey services. Taking into account that the Municipality has no enough surveyors to undertake the exercise they were advised to contact the Department of Land Survey at the UCLAS.

The quotation of UCLAS to survey 26 hectares of land was Tshs. 21 million while another surveyor in Morogoro quoted Tshs. 28 million. The CLDC in collaboration with UDADESA convened a local community General Assembly to inform them of the outcome whereby it was resolved to contact the MLHSD for assistance . The MLHSD among other advised them to contact Savei consult a local licenced surveyor. M/S Savei consult quotation for survey is Tshs. 4,090,000/= for 237 plots. This excludes 32 plots already surveyed.

In order to start the survey work the survey consultant advised the community leadership to request survey instructions from Kinondoni Municipal Council. Their letter of request is in Appendix A – 5.

Unfortunately the survey process did not take place because it took the Municipal authorities about nine (9) months to issue survey instructions.

Having received the survey instructions the subward level leadership in collaboration with the CBO leadership convened a General Assembly to inform community of the outcome. Thereafter mobilization for pulling resources/funds for cadastral survey started. Information was also disseminated through leaflets, by displaying them at subward and UDADESA offices leave alone efforts by individual landowners and ten cell leaders.

The land survey firm was appointed to do the cadastral survey at their quoted sum of Tshs. 4,090,000/=. However the interview made with Managing Director of Savei Consult and the Author revealed the following:

- (a) The survey plan and survey instructions provided cover the whole area of Ubungo Darajani without considering the 32 plots which were surveyed using the 1990 plan layout prepared by the Ministry of Lands. It is not proper to issue survey instructions to survey over surveyed plots. A procedure was to cancel the existing surveys and letters of offer and issue new ones after re-survey of all the block/neighbourhood of Ubungo Darajani. However further enquiry have it that it is difficult to cancel the existing letter of

offer/Title deeds because there are potential land owners such as Land Mark Hotel whose plot is surveyed and he has a title deed. Taking into account that he has a title deed chances are he might have mortgaged the Hotel site to get a loan and that the title deed is in the custody of the respective Bankers. Despite of the anomaly the consultant said he will proceed with surveys on the ground that he has survey instructions.

- (b) The total number of plots to be surveyed is 232. Only 67 (29%) land owners have paid the survey fee enabling the survey firm to proceed with survey exercise. The consultant has been paid Tshs. 1.7m (Tanzania shillings one million seven hundred thousand) being advance payment and he is currently undertaking field work.
- (c) Some of the land owners want their plots to be surveyed first before they commit any amount.

Table 5: Land Use Planning Process: Actors, roles and time taken

Institutions Consulted/actor by local leaders	Role Played	Time frequency taken in days
UCLAS	<ul style="list-style-type: none"> • Contract signing • Follow-up on the preparation of the layout plan • Follow-ups on the finalization of the layout plan the to comply with the MLHS requirement before endorsement 	47
Kinondoni	<ul style="list-style-type: none"> • Follow-up on the approval of the detailed layout plan 	9
MLHS	<ul style="list-style-type: none"> • Submitting the detailed layout plan • Sending the Ubungo Darajani technical report and the layout plan to Kinondoni Municipality • Follow-up on endorsement of detailed layout plan • Follow-up on corrections to be made on the detailed layout plan submitted for approval. • Follow-ups on the approval of detailed layout plan 	8

Source: Field data compilation :2004

5.4 TRUST:

(i) Contributions in Cash or in Kind

Land holders and tenants living within and outside the area were involved and contributed both in cash and in kind. The study revealed that in financing phase one preparation of detailed layout plan only 162 (60%) Landholders contributed out of 269. 40% land holders did not contribute because of various reasons including misconception and distrust of local leader and poverty. Among 60% land holders contributed in installment in which 28 were women and 74 were men. It was also, noted that 15% of land holders paid full amount in which 10 were women and 50 were men. Not only that but also 58% was contribution for settlement development sustained the project continuation community

organization leader deposited fund contribution areas (64,000) for cadastral survey phase

Table 6: Landholders contribution in Tshs. during land use planning phase

Landholders	Installment payment (TShs.2000/=)	Full payment (TShs.6000/=)	High-income Volunteer 20@(TShs .36,000/=)	Contribution %	Land holders Not contributed	Total land holders
Women	28	10	-	2	42	80
Men	74	50	20	77	65	189
Total No.	102	60 including high income			107	269
Total amount	204,000/=	360,000/=	760,000/=			
Percentage	15%	27%	58%	100	40%	100%

Source: Own construct May, 2004

Among 20 absentees landlords 12 were noted living in other settlements within the city and were living outside Dar es Salaam City. It was reported that 4 out of 12 landlords within Dar es Salaam responded and participated in the regularization process in cash while two who responded also by contributing in cash were living outside Dar es Salaam. Credit Institution FINCA provided financial support to local settlers. Credit from FINCA to community members was granted on the agreement that the beneficiary pays an interest rate of 15% of the amount borrowed (Tshs. 100,000/= to Tshs . 300,000/=) for six months. The credit facility officials said the institution intention was to help landholders to implement land regularization process so as to enable them obtain title deeds.

Women group association through their credit facility (Upatu) provided financial support to its members who diverted the same to land Regularisation process. About 40 women given loans diverted part of the cash to land regularization process. In addition both land holders and tenants contributed in kind by

providing labour through voluntarily in community activities such as moving with consultant from house to house and plot to plot without payment during plan preparation.

Table 7: Community involvement in land use planning: Roles and reasons

Local community groups identified	Type of involvement and roles of actors	Reasons for involvement
Landowners		
<ul style="list-style-type: none"> • High income 	<ul style="list-style-type: none"> • Financial contributions • Attend meetings • Protect public space • Granted land for public facilities 	<ul style="list-style-type: none"> • Improve household welfare (title) • As an asset for getting loan from bank and other mortgages • Improve land value • For prestige
<ul style="list-style-type: none"> • Middle income 	<ul style="list-style-type: none"> • Attend meetings • Provide labour • Financial contributions • Protect public space • Granted land for public facilities 	<ul style="list-style-type: none"> • Improve household welfare • An asset for getting loan from bank and other mortgages • Increasing land value
<ul style="list-style-type: none"> • Low-income 	<ul style="list-style-type: none"> • Attend meetings • Provide labour and protect public space • Granted land for public facilities 	<ul style="list-style-type: none"> • Improve household welfare • As an asset for getting loan from bank and other mortgages • Increased land value
Tenants	<ul style="list-style-type: none"> • Provide labour • Financial contributions • Attend meetings • Follow-ups for landlords 	<ul style="list-style-type: none"> • To support local leaders request
<ul style="list-style-type: none"> • Leaders 		
<ul style="list-style-type: none"> • Ten-cell 	<ul style="list-style-type: none"> • Financial contributions • Attend meetings • Protect public space • Granted land for public facilities 	<ul style="list-style-type: none"> • To raise social welfare • Create conducive living environment • To foster investment environments within the settlement • To improve security of tenure
<ul style="list-style-type: none"> • Mtaa leaders 	<ul style="list-style-type: none"> • Financial contributions • Attend meetings • Protect public space • Granted land for public facilities 	
<ul style="list-style-type: none"> • Ward leaders 	<ul style="list-style-type: none"> • Attend meetings 	
<ul style="list-style-type: none"> • CBO Leaders 	<ul style="list-style-type: none"> • Financial contributions • Attend meetings • Protect public space • Granted land for public facilities 	

Community land development committee	<ul style="list-style-type: none"> • Financial contributions • Attend meetings • Protect public space • Granted land for public facilities • Information dissemination 	
Social groups including tribal groups and women solidarity group (upatu)	<ul style="list-style-type: none"> • Information dissemination 	<ul style="list-style-type: none"> • Private interest on Land • Health environment aspirations

Source: Field data compilation: 2004

(ii) **Barriers and Supports for involvement in the preparation of land use plan.**

Preparation of Ubungo Darajani layout plan was not throughout a smoothly process. There were a number of technical matters that the community leadership failed to forecast due to lack of consultation in the area. For instance, the issue of cost estimates was not properly handled. Landholder were required at first to pay Tshs. 2000/= because it was estimated that there were a total 500 land holders in the project area, but later noted that there were only 269 landholders. In this respect, additional payments amounting to Tshs. 6000/= for each landholder was imposed. 20 high income group contributed a total of Tshs. 36,000/= each. 15% out of 162 land holders paid in installment, 27% paid full amount and while 40% of the landholders did not contribute. This implies that contribution from high income group (58%) made the project fruitful.

It was noted that 40% of land holders who did not also contribute opposed the project. Presence of landholders against the process was due to misconceptions and elements of reactionism. The study also noted that the Councillor and the Member of the Parliament for the area were not

working closely with the local community during planning phase. But later, during cadastral survey the participated in sensitizing and mobilizing residents to contribute. It was noted that these Politicians were reluctant in the first phase because they were not well informed about the project and process. Moreover the preparation of land use planning linked with various institutions interested in land development.

5.5 INSTITUTIONAL ARRANGEMENTS

Community leaders were the key link between the institutions and the local community and other institutions are as discussed.

(i) **Land Registration process:**

The process towards Land Registration has got a number of steps to be followed these are as shown below.

(ii) **Request for Survey:**

This is done by plot owners themselves, being individual or as a group depending with their organization. In the case of Ubungo Darajani this step was done by different plot owners individually in phase 1. However currently the survey is done by one consultant who is paid by the landowners through agreed rate of contribution.

(iii) **Planning Cum Regularisation:**

This is the second step after the request for survey. The tools here are such as the map from aerial photograph of the area. Boundary adjudication is also needed to make compromise in conflict areas. In

Ubungo Darajani the planning team in collaboration did this process with the land owners up to the time where agreement plan was produced.

(iv) **Surveying Process:**

This is the third process after the approval of the agreement plan by the Director of Town Planning. The work involves again field work, computations, plan drawing submission of survey plan and plan approval by the Director of Mapping and Surveys Ministry of Lands

(v) **Registration Process:**

This involves preparation of deed plan, drafting certificate of title, and finally signing them. After this process plot land owner get the offer which directs him/her the conditions as regards his/her plot before getting the title deed. You also explain about the terms of payment needed by the government to the plot owner (title holder).

(vi) **Collection of Certificate of Title:**

This is the stage that the plot owner accepts the conditions stated in the offer then granted a certificate of occupancy of the area. In most cases, the certificate of occupancy of the area given in the time of 33 years or 99 years after which the owner will have to renew the lease. This URP department at UCLAS has facilitated step 1 and 2.

(vii) **Regularisation Process**

The process of regularization has three major parts namely issue of identification, proposal to address the problems, negotiation and achievements.

Identification of issues has much do with discussion and reconnaissance, meetings and base map updating. In this case issues identified include inaccessibility, lack of community facilities, lack of drainage systems, haphazard solid waste disposal, sand mining, no open spaces, and no property boundaries. The identification process was done in collaboration with residents.

Proposal to address the issues deals with first, the amendment of the Ministry's map that could not respect peoples boundaries and if implemented could lead to chaos. In addition is technical proposal which covers accessibility, storm water drainage, solid waste disposal, electricity way leave encroachment, river valley conservation and water supply. The community proposed that the road widths should range from 3 – 7 metres.

After issue of identification and proposals follows the process of making agreements. In this process there were some achievements. One of the achievement is that people agreed to have roads of width ranging from 3-8 metres, boundary conflicts resolved with exception of few places as will be explained later. A consensus was reached that Mtaa Chairman in collaboration with the residents will institute development control.

(viii) Issue Identification Process

There are different process that the planning team used to identify critical issues that are adversely affecting Ubungo Darajani residents. In all the

attempts to address the issue communities were very much involved due to the changing of planning practices that it emphasis on stakeholders participation and partnership in handling (addressing) different problems that affect the life of the people and the living environment as well.

The processes that the planning team, in collaboration with Ubungo Darajani Community used to identify different critical issues which laid down the basis for discussion during negotiation and plan preparation were as follows:

5:6 NETWORKING

(i) Discussion and Reconnaissance:

This was the first process applied after collecting all preliminary information about the settlements from the community leaders. It started with discussion between the planning team and community leaders held on 20th March 2000. During the discussion, the community leaders introduced their main objective as how would be planning team assist them to get their certificate of title.

After discussion it was then agreed that the first attempt that planning team can assist for the residents to realize their goal, was to prepare plan that will be the basis to survey property boundaries. The planning team also walked around the entire settlement and observed several other issues that was not mentioned during the discussion with the community leaders.

The issues identified include poor solid waste management, poor vehicular accessibility to some house and the question of flooding.

(ii) Meeting with Ubungo Residents

This was the second attempt of identifying issues. There were a meeting that involved Ubungo residents and planning team held in 26th March 2000 the meeting intended to get different views from each party about the issue raised. Besides issue that have been identified during the first discussion with community leader and the field visit were introduced to the residents. During the meeting planning team explained all procedures and pre-requisite to be undertaken if one has to get certificate of title for the land they own. For instance, the question of application, plan preparation, plan approval, fixing of beacons etc. In response to those procedures, a lot of questions were raised by the residents, for instance the question of improving the 1992 Town Planning drawing accessibility within their settlements etc. The planning team had responded some of the question while others had to wait until the fund preparation of improvement proposal.

At the end of discussion five issues were identified in the course of discussion. The issues include the question of poor accessibility poor solid waste management, flooding in some of the area, poor drainage and the whole question of obtaining certificate of occupancy for their landed properly which is their main goal.

The meeting was very productive in terms of gaining experiences from the residents (community) in handling land matters. The planning team got an opportunity of witnessing peoples argument about critical issues that are needed to be addressed in the course of plan preparation and the way consensus are reached.

(ii) Base Map Updating:

The exercise aimed at upgrading the 1990 plot map, and releasing the new issues and extent of the problems raised by the community. It was an attempt that took place after reconnaissance and meeting. The base map updating also involved the community because, their local knowledge was very important in terms of any issue that required explanations. The planning team divided into four groups, that had to work in the their respective blocks, in order to increase efficiency and accurancy of documenting and mapping any issue found in the field. Thus the main activities carried out during base map updating exercise include mapping of all structures and features as seen today, identify and write down all other issues that were not mentioned during the meeting or discussion with community and leaders. Due to good cooperation from the community the planning team identified the issues 'at stake'.

(iv) Issues of Regularisation

Basing on the three attempts used in identifying issues, the planning team found that, among all the issue identified, the critical problems that had to be dealt with for the settlement to be regularized were namely:

- Property/boundary demarcation
- Poor accessibility
- Poor solid waste management
- Housing development close/within the valley
- Poor drainage system
- Social services provision.

5.7 NEGOTIATION

(i) Proposal to Address the Issue of Accessibility

More than 100 compounds in the settlement had no vehicle access and about 50 compounds were 50 metres away from the road. In addressing accessibility issue the proposal maintained the existing roads and footpaths but with some improvements in width and continuity. The only main road which starts from the southern part of the settlement and cut across the settlement then joins Mandela road at Zambezi bar and Royal garage was improved from existing 3-5 metres wide to 10 metres access road (complying to the Ministry minimum standard of local road). This road serves as local road and it links the settlement with other settlement. To achieve this road 15 buildings were to be affected and several number of fences. Another type of roads proposed were 6 metres access road which link big part of the settlement and 10 metres road and carry facilities. In this type of road 7 structures were affected and several number of fence 3 metres footpath was also proposed to link other parts of the settlement which were not accessible by big vehicles, this path is to be

used by pedestrian and small vehicles. The last hierarchy proposed was one meter footpath to areas where access road could not be obtained. One cu-de sac was also proposed to access clustered houses in the northern part of the settlement, because of congested development thus difficult for the road continuity. There are two roads that were identified to be blocked by on going development never the less these roads were left for the community to propose what should be done (refer proposal map).

(ii) Storm water Drainage:

The settlement has no clear pattern of storm water drainage except for only one existing channel that cut across the settlement as a result there is flooding in some areas and road destruction. The existing storm water drainage which starts from Northern part of the settlement and cuts across the settlement joins the river valley in the South, was proposed to be 1.5 meters wide and 0.5 depth side storm water drainage was prepared at 10 and 6 meters road that will collect water from plots to the river valley is meter wide and 0.5 deep, 0.5 meters wide and 0.5 deep respectively were proposed to roadside drains (standards from site and services) solid waste.

Apart from Royal garage, Bakwata and Kwazungu transfer station, the settlement has no proper solid waste management, residents either dump their waste in the river valley storm water drainage and undeveloped plots. This existing transfer stations were proposed to be maintained and to be given the right. Another 7 x 10 m² solid waste transfer station was proposed along 10 access road which is at the middle of the settlement

(refer the proposal map). With these proposals make the furthest house to be 150 meters away from the proposed transfer station. The planning team made proposal to restrict dumping of solid waste in the river valley, instead they proposed dust lines and digging of solid waste pits on the plots.

(iii) Electricity Way Leave Encroachment:

The electricity distribution has no clear pattern, neither is the development hence development has take place beneath (II, KV) electric high tension wires 750 meters stretch of IIKV wire cuts across the settlement and 6 buildings and 14 fences are under this wire. Therefore it proposed that clear 10 meters way leave to be left for 11 KV line. Also electricity line, just like other utilities has to pass/follow the reserve area of 10 meters and 6 meters road for easy maintenance and efficiency.

(iv) River Valley

As an implication of dumping solid waste and sand mining in the river valley is literally eroded currently 10 houses have been demolished and 13 are within the river valley. The proposal is to respect river valley by not dumping solid waste and sand mining no more development toward or around river valley. Trees to be planted by people living along the valley to minimize erosion.

Primary School

Considering that the settlement has got primary school within except for 2 Primary Schools across Mandela road. To address this issues it was

proposed that either Ministry of Works to provide safe environment for pupils crossing the highway or the community to propose a site for primary school within the settlement. This primary school will also serve the other settlement across the valley.

(v) Water Supply

Because some of the houses are accessed to water system not more than 100 meters away. Planning team suggested the water authority to reschedule the supply of water. Majority lastly emphasis was proposed on rain water catchments.

(vi) Community Proposals

he technical proposal was the presented to the community/residents for their contribution and advice in order to make the whole process participatory before any decision. After long discussion the proposed 10 meters access road which starts from Kwamzungu (joins Mama Land Road) to corner bar changed to 6 metres. The criteria of community to adopt such changes were to minimize demolition also to accommodate utility services such as electricity, telephone lines, storm water drainage etc. Instead of 10 meters proposed to start from Kwa mzungu the residents/community proposed another 10 meters to start from Mandela highway and cut across Corner bar and joins the previous proposed 10 meters. The other proposed 6 meters access roads and 3 meters paths were agreed upon.

However the residents argued that despite the agreement the proposed width of the roads practically will depend on the size of individual plots and the reaction of the land owners. With regards the proposed electricity 10 meters way leave, proposed solid waste transfer station and storm water drainage the community had no objection or addition.

The community raised their concern on the river valley especially for people living in the river valley. Both parties agreed that the valley need to be conserved and no more construction towards the river. It was also agreed that order to safeguard boundary agreement temporary pins to be used once agreement forms have been signed by the required parties. Therefore with the above small changes from the community final plan for negotiation was produced.

(vii) Agreement/creation of New Layout

Negotiation in four cluster namely the Mamaland Royal garage, Zambezi and Darajani started involving the residents and the planners. Appointments were made and land owners for each property were consulted with the witness from a butting land (to who they share boundaries). All the agreements were mapped and a form signed by land owner and witnesses.

(viii) Land Conflicts:

There was problem of over lapping surveys especially those of individuals with the TANESCO high tension Right of way. This can be

seen in compounds No. 2 and 8 at Darajani and compound No. 374 (in Zambezi).

There was a conflict over land boundaries the property no. 466 (Royal garage) which is garage was in conflict with adjacent boundary as the owner accuse garage owner to have taken part of his land – and surveyed it. The dispute could not be solved as garage owners claimed to have a letter of offer which he did not produce to planning team. In addition in Zambezi plot no. 396 the owner has fenced the public land which prevents the extension of road which if the area was opened 6 compounds could get access. There was long standing conflict between compound No. UBIC 513 and UBK 514 which after calling the previous owner the conflict was settled. Some land owners did not completely like the negotiation such as at compound No. 25 in Darajani.

There was also a boundary conflict between Mr. Juma and Athuman James. On the 14 November 2003 Mr. Juma bought a dilapidated building No. UB 289 from Mr. Jamani who was a neighbour of Athumani. The transaction deal was concluded without contacting or informing the latter to verify boundaries of the property acquired. Latter on Mr. Juma constructed a wall fence fence encroaching upon Mr. Athumani plot No. UB 286. This resulted into a conflict between the two neighbours. The case was reported to Kinondoni Municipal Council Management. The

local Authority were not able to solve the conflict on the pretext that it is an informal settlement and they cannot verify the boundaries because these are no layout plan and formal demarcation or survey beacons.

The problem is that local authorities has no instruments for controlling and directing development in informal settlements. By hesitating to mediate conflicts within informal settlement is a clear testimony of a policy gap in so far as land development in informal settlements is concerned. This results into problems of promoting and supporting grassroots efforts towards informal land management.

Lack of policy and legislative framework a the development control in informal settlement increase environmental problems in the informal housing area. It is worth it to note that while local Authorities has legal power to demolish properties built without building permits in planned settlements they can not can act so easily to demolish for fear of being sued by the respective landlords. In short the informal land development sector seems to be an area which is not adequately exploited.

5:8 CAPACITY BUILDING

Skills and Instruments

The important skill was mapping which includes taking measurements on land and plotting to scale on the map. Simple measuring devices ie top measure and

scale rulers were used. Ability to interpret map requirements to the land owners (eg why we need 10 m Road) was important and convinces them as to why they have to volunteer land for the public use. Mediation of conflicts was central role in this process. In addition various legal requirements and standard had to be used. Basic skills in site planning and neighbourhood planning and squatter upgrading exercises were applies.

CHAPTER SIX

SUSTAINABLE REGULARIZATION

6.0 Issues at Stake during Regularisation process are namely:

- Poor accessibility some houses have completely no vehicular accessibility, while road width varies from place to place ranging from 2.5 – 5m wide.
- Lack of community facilities such as the entire settlement has no primary school.
- There is sand mining along the valley
- Housing development under the high tension electricity wire.
- Lack of drainage system
- Haphazard solid waste disposal
- Lack of open spaces and play ground in the entire settlement.

In amending the 1990 Ministry of Land plan layout the above issues were incorporated in the updated map prepared by the Department of Urban and Regional Planning at UCLAS. For instance the Ministry of Lands layout of 1990 didn't consider the plot boundaries for individuals. Such that if it was to be implemented it could raise a lot of conflicts.

The new layout has addressed several issues as highlighted above as follows:

- (a) Inventory of important housing and service facilities has been developed.

- (b) Areas for public services such as drainage and solid waste disposal which were in danger of being blocked have been given right and recognition. Drainage lines along the roads have been included while those outside the roads have been given right and expanded to accommodate more rain water.

Access as important service and pre-requisite for getting statutory right for residential land in urban area has been highly addressed. Apart from expanding current roads from 4 -5 metres and 6 m the new paths of 3m and footpaths have been provided as agreed by the landowners. The success in circulation becomes more important as no demolition has been caused except for fences where properly owners have agreed. This reduced the financial cost of implementation of the plan.

However there are some limitations to the new plan layout. The new layout plan has not managed to agree in all boundaries but the boundaries showed by single side interest party were mapped. Detailed designs that could ensure development control (such as subdividing the large undeveloped compounds) had not been done. Further the detailed design infrastructure such as drainage has not been dealt with. Other areas such as valley margins no recommendation is part except need to conserve the valley.

6.1 Outcome From Regularisation Process:

One of the outcomes from local community involvement in land Regularisation was the detailed layout plan a critical instrument for land management. Using the land use plan Ubungo Darajani with an area covering 26 hectares a total of 269 plots was regularized. This include provision of access path and roads expansion between one and three meters were reserved for this. The donation of land did not change plot ownership but boundaries were adjusted.

A total of 28 plots which were not included in the regularization plan because they were part of the 20 meters conservation area of Kibangu rive which reported by Municipal council to be a way leave (Map 5 part I and II). During regularisation, six conflicts (Map 5 part I and II) were resolved through negotiations. The nature of the conflicts includes boundary disputes negative reactions from some land holders who wanted to block access road. The conflicts were resolved using local (grassroots) institution which comprised ten cell leaders, neighbour residents, sub-ward and community organization leaders. Also through boundary negotiations all houses were provided with access road. The provision of access to houses was the key pre-requisite for the approval of the regularisation plan by the Municipal Council and Ministry of Lands and Human Settlements.

6.2 Way Forward:

As indicated Regularisation and Land Registration process has six stages. The community completed two stages and they are in the stage of cadastral survey.

Their interest is get the final product of Regularisation in the name of title deed. At the stage of cadastral survey it is the duty of the land survey consultant to ensure the surveys are approved by the Director of Surveys and Mapping Ministry of Lands and Human Settlement before he is paid to full payment. Thereafter preparation of letters of offer, deed plans, signing of certificate of occupancy by relevant parties and finally registration by the Registrar of Titles Ministry of Lands and Human Settlements. The author being an expert and professional man in the relevant field will at all stages advice and assist the community accordingly.

Land Regularisation through Participatory Approach is a strategy towards poverty reduction. The community is expecting to be better off economically after the Regularisation. After collection of registered certificate of Tittles we expected the land holders to use them partly as a collateral to get loan from bankers and other sources. Definitely they will need advice and valuation for mortgage purpose. The author is also a fellow Registered Valuer available to render any advice in this field.

It is also high time for the community infrastructure programme (CIUP) to consider upgrading unplanned settlement which are already regularized eg Ubungo Darajani instead of upgrading un-regularized settlements such as Manzese. Regularisation must come first before upgrading in order to commit the land holders to their boundaries and the volunteered areas for public use.

In order to qualify for CIUP funding the community or area in consideration must have among others a strong CBO and devoted community members with good

track record in upgrading their deficient infrastructures through self help. Ubungo Darajani is qualified with reference to the current Regularisation process taking place. Appropriate investment infrastructure in this settlement after the land regularization process will have the following effects.

- Enhance productivity and employment
- Lead to increase in income levels
- Have a far reaching impact on spatial pattern of growth within this area and guide new development in specific directions.
- Enhance quality of life
- Make it more competitive in attracting more investments.

CHAPTER SEVEN

LESSONS, RECOMMENDATION AND CONCLUSION

7:0 Introduction

The previous chapter was on the regularisation process in Ubungo Darajani. This chapter will deal with lessons, Recommendations and conclusion.

7:1 Lessons

The community do take interest and collaborate in development projects that are demand driven in their area of jurisdiction/Administration especially when the problem emanate from themselves and they are well informed on the procedure to take in order to address the issue at hand.

7:1:1 Lessons Based on Approach

- **To individuals (Land owners):**

We have learnt that general agreements that are reached in general meetings become difficult to implement when it comes to individual property negotiations. For instance the community agreed on road width of 10 metres main access road and 6 metre for access path, but individual land owners were very reluctant especially if happen to affect one's property.

- **To Professionals in the Ministry of Lands and Kinondoni Municipality:**

Multi disciplinary

In order the regularisation process to be more effective and boundaries agreement reached to be respectable by the residents it is good to have planners negotiating, surveyors demarcating and land office's registering what

have been demarcated otherwise there is a possibility of denial of agreement made by planners as the forms that have been used in boundaries agreement are not legally binding.

7:1:2 Lessons based on the context

- **To Community**

The residents have the right to live in good environment with clear drains and open spaces but at the same time none is willing to give one's area for public use. Therefore it is difficult for individual to give land for public use unless all residents contribute equally something impossible because of the different size of plots and location for which not be suitable for public use.

- **To individuals (Land owners):**

There is great variation on plot size in the settlement ranging to 60 square metres to 4000 square metres. People of different income, have different preference on Land requirement and hence giving a variance with the Ministry Standards. For instance the smallest plot in the neighbourhood of Ubungo Darajani is 60 square metres and the largest is 4000 square metres. Ministry of Lands standards should not be less than 400 square metres for high density plot; Medium density plot is 600 square metres to 1200 square metres. Low density plots measure about 1600 square metres. (MLHSD 1997). It is also observed that the plot coverage of most plots reach up to 90% while the Ministry of Lands Standards stimulates coverage of 40% , 25% and 15% for high, medium and low density respectively.

- **To Planners in the Ministry of Lands and Kinondoni Municipality:**

It was learnt that the planning in office does not reflect the reality on the ground. For example the approved Ministry of Lands layout plan of 1990 shows allocation of plots in valleys. Some of the plots are within TANESCO high tension wire and few plots had no access. Therefore planning should be done with landowners involvement in the site, in order to eliminate embarrassments .

- Another lesson is based on peoples misconception of the class of people living in unplanned settlement. It is not true that unplanned areas is for poor. However, it accomodate for both poor and the rich. The standards set by the Ministry of Lands are either too big to some of the citizens or too small depending on the economic well being of a house holds. So, it is difficult when comes to theapplication of the formal standards in unplanned areas like Ubungo Darajani.

7:1:3 Factors influencing Success Story

(1) Existence of committed CBO leaders Vs Trust

People have confidence in the CBO leadership because of transparency and accountability prevailing within the CBO . Some of the CBO leaders had lived in the settlement for over ten (10) years making them versed with community problems and known to majority of residents in the area. It is the community leaders who were making follow-ups to collect contributions (funds) from the landholders and deposited the same to the project account. The leaders seem to be trustworth.

(2) Information flow and communication:

The reviewed literature shows that information dissemination to the community is an important factor for community involvement in land Regularisation. This study has noted that proper information was important to get messages from sub-ward level to individual households. In Ubungo Darajani the technique employed to mobilize and disseminate information to residents in the regularisation project include community meetings and house to house contacts informing settlers on their roles and importance of contributions. Invitation of politicians such as Councillor and the Member of the Parliament to chair community meetings and sensitise residents, use of flip charts to display information and contribution from various community social groups within the settlement were also important. Interalia, continuous informative dissemination and flow engendered good governance, transparency, enhanced trust and commitment among residents.

(3) Commitment to solve community felt problems:

The study revealed that community desire to resolve their problems and achieve concrete out comes motivated individual landholders to rally behind their local leaders. The common element observed in the land regularisation process was the desire by residents and leaders to achieve intended outputs. This particularly refers to provision of safe drinking water, electricity improvement, provision access roads, conflict resolution and acquisition of

title deeds. These outputs attracted reluctant settlers who initially were against the regularization process.

(4) Existence of strong Community Organisation and links with other

Local Institutions for Capacity building

The Community Organisation in Ubungo Darajani played a decisive role towards success in land regularization process. The study noted that good linkage with external institutions, good educational background of the CBO leaders were useful in the strength of the CBO. The linkage with and use of grassroots ten cell leaders especially in resource mobilization, information dissemination to residents enhanced participation in the regularisation process. The Ubungo Darajani land regularisation project is implemented with supervision of unregistered CBO the UDADESA/UDADEFU. The Community Organisation is linked with sub-ward and ten cell leaders who are playing active roles during meetings sensitization and mobilization of funds. Other links established by the CBO include consultation with Institutions such as Ministry of lands Kinondoni Municipal Council and UCLAS. These links assisted to build trust among landholders and tenants to participate and contribute even though the community organization had not been statutorily recognized. Links with other stakeholders built confidence and commitment among residents to contribute to the land regularisation project, moreover, links assist to bring in resources and skills which are not obtainable within the community.

Ten cell leaders were used in disseminating information and resource mobilization. Involvement of ten cell leaders who are closer to the residents seems to have created trust and been instrumental in the collection of contribution and commitments (including cash) from households.

(5) Sound know how

Literature shows that education /knowledge is an important aspect in sustaining local community involvement (Meshack, 1992; 180, Poerbro 1992;30). In the case of Ubungo Darajani this was found to be true. The land Development Committee, comprised of 10 members of whom one member had a master degree in economics, 8 were middle school (standard eight) leavers with long experience in development issues. Sound education enabled the committee to easily comprehend the problems, be innovative how to mobilize, sensitise and approach government institutions as well as tapping local potentials for enhanced land development and management. Fairly good education is within the community that facilitated the leaders to come together to share their problems and successfully evolved strategies to resolve them.

7.1.4 Issues for Successful land regularization

- **Political will and Support**

The community got a support from the Councillor and the Member of Parliament. This support had a positive impact in the land regularization process because they are recognized by the government leadership and that any outcome would have the backing of the government machinery. Their

involvement in sensitizing and mobilizing the community to contribute fund, for local development initiative motivated landholders to engage in the land regularisation process.

- **Creation of Community Land Development Committee**

The neighbourhood has four housing clusters namely Royal garage, Kwa Mzungu, Kwa Kidevu and Zambezi and in each cluster they were represented in the Land Development Committee with two people supported by two advisers. This Land Development Committee effectively supported the land regularization project. The committee used to meet every Wednesday to discuss among others progress in collection/contribution and any other matters.

- **The presence of mixed Income Group**

Ubungo Darajani has a mixture of low income group land holders and high income group landholders. When the high income group support any operation there is tendency of some community members to get more confidence in the whole operation. In the Case of Ubungo Darajani about 20 high income group settlers contributed about Tshs.696,000/= (58%) out of Tshs.1,260,000. Obviously the high income group contributed not just like a charity but with intention of getting title deeds for security reasons of their respective landed properties at the earliest. This motivate the rest of the residents to contribute.

- **Proximity to and availability of technical support**

The community tapped technical support from UCLAS who had vast experience in land regularization. The Institution is not far from the settlement. Therefore it was relatively easy for the community leadership to get to UCLAS for any advice or technical support.

- **Owner occupied houses:**

Most of the houses are owner - occupied. Seventy percent (70%) of the residents are landholders and this proportion was an important social capital because with one voice it is easy to team up to contribute and monitor the activity or operation daily.

- **Presence of local knowledge and application of local norms and rules**

The two clusters of Kwa Mzungu and Royal Garage were displaying the importance power of local knowledge. Though the community members are not Town Planners or Professionals in land matters yet they had local norms governing land development and development control. One of these was the prohibiting of the heavy trucks of over 8 tonnes to ply along the neighbourhood roads. The other norm was requiring any 'would be' land developer to get a building permit before erecting a building structure. In addition, any landholder subdividing land with an intention to sale part of it should inform the ten cell leader and Sub-ward Chairman on the intention to sale the subject property. There was also a role to ensure landholders do not encroach upon the public way/access. Therefore with these norms and rules

existing before the regularisation the two clusters were well coordinated in comparison to the two other clusters of Zambezi and Kwa Kidevu.

7:2

Recommendation

In order to enhance local community involvement in land Regularisation in informal settlements key recommendations in this study include;

- **Decentralize land development control to grassroots (leadership) level**

Subward leaders and ward leaders should be given mandate to enforce laws on development control at the local level. In order for them to be effective it is imperative to give them the necessary knowledge on land development control principles and regulations. Assigning land development control roles to the ward and subward leadership is important if land development function in informal settlement are to be effectively monitored.

Decentralisation of some of the powers from the upper organs to local level actors namely Municipal or Town Council level and eventually to the subward and ward level will reduce problem associated with over densification resulting from delayed regularisation. The local authorities (City Municipal and Town) the Director of Town Planning of the Human Settlements Development and the Commissioner for Lands will still play a key role to provide technical support, scrutinize plan and provide applied standards for carrying out plans as well as facilitate enforcement of development control by providing user friendly technical guidance i.e procedures and instruments.

Though the government has established ward tribunals by the land Dispute Arbitration Act no 2 of 2002 which came into force on 1st October,2003 the Tribunal has limited powers. The Ward Tribunal is restricted to land disputes on landed properties not exceeding the value cost of Tshs. 3,000,000. There is need to go further to scrutinize the limitation of the Ward Land Disputes Tribunal and see if it can be improved to match the situation at ward level.

- **Government to set aside funds for land regularisation:**

The landholders and community leaders feel that it is high time for the Government to provide funds for land regularisation. The argument is supported by the fact that after land Regularisation the local government will come in to collect revenue in form of Property Tax and even Land Rent. 'Since the Local Government and Central Government are beneficiaries to the programme they should provide funds equally the way they are engaging in Community Infrastructure Upgrading Programme (CIUP). CIUP project is envisaged to improve community infrastructure in selected project areas to an appropriate standard that is affordable and responsive to community demand. In CIUP projects the community which is a beneficiary to the programme contributes 5% of the Capital Cost of Construction of the infrastructure and the rest is contributed by donors and the local/central government. Therefore on the same footing this study recommends the central government to contribute 95% of the

cost of land Regularisation and the 5% to be contributed by the community in order hasten the process of regularisation.

In the 2004/2005 financial year the Dar es Salaam City Council has budgeted Tshs. 3,000,000,000 (Tshs. 3.0 billion) for CIUP projects in Kigogo, Keko, Chang'ombe, Manzese, Buguruni and Vingunguti. The Tshs. 3.0 billion is the counter part funding while the World Bank will fund part of the Capital cost and the 5% of the Capital Cost of the Infrastructure upgrading is contribution from the respective communities.

Unfortunately these communities are benefiting from the CIUP programme whereby their settlement are not yet Regularised. The main objective of CIUP programme is to fight poverty meaning after upgrading the infrastructure the respective community must be better off economically. Almost all the communities listed above benefiting from this program are living in unplanned settlements which are not yet regularized and hence they have no security of tenure. How can CIUP alleviate poverty after infrastructural upgrading in these areas whereby Landholders have no approved layout plan (Land use plan) not surveyed no land officially earmarked for public use, no title deed which can be used as a collateral to get loan.

It is high time we consider engaging CIUP project in area already Regularised whereby the community members in particular the

landholders have committed themselves to the boundaries they have volunteered for public use and there is agreement to this effect. Land Regularisation covers preparation of land use plan/layout plan, cadastral survey, preparation of letters of offer/licence and Registration of certificate of title.

By upgrading unplanned settlements which are not yet Regularised (Land Regularisation) is like building a plinth wall before the foundation of the building. Land Regularisation should start first so that the upgrading takes place in an area with approved layout plan for land use. With approved layout plan public use places such as neighbourhood roads are approved and provided for and people have surveyed plots and they know their boundaries and respect areas for public use and they have letters of offer or title deeds. It is in the presence of security of tenure CIUP can alleviate poverty in unplanned settlements. Without starting with Land Regularisation we wont be surprised to hear a land despite of a person encroaching the already upgraded neighbourhood road because the official boundaries are not known and officially documented by the relevant authorities. The author in the capacity of a Councillor Dar es Salaam City Council on 15th June, 2004 during the council session to approve the budget for the year 2004/2005 advanced the idea of putting a component of Land Regularisation prior to Infrastructural upgrading in unplanned settlements. The idea was discussed and a resolution was passed that in future before undertaking any Infrastructural Upgrading in

Unplanned settlements under CIUP program Land Regularisation is to come first.

Provision of Security of Tenure

- Secure ownership of Land
- Access to mortgage or loan from the local community banks and other financial institutions. The loan will enable the land owners to improve their houses and embark on other viable projects. With approved layout plan it is easy to improve infrastructure because public use spaces are available after land regularisation. The question is who to do what.
 - (i) Director of Housing and Human Settlement Development to approve the layout plan/Land use plan
 - (ii) Director of Mapping and Survey to approve the Surveys.
 - (iii) Commissioner of Lands to issue Title Deed.
- Building Capacity of Local actors
- **Basic Training on Land Management issues:**

The study recommends that the few technocrats including Planners, Land Officer, Engineers to make initiatives to train local community leaders i.e. Ten cell, sub-ward and ward leaders to acquire the basic knowledge or appropriate land parceling standards and procedures. Local leaders have to be also trained to be able to take a check measurements of say roads in their areas. In this regards local authorities will have to define and provide minimum standards for various uses such as footpaths, roads and plot

sizes. Local authorities planners have to however closely follow-up and monitor the performance of sub-wards and ward leaders.

- Formalise and legalise role of grass roots leaders in land regularisation. At present sub-ward leaders do not have any legal mandate to engage in land regularization activities. Sub-ward leaders and community organizations leaders were therefore acting informally. Inter alia leaders have been innovative and successfully mobilized funds from residents for upgrading land regularization activities even though they do not have legal man plate to undertake land regulatiosation activities. This shows that their roles and potential to undertake regularization can be enhanced it given legal mandate and support. Once the role of grass roots leaders (sub-ward and ward leaders) it formalized it should be institutionalised by requiring all ward leaders include to report land development and management matters in them monthly report to council. This will provide a basic for council to following land development problem and trend in the local areas a task they are currently not doing.

- **Credit schemes:**

Land regularization process is aimed at poverty reduction. It is a poverty reduction strategy because the community land owners/holders will eventually get security of tenure inform of title deed with secure tenure land value will increase. The land holders can use the title deed as a collateral for loan hence the community leaders through say their CBO in

the name of UDADFIFU can arrange for credit schemes to be made available.

7:3 Conclusions:

Before 1990 Planning and Management of Human Settlements in Tanzania was largely done by the government. Instead of maintaining an approach that placed the government to be the only actor (provider) in urban development issues including planning and management of human settlements the government introduced a more collaborative and participatory approach which advocated community initiatives participation and partnership arrangement with those who are holding a stake in Urban development. Ubungo Darajani initiative documented above and which constitute the case study of this research is a good example. With community members this study shows that local community are able to organize, identify issues of concern, priorities and take actions to address them.

Community Land Regularisation in Ubungo Darajani Stemmed from common problems in the community. These include floods, poor vehicular accessibility, increasing land conflict and fear of eviction by the government due to insecure tenure. The commonly felt problems obliged the community to come together and collectively work to address the issue of land management (regularization) problem. Community participation is an instrument for engendering social capital as well as a strategy for resource mobilization. As a result of social capital which emerged not only because they had personal gains but participated and contributed cash. The community was attracted because they belong to the common course, at

the same time they wanted to associate with the community achievements. This is the power of collective and social network theory.

On the other hand the community and CBO leaders arranged and provided for stratified payment schedule installment which takes into account varying abilities of the residents and ensured that even those with little abilities are not left out or discouraged by accepting contributions in kind for instance labour, these underlines an important norms of operationalising collective theory and enhancing social relations in the community.

The Ubungo Darajani project involved several stakeholders who contributed in cash or in kind. These included Ten Cell leaders, Sub-ward and CBO leaders, individual residents and social groups. The effective mobilization and coordination among these actors and effective links with other institutions such as UCLAS, The Kinondoni Municipal Authority, Utility Agencies and the Ministry of Lands were bases for the achievement recorded in this area.

However, the absence of a clear role of actors seems to undermine the initiatives of the residents and contributes to poor performance of the projects initiated by the community.

The geographic and demographic growth of squatter areas in Tanzania is cause for concern since it is desirable that the majority of urban residents should live in

irregular settlements. Positive government intervention is called for neither demolition and resettlements, nor externally financed upgrading “projects” would appear to be the answer. A policy of cooperation with the various land owners and occupiers in the various areas is likely to be the best option.

Advice is necessary from the public authorities to guide the land owners on the subdivision of their land; to help them determine the appropriate levels of infrastructure and to create a favourable legal framework. It is submitted in this project paper that given the level of squatting that is prevalent in urban Tanzania, nothing short of a policy of maximum cooperation with current land occupiers revolving around such approaches like land pooling and adjustment, or land sharing and entailing decentralization of land management powers can have a considerable impact on this problem.

The study concludes that unless land regularisation activities on going in informal settlements are closely monitored and regulated as the settlement grow, it will be costly socially and economically to retrofit.

There are areas for further research which will complement the currents study. They include

- Community lack adequate knowledge in land matters. What kind of training required for local leaders /CBO/Social groups to enhance their knowledge remains puzzle.
- Whether to upgrade infrastructures in informal settlements before or after land regularization remains an issue for study. There is a need to look into this critically and advice the government and all the local authority in general.
- Another unresolved issue is the question regarding the best time to regularize. Is it when a settlement already saturated, at infancy stage or at a consolidation stage?

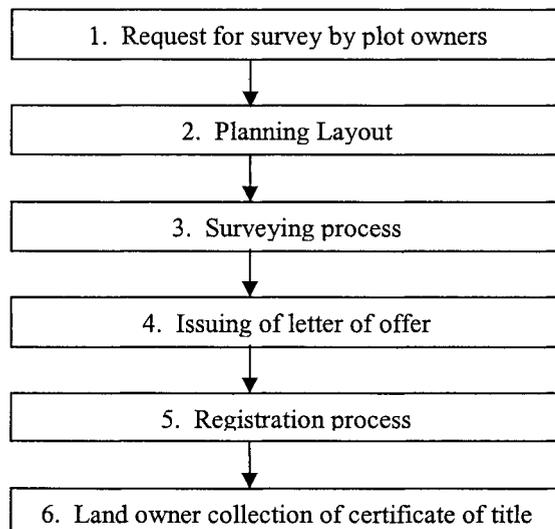
CHAPTER EIGHT

IMPLEMENTATION OF THE ASSIGNMENT

8.0 Introduction

The objective of the exercise is to facilitate the residents of Ubungo Darajani to secure their land rights and improving the level of service. The output of the whole exercise is to secure title deeds for each land holds/owner. Security of tenure is a strategy towards poverty reduction. The procedures involved in this exercise range from a request for survey by plot owner (s), planning layout, surveying process, Registration Process and finally Land owner collects certificate of title deed) see figure 3 below:-

Figure 5: Land Regularisation Stages



Source: Own construct March 2005

8.1 Training:

The land holders/community members are not trained professionals in Land matters particularly Land Regularisation process. Therefore they need training to facilitate obtaining title deeds. The author provided professional advice to the land holders' through their neighbourhood/area representatives how to go about getting their title deeds as follows:

- Advice on how to get competent Registered and licensed surveyor to survey their /plots.
- Advice them on the next step after completion of land survey exercise
- Advice the CBO leaders/executive committee to sensitize the land owners to collect letters of offer after the survey exercise.
- Advice the land owners to ensure they pay all land fees stipulated in the letter of offer
- Advice the land owners/holders on how to register their certificate of occupancy
- Facilitate preparation of title deeds.

A part from the above advices the Land holders were advised that after getting their title deeds they can use them as a collateral or security for mortgage.

The CBO, UDADEFUL has no legal status because it is no registered by the Registrar of Societies Ministry of Home Affairs. The author advised them how to go about in registering their CBO. All steps has been followed preparation of CBO Constitution inclusive (see appendix B) and currently the application for registration is with the Registrar of Societies Ministry of Home Affairs.

We anticipate securing of letters of offer and title deeds to take the maximum of one year after completion of survey process. With regards the registration of CBO we expect it to take the maximum of three months.