

TFCG Technical Report 50

Climate Change, Agriculture and Poverty Alleviation Project

Securing Village Land Certificates and Acquisition of Certificates of Customary Right of Occupancy: a case study of 10 villages in Kilosa, Mpwapwa, Lindi and Rufiji Districts

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Cover photo: Village land use planning in Kilosa District. Photo by Hassan Chikira

About the Tanzania Forest Conservation Group

TFCG Mission: To conserve and restore the biodiversity of globally important forests in Tanzania for the benefit of the present and future generations. This is achieved through capacity building, advocacy, research, community development and protected area management, in ways that are sustainable and foster participation, co-operation and partnership

The Tanzania Forest Conservation Group (TFCG) is a Tanzanian NGO, registered in 1985. TFCG has 30 years of experience in working with issues relating to forest conservation in Tanzania. Through TFCG's five programmes: advocacy, participatory forest management, environmental education, community development and research, TFCG has succeeded in rolling out innovative and high-impact solutions to the challenges facing Tanzania's forests and the people that depend on them. In particular, TFCG has been active in advocating for improved forest management and reduced deforestation throughout this period.

About the Climate Change, Agriculture and Poverty Alleviation Project

Goal: Poverty has been reduced amongst small-scale farmers in Tanzania and greenhouse gas emissions from agriculture have been reduced through the widespread adoption of climate resilient, low emission agricultural practices.

Intermediate outcome 1: Tanzania has developed and is implementing policies and strategies that prioritise support to small-scale farmers to enable them to improve their livelihoods through the adoption of climate smart agriculture and sustainable land and natural resources management.

Immediate outcome 1: Small-scale farmers and other stakeholders are demanding the integration of climate smart, small-scale agriculture and sustainable land and natural resources management in national policy and policy implementation.

The CCAP project was active between October 2012 – December 2015. The project was financed by UK AID through the Accountability in Tanzania Programme. The project partners in 2015 were the Tanzania Forest Conservation Group, the Agricultural Non-State Actors Forum, the Community Forestry Network of Tanzania (MJUMITA) and the Tanzania Organic Agriculture Movement. The project worked with communities in Kilosa and Chamwino Districts and with stakeholders at national level.

For more information, please visit: <http://www.tfcg.org/CCAP.html>

Executive Summary

Back ground and rationale of the study

Greenhouse gas emissions from agriculture contribute significantly to climate change. Poor, small-scale farmers are particularly vulnerable to climate change. However, traditional production methods such as slash and burn, and shifting cultivation as practiced by small-scale farmers also contribute to greenhouse gas emissions¹. Therefore adoption of appropriate production practices that increase yield performance and conserve production resources may provide dual impact to small-scale farmers. Poverty will be reduced due to increased incomes from small-scale agriculture and greenhouse gas emissions will reduce. It has been found that increased security of land tenure for small-scale producers can increase the motivation of small-scale farmers for adoption of sustainable land use and management of natural resources (Kaejiro Otsuka *et al*, 2001). Based on this fact many countries including Tanzania have established policies and legal frameworks² to guide processes for enhancing land ownership by small-scale farmers. Provision of Village Land certificates (VLC) and issuance of Certificates of Customary Rights of occupancy (CCROs) are among measures outlined in the land laws and the policy for strengthening community and individual land tenure.

Over the last decade TFCG and MJUMITA have helped support more than 30 communities to apply for their village land certificates in Kilosa, Lindi, Mpwapwa and Rufiji Districts. After three or more years since the villages submitted their applications and close follow-up, most villages have not received their village land certificates. This study documents case studies on the processes for provision of VLCs and issuance of CCROs; identifies lessons learned; and provides recommendations on measures to improve the processes.

Objectives of the study

The study aimed to document experiences in the implementation of two measures intended to enhance individual land tenure on village land in Tanzania. The measures are:

- i) Provision of Village Land Certificates (VLC) and
- ii) Issuance of Certificates of Customary Rights of Occupancy (CCROs).

The overall objectives of the study were:

- To document case studies of village land certificate applications and to present lessons learned and recommendations regarding the process of securing village land certificates.
- To document case studies of community efforts to obtain customary rights of occupancy and to present lessons learned and recommendations regarding the process of securing customary rights of occupancy.

The case studies document the processes that have been followed and record results achieved so far; analyze the costs of applying for and following up on the certificates; document the perspectives of different stakeholders on the issue including village leaders, ward leaders and ordinary citizens including women; generate lessons learned; and recommend measures to improve the process.

Methodology

Data was collected using three methods and tools: Key informants interviews, Focus group Discussions and Semi-structured interviews. Literature review was conducted to get a broader understanding about the subject; and about the legal and policy context.

¹ Emission from Agriculture –UNDP (agricoop.nic.in/.../Emission%20from%20Agriculture%20-UNDP.pdf)

² The National Land Policy of 1997, Land Act of 1999 and Village land Act of 1999

Key informants (KI) interviewed included executive staff and senior technicians from the Ministry of Land and PMO RALG. Other KIs interviewed were executive directors and project coordinators of CSOs who implement projects related to the study. At district level the District Land Officers and District Natural Resource Officers were interviewed. The interviews with KIs explored their views on enforcement of land policies, laws and regulations related to this study.

Focused Group Discussions (FGD) were conducted with the district teams for Participatory Land Use Management (PLUM), village government leaders and members of the Village Land Use Management (VILUM) teams. FGDs focused on drawing up experiences of these respondents on the challenges they faced and how they addressed the challenges during implementation.

Semi structured interviews were conducted to individual community members who are the direct beneficiaries of the project. Selection of respondents considered fair representation of communities who participated or benefited from the project and those who did not including women, men and youth. The study documented their general perceptions on the importance and anticipated benefits from VLCs and CCROs. Their views on how they participated in the processes for provision of VLCs and CCROs were documented.

The study was conducted in 11 villages in 4 districts. The villages were Dodoma Isanga, Nyali, Lunezi and Chabima in Kilosa District, Kizi and Lufusi, in Mpwapwa District, Nyamwage and Ruwe in Rufiji District and Mkanga 1, Likwaya and Muungano in Lindi District. TFCG and MJUMITA had supported processes in all of these villages except Ruwe.

Villages were selected based on preliminary information regarding their progress in obtaining their village land certificates and CCROs. Half of the villages were perceived to be progressing well in strengthening community and individual land tenure; whilst the other half were perceived to be facing significant challenges. The study documented case studies on village land certificate applications for 10 villages. The case studies on customary right of occupancy applications were documented in 5 villages.

Case studies for provision of VLC

The ten villages covered in this study had initiated the process for acquiring VLC between 2009 and 2011. However the study found that only three villages: Dodoma Isanga, Nyali and Lufusi had received their VLC by the time of this study. There were several certificates at the district land offices that were incomplete or ready for submission to the villages. Certificates in Lindi and Rufiji districts office were ready for submission. Certificates in Kilosa District required signatures of village leaders before being sent to the Commissioner of Land. The study observed that land conflicts, low performance of district officers in following up accomplishment of the processes and limited budgets for district and villages were the main factors contributing to delays.

Case studies for issuance of CCROs

During the planning stage of the study it was anticipated to find beneficiaries possessing CCROs in the sampled villages to document their experiences in acquiring CCROs. The reality on the field revealed that CCROs have not been issued in any of the sampled villages. Therefore the study focused on assessing aspirations of communities on acquiring CCROs to document demand drivers of the community to acquire CCROs. The majority of community members interviewed indicated general awareness about CCROs. Generally the communities demonstrated low demand for CCROs though they are willing and enthusiastic to receive CCROs. They have expectations that CCROs will increase their access to credit, security of land tenure and reduce land conflicts.

Lessons learnt from provision of VLCs

The communication pathway of documents in the process of providing VLCs is long and involves many operational units of the government. It is practically possible to complete the process in 6 months. However, delays of more than one year to complete the process have been the usual experience. It is

learnt that adequate budget to finance the process is necessary but not sufficient to accomplish the process in time. The process may not be efficient if each operational unit of the government and if every staff involved in the process do not fulfill their roles as part of their mandatory operational performance.

Village boundary disputes are the most prevalent cause of delays in accomplishing implementation of VLC and CCROs. The boundaries that divide villages through resource rich areas (especially forests) are hotspots for disputes between villages. The arguments in the disputes are always one part demanding respect of the formal boundaries which were established in the previous maps, and the counterpart demanding respect of customary land marks. The disputes have taken longer to resolve and some cases have not been resolved at all because there is no obvious guide on when and where to respect customary land marks and when to respect formal boundaries.

Crested papers and printer ink are not always easy to obtain immediately from suppliers. If these items are not adequate on stock they may cause delays in preparation of VLC documents.

Operations of the government units are overly dependent on project funding. The government units particularly villages and district authorities are not creative enough in mobilizing own resources (finance and staff time) to complement donor-funded projects. This situation has caused delays in accomplishing operations which the government units have to implement with their own resources.

The commitment of the district authority on provision is a key to success in accomplishing processes for provision of VLCs and issuance of CCROs. It is not enough that the district land office participates in the implementation. If the district authority leadership does not give priority on the processes in their plans, and they don't allocate adequate budget to support the process and they don't hold accountable responsible staff in the project, success in provision of VLCs and issuance of CCROs may be dismal.

Lessons learnt from issuance of CCROs

Majority of community members in the project area understand that the benefits of CCROs include ensuring land security, access to credit and reducing land conflicts. Most the community members in the project area understand that they will benefit on CCROs in the same way. Therefore there is high probability of future disappointment if they do not understand that their specific social context may affect the benefits of CCROs as experienced in Mbozi district³.

Demand for CCROs by the communities is still low. They are willing to receive CCROs because projects and the government provide them. The majority of the community do not strongly associate CCROs with their practical needs.

VLUMPs have been established in all the villages in the project area. By-laws for controlling implementation of the VLUMPs are in place and in force. The VLUMP and the bylaws are important institutional tools for ensuring sustainable land and natural resource use and management. It is learned from the study that where village governments and their committee do not practice good governance, and village government do not provide adequate budget for implementation of the VLUMPs, the VLUMPs are not respected and bylaws are not enforced effectively.

Some of the operational materials particularly crested papers and printing ink may not be readily available. As in the case of provision of VLCs, if these items are not prepared in advance of issuing CCROs, the process may be delayed.

Implementing issuance of CCROs in villages that have not secured VLCs due to boundary disputes (even if they villages are in the process to obtain VLCs) may affect accomplishment of issuance of CCROs.

³ See literature review below

Recommendations

The Government should provide guidelines on resolving boundary disputes to address ambiguous understanding between formal and customary settings of village boundaries.

The government is planning a national program for allocating the land totally. This effort is commendable. The government should however be mindful of the efforts that have already been invested in this sector by various stakeholders and build this program from there. As part of the program the government should establish a coordination mechanism for streamlining efforts of every stakeholder who has interest in supporting land reform in the country.

Land is the keystone for development and economic growth in the country. The government at all levels (central, district and village) should prioritize allocation of budget to support implementation of land reforms as a strategic driver for social and economic growth.

Achievement in provision of VLCs and CCROs should be included in the performance appraisal of government staff to increase accountability of government staff and efficiency of the government units in supporting implementation of projects engaged in provision of VLCs and CCROs.

Agencies that are promoting acquisition of CCROs should always assess the practical needs of the communities and determine what appropriate message to convey to promote demand for CCROs. The HAKIRDHI model demonstrates strength in addressing shortfalls in the standard approach. The situation in the villages where CCAP was implemented need to be revisited to ensure that perceptions of the communities regarding the expectations and importance of CCROs is not superficial. Since CCAP is ending the district authorities should take a lead in this matter.

Village governments should exercise good governance practices to ensure effective implementation of VLUMPs. The village governments should be creative and innovative to generate incomes and allocate sufficient budget to sustain implementation of VLUMPs

Research should be conducted to identify policy barriers that limit the local communities and their government to benefit from incomes generated from natural resources.

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Acronyms

ANSAF	Agriculture Non-state Association Forum
BTC	Belgium Technical Cooperation
CCAP	Climate Change, Agriculture and Poverty Alleviation
CCRO	Certificate of Customary Right of Occupancy
CDO	Community Development Officer
DLO	District Land Officer
DLUM	District Land Use Management
FAO	Food and Agriculture Organization
FGD	Focused Group Discussion
GIS	Geographical information System
GPS	Geographical Position System
IFAD	International Fund for Agricultural Development
JFM	Joint Forest Management
MJUMITA	Muungano wa Jumuiya za Utunzaji Mimitu Tanzania
MKURABITA	Mkakati wa Kurasimisha Rasilimali na Kukuza Biashara Tanzania
NGO	Non – government Organization
NLUPC	National Land Use Plan Commission
PIN	Parcel Identification Number
PLUM	Participatory Land Use Management
REDD	Reduced Emission from Deforestation and Forest Degradation
RUBADA	Rufiji Basin Development Authority
SA	Systematic village Adjudication
SARF	Systematic Adjudication Record Form
SAT	Systematic village Adjudication Team
TFCG	Tanzania Forest Conservation Group
TOAM	Tanzania Organic Agriculture Movement
UNDP	United Nations Development Programme
VEO	Village Executive Officer
VGA	Village General Assembly
VLC	Village Land Certificate
VLUM	Village Land Use Management
VLUP	Village Land Use Plan
VNRC	Village Natural Resource management Committee

1) Introduction

1.1 Linkages between land tenure and sustainable land and natural resources management, adoption of improved agricultural techniques, climate change resilience and climate change mitigation including references to published research

Vulnerability to climate change is greatest amongst poorer households particularly in Sub-Saharan Africa⁴. The majority of the population in sub-Saharan countries including Tanzania depend on subsistence agriculture and pastoralism. Often they apply production practices that deplete production resources. They become poorer and more vulnerable to climate change. Studies reveal that traditional livelihood strategies applied in subsistence agriculture accelerate climate change⁵. Practices such as slash and burn and shifting cultivation that are applied in subsistence agriculture contribute to greenhouse emissions from agriculture. UNDP indicate that agriculture contributes 15% of global greenhouse gases emissions⁶. Greenhouse gases from small-scale agriculture can be reduced by adopting appropriate practices that optimize the use of production resources sustainably. Kaejiro Otsuka and Frank Place⁷ confirmed that security of land tenure increase the incentive of poor communities to use their natural resources sustainably.

1.2 Background and rationale for the study

The Tanzania Forest Conservation Group (TFCG) in partnership with the Community Forestry Network of Tanzania (MJUMITA), the Tanzania Organic Agriculture Movement (TOAM) and the Agricultural Non State Actors Forum (ANSAF) implemented the climate change, agriculture and poverty alleviation project (CCAP). This initiative aimed to steer Tanzania towards an agricultural development pathway that achieves the dual goals of poverty reduction and lower greenhouse gas emissions. The project was operational between October 2012 and December 2015 and was financed by the Accountability in Tanzania Program. Among other activities the project implements two measures aimed to demonstrate sustainable land tenure in relation to village land in Tanzania. These measures are:

- i) Provision of Village Land Certificates (VLC) and
- ii) Issuance of Certificates of Customary Rights of Occupancy (CCROs).

Over the last decade TFCG and MJUMITA have helped support more than 30 communities to apply for their village land certificates in Kilosa, Lindi, Mpwapwa and Rufiji Districts. After three or more years since the villages submitted their applications and close follow-up, most villages have not received their village land certificates. The exception has been Mpwapwa District where village land certificates were issued within a few months of applying. Similarly in addition to the barriers that villages face in getting their village land certificates, farmers face additional challenges in securing their customary right of occupancy.

According to the Land Act 1999 and the Village Land Act 1999, customary rights of occupancy provide the legal basis for individual or group land tenure on village land. Nevertheless, issuance of the customary rights of occupancy to individual villagers seems expensive, time-consuming and technically challenging. Based on this experience the desire of the project to achieve stronger land tenure for rural communities including small-holders may be at stake.

These experiences indicate existence of gaps between theory and practices. Therefore understanding the gaps and how they influence efforts to enhance community land tenure is important. This involves examining the practical processes that have been followed in supporting communities to obtain village land

⁴ Climate change and poverty in Africa: Mapping hotspots of vulnerability, PK Thornton, PG Jones, et al AfJARE Vol 2 No 1 March 2008

⁵ Climate change and poverty in Africa: Mapping hotspots of vulnerability, PK Thornton, PG Jones, et al AfJARE Vol 2 No 1 March 2008

⁶ *Emission from Agriculture –UNDP* (agricoop.nic.in/.../Emission%20from%20Agriculture%20-UNDP.pdf)

⁷ Kaejiro Otsuka and Frank Place, (2001) Land tenure and Natural resource Management, A comparative study of Agrarian Communities in Asia and Africa, International Food Policy Research Institute.

certificates and CCROs; assessing costs related to application and following up on the certificates; and understanding the perspectives of different stakeholders including village leaders, ward leaders and ordinary citizens including women. Analysis of the information will seek to generate lessons learned from practice and propose measures for improving the processes.

1.3 The objectives of the study

The study aimed to document experiences in the implementation of two measures intended to enhance individual land tenure on village land in Tanzania. The measures are:

- iii) Provision of Village Land Certificates (VLC) and
- iv) Issuance of Certificates of Customary Rights of Occupancy (CCROs).

The overall objectives of the study were:

- To document case studies of village land certificate applications and to present lessons learned and recommendations regarding the process of securing village land certificates.
- To document case studies of community efforts to obtain customary rights of occupancy and to present lessons learned and recommendations regarding the process of securing customary rights of occupancy.

The case studies document the processes that have been followed and record results achieved so far; analyze the costs of applying for and following up on the certificates; document the perspectives of different stakeholders on the issue including village leaders, ward leaders and ordinary citizens including women; generate lessons learned; and recommend measures to improve the process.

2) Review of relevant laws and legal instruments

2.1 The legal basis for village land certificates and procedures of issuing the certificates

The Village Land Act No. 5 of 1999 states that Village Land Certificates (VLC) formalize village land boundaries and the authority of the village council to manage and administer village land. The VLC affirms the occupation and use of the village land by the villagers under and in accordance with the customary law applicable to land in the area where the village is situated. The law empowers the village council to allocate (and manage) parcels of village land or grant customary rights within the village to individuals, households, families, clan, community, or other lands and their adjudication, registration and titling. Section 7 of the Village Land Act defines village land to include lands that are registered under section 22 of the Local Government (District Authorities) Act or those designated by the Land Tenure (Village Settlements) Act, 1965 or any other law or procedure and the land, and the boundaries of which have been agreed upon between the village council claiming jurisdiction over that land.

The VLC is issued in the name of the President and confers upon the village council the functions of management of the village land. The VLC is issued by the Commissioner of Land to every village in respect of which the boundaries of village land have been demarcated or agreed in accordance with the provisions of the law or administrative procedures referred to in the law. The Guidelines for Participatory Village Land Use Management (second Edition 2011)⁸, outlines series of steps for issuing village land certificates as summarized below:

- **The first step** is confirmation of village boundaries and carrying out surveys of the village boundaries. During this step any boundary disputes are settled amicably between parties claiming jurisdiction over that land. Boundary agreements and settled boundary disputes are documented and signed by all persons involved in agreement or in settling of the disputes. Where a village claiming or occupying and using land as village land is unable to agree with or settle boundary disputes the Minister of land may intervene to settle the disputes according to provisions in subsections (2) through (5) of section 7 of the Village Land Act. 1999.

⁸ NLUPC, (2011) Guidelines for Participatory Village Land Use Management Second Edition

- **The second step** is preparation of village land survey maps by the District Land surveyor. Then the District Land Officer prepares the applications of the VLC in a prescribed form.
- **The third step** is endorsement of the application by the village council. This is a step where the village leaders affirm the accuracy of the survey maps attached to the application. Then village leaders sign and seal on the application form and send to the District Land Officer.
- **The fourth step** is the District Land Officer prepares the certificate and attaches the application for and sends to the Commissioner for Lands for signing. The village land certificate is deemed complete for issuing to the respective village after the commissioner of lands signed on the certificate.
- **The last step** the certificate is delivered to District Land Officer, village leaders signs on the certificate before the District Land Officer and registers the certificate and delivers it to village leaders. However before the certificate is delivered to village leaders the village leaders should establish a village land registry having a secure strong room or cabinet for keeping the certificate and other statutory documents related to management and administration of the village land.

2.2 The legal basis for customary rights of occupancy and procedures in issuing customary rights of occupancy

Section 8 of the Village Land Act 1999 empowers the village council with the responsibility for management and administration of all village land. Subsection (4) provides the village council with the mandate to establish a committee to advise and make recommendations to it on the exercise of any of the functions of the management of village land. But, notwithstanding the provisions of section 110 of the Local Government (District Authorities) Act Cap. 287 such committee shall have no power to take any decisions concerning the management of village land. Subsection (5) describes the power of the village council to allocate land or grant a customary right of occupancy subject to prior approval of the village assembly. Section 14 of the Act defines the Land which is or may be held for customary rights of occupancy, and the conditions for the granting of customary right of occupancy to persons or groups of persons. Any person who is recognized according to this law as occupying any parcel of land customarily is eligible to apply and receive a Certificate of Customary Right of Occupancy (CCRO). Part B of the Law Sections 22-47 are provisions for Grant and Management of Customary Right of Occupancy. These sections describe persons who are eligible for application of CCROs and conditions with which CCROs are issued.

Procedure for issuance of CCRO is provided in the Guidelines for Participatory Village Land Use Planning, Administration and Management (Second Edition - 2011)⁹ as prepared by the National Land Use Planning Commission. The 5th step of the guidelines describes the implementation of village land administration for enhancing security of land tenure including the steps to follow in the issuance of CCROs. According to the guidelines¹⁰ the conditions to start processes for issuing CCROs are summarized below:

- Established village and district Land Registries
- Established Village boundaries. Jurisdiction for issuance of CCROs is vested in a village council holding registered village land. Therefore village boundaries are established during the process of village land registration.
- Approved Village Land Use Plans by the Commissioner of Land
- Approved village bylaws by the District Full Council
- Villagers are aware of the process, need and use of CCROs and are well mobilized to engage in the process
- Efficient, skilled and motivated PLUM and DLUM committees
- The required resources for this step are made available

Adjudication of land parcels is the first step in starting the process for issuing CCROs. The Village Land Act of 1999 provides two options applicable for this step, Spot Adjudication (Section 49) and Systematic Village

⁹ www.nlupc.org

¹⁰ NLUPC, (2011) Guidelines for Participatory Village land Use Management Second Edition

Adjudication (sections 51-55). Spot Adjudication is applied in response to a demand from an individual applicant of CCRO. A pre-established adjudication team together with the CCRO applicant and contiguous neighbors will visit the applicant land parcel and make records of coordinates of the boundary details of the parcel. The Systematic village Adjudication (SA) involves multiple land holdings. This option is capital intensive (financial, skilled technical personnel, labor, time and equipment), requires mobilization and participation of a large number of community members and requires application of effective participatory methods. This is common when a third party interest is involved and willing to finance the process, such as NGO projects or government operations or the communities in the village implement the process with their own resources. SA is recommended by the village council and copying the commissioner of lands. The recommendation is posted on village public notice for 14 days after which the Village General Assembly (VGA) is convened for approval.

Upon approval of the VGA the village council appoints the Adjudication Advisor and other persons to form a village Systematic Adjudication Committee. Together with district PLUM team, at least two Systematic Adjudicating Teams (SAT) each comprising of 5 members are formed. The establishment of the teams ensures a composition of team members who can collaborate to execute all the functions requires in the adjudication process. Before field work for SA is conducted land owners should register with the Village Executive Officer (VEO) and obtain Parcel Identification Number (PIN). A specific day for doing SA in a village should be appointed when land owners and their neighbors should be informed to participate in identification and verification of parcel boundary records. During field work, specific details of each land parcel are recorded on the Systematic Adjudication Record Form (SARF). Land owners and neighbors should sign a consensus on their boundaries on the SARF. At the end of each day the SARF are submitted to a GIS desk team for compilation and digitization of field information. Based on the Babati and Bariadi district experiences the National land Use Planning Commission estimates that the SAT may cover an average of 30 land parcels in a day for field work.

Copies of consolidated digital maps of land parcels and their details compiled in attribute tables are logged in the District Land registry and hard copies are produced and logged in the Village land registry as provisional adjudication records. As provided in the Land Act (1999) Sections 54 and 55, the village council produces another hard copy and publicly displayed on village notice boards for 30 days to allow individuals to ensure the details reflect existing rights. After that period the provisional adjudication records become final if no appeal is logged against the provisional records. CCROs may then be processed and issued as follows:

- The owner of a land parcel claiming an interest in an adjudicated area fills in the application form No. 18 and submits to the VEO who submits the applications to the District Land Officer (DLO).
- The DLO opens a file for preparation of CCRO using the SARF and prepares a CCRO in triplicate and sends them to the VEO.
- The applicant signs the CCRO before the VEO and pays the necessary fees.
- The village chairperson and VEO signs and seal/stamp the CCRO and sends the signed CCROs to the DLO and the CCRO is deemed complete and final ready for issuing to the applicant.
- The DLO (if different) sends the CCROs to the Authorized Land Officer for signing, seal, register and laminate one copy of CCRO and send back all copies to the DLO
- The DLO files one copy of the CCRO into the district land registry and sends to respective VEOs two copies including the laminated copy. The VEO issues the laminated copy to the applicant.

3) Literature review

3.1 A summary of other research and literature related to lessons learned and recommendations related to the village land certificates and customary rights of occupancy in Tanzania.

Provision of village land certificates (VLC) and certificates of customary rights of occupancy (CCROs) is part of land reforms guided and regulated by country laws and policy. The role of the government in the implementation of land reforms is crucial. Establishing policies and legal frameworks is not enough; and participation of other stakeholders in the process is not sufficient to guarantee successful introduction of

land reforms. Government commitment to coordinate, regulate actors on the ground and finance its instruments sufficiently is a key to success. AusAID (2008) projects' experiences in the Pacific are typical examples that faced difficulties during implementation of land reforms because the governments failed to fund administrative operations adequately¹¹.

Community demand for land reform services is another important factor of success for provision of VLC and CCROs. Comprehensive assessment of communities is necessary to determine their practical demand on land reform services. For instance it is important that women's land rights are enhanced through individualized land rights. However, Evelyn Nambiru –Mwaura (2012)¹² confirmed that improving the security of women's land rights in rural Liberia required not so much focusing on individualization of property rights for women, but rather on ensuring that their rights to land, whichever way they may access it, are more secure. She insisted that present opportunities to influence women's control over land through supporting positive aspects of customary land tenure should not be overlooked.

Project success anchored on creating superficial demand of the community for CCROs is not a long lasting success. Elizabeth Fairley (2012)¹³ reveals that overbearing focus on CCROs for collateral derailed the project in Mbozi district. Projects attempting to attract people to apply for CCROs with the expectation that they will access loans, almost misfired when loans were not forthcoming. although access to credit seem to be the strongest incentive for communities to apply for CCROs, Romanus (2009)¹⁴ confirmed that CCROs do not significantly promote access to credit even if banks are willing to provide them because of the low value of the land, high transaction costs and low profitability of small-scale farming.

4) Methods

4.1 Methods and tools

Data collection applied three types of methods and tools which are: Key informants (KI) interviews, Focused Group (FGDs) Discussions and Semi-structured interviews. Literature review was conducted to get a broader understanding of other experiences about the subject; and to document the legal framework and policy environment. Specific checklists and questionnaires (Annex 1) were used to guide the interviews. The checklists and Semi structured Questionnaires were designed to collect in-depth views of different categories of respondents and allowed for triangulation of common issues that prevailed across different categories of respondents. The different categories of respondents interviewed during the study are the following:

- **Key informants from policy makers and/or enforcers at Ministry and district level.** They included one senior officer from the Ministry of Lands (The Head of Ministerial Delivery Unit) and complemented by a discussion broadcasted by TBC1 on 11th Dec 2015 when the Commissioner of Lands who was the guest in that discussion, explained about the government direction for Total Allocation of Land in Tanzania. One senior Technician at the Ministry of Land was interviewed about practical experiences of the ministry on provision of VLCs processes. The Assistant Regional Secretary for Singida region was interviewed about the role of the PMO RALG on the process in provision of village registration certificates. Other Key informants were 4 District Land officers or District Natural Resources Officers (one from each district), four ward councillors (one from each district) and the Managing Director of

¹¹ AusAid Public Affairs, Group Making Land Work, volume two case studies on customary land rights and development in the pacific, Published by the Australian Agency for International Development (AusAID), Canberra, June 2008.

¹² Evelyn L Namubiru-Mwaura, WOMEN AND CUSTOMARY LAND TENURE IN LIBERIA, Annual World Bank Conference on Land Policy and Administration, April 2012 Washington

¹³ Elizabeth Fairley Ph.D., (2012) Upholding Customary Land Rights Through Formalization: Evidence from Tanzania's Program of Land Reform Department of Geography, University of Minnesota

¹⁴ Romanus Sanga (2009), Assessing the impact of customary land rights registration on credit access by farmers in Tanzania. A case study of Mbozi district. A masters degree thesis submitted to the International Institute for Geo information science and Earth Observation, ENSCHEDE the Nethalands.

HAKIARDHI, an NGO engaged in policy advocacy on land issues. Interviews with these respondents explored their views on enforcement of land policies, laws and regulations related to this study.

- **Focused Group Discussions (FGD) with members of district PLUMs and VLUMs.** A total of 14 members of DLUMPs (District Land Use Management and Planning) teams and 67 Members of VLUM teams and village leaders and 4 CCAP project staff at district level participated in FGDs. FGDs focused on drawing up experiences of these respondents on the challenges they faced and how they addressed the challenges during implementation.
- **Semi structured interviews were conducted with individual community members** who are potential direct beneficiaries of receiving CCROs. Selection of respondents considered fair representation of communities who participated or benefited from the project and those who did not, women, men and youth. The study interviewed 21 men, 23 women and 30 youth (62% girls)

Annex 2 provides a list of respondents consulted.

4.2 The study area

The study was conducted in 11 villages in 4 districts where TFCG and MJUMITA have been operating through the CCAP project and other projects. The villages were Dodoma Isanga, Nyali, Lunenzi and Chabima in Kilosa District, Kizi and Lufusi, in Mpwapwa District, Nyamwage and Ruwe in Rufiji District and Mkanga 1, Likwaya and Muungano in Lindi District. Villages were selected based on preliminary information regarding their progress in obtaining their village land certificates and CCROs. Half of the villages were perceived to be progressing well in strengthening community and individual land tenure; whilst the other half were perceived to be facing significant challenges. The study documented case studies on village land certificate applications for 10 villages. The case studies on customary right of occupancy applications were documented in 5 villages.

5) Case studies on provision of Village Land Certificates

5.1 General findings

The villages covered in documenting case studies on provision of village land certificates (VLC) included Dodoma Isanga, Nyali and Lunezi in Kilosa district; Kizi and Lufusi in Mpwapwa district; Nyamwage and Ruwe in Rufiji district; and Mkanga1, Likwaya and Muungano in Lindi district. General findings from the study were the following:

- All 10 villages initiated the process for acquiring VLC between 2009 and 2011. All applied standard approaches and procedures established in the legal framework and guidelines.
- The villages initiated the process by conducting awareness meetings to community members. This involved village council meetings, sub village meetings and Village General Assembly meetings. The villages completed this stage within 2 to 3 months. Validation of boundaries varied between one to two weeks. Exceptions were noted in some of the villages particularly in Lufusi, Nyali, Nyamwage and Mkanga 1 villages where boundary verification took longer than two months to accomplish. Boundary disputes were experienced in almost all villages. The disputes were mainly about village boundaries presented in the village maps that were surveyed by the government between 2004 -2007. Most disputes were resolved amicably but in some villages the disputes persisted. Nevertheless all villages managed to have their final village survey maps and submitted their applications for VLC within one year.
- Between 2012 - 13 applications for VLC in all the villages had been submitted to the respective District Land Offices. However, only three villages: Dodoma Isanga, Nyali and Lufusi had received their VLC by the time of this study. For these villages it took 1 – 3 years from the time of submitting their application to the time that they received their VLC. For the other seven villages, the process has got stuck either due to delays at the District level or due to boundary disputes.

In three of the districts, VLCs were reported to have been delivered at the District level but not distributed to the respective villages. For example, it was reported that eight VLCs of villages supported by TFCG in

Kilosa district were sitting at the District Land Office. The certificates needed to be signed by village leaders before being sent to the Commissioner of Land for signing. There were 23 VLCs completed in Rufiji district that were ready for submission to villages including those for Ruwe and Nyamwage villages. Lindi district had more than 60 VLCs ready for submission to villages including those for Muungano and Likwaya. Village leaders have to sign on the certificate during delivery. It was observed that while the DLOs have no budget to distribute the certificates to the villages, the villages don't have funds to provide to leaders travel to the district to sign and collect the certificates.

Table 1. Summary of VLC applications

District	Village	Yr Application for VLC submitted	Yr VLC Received	Comments
Kilosa	Dodoma Isanga	2011	2013	
Kilosa	Nyali	2011	2012	
Kilosa	Lunenzi	2012	Not yet.	Process has got stuck at the District level.
Lindi Municipality	Mkanga 1	2012	Not yet.	Village was converted into an Mtaa.
Lindi Rural	Likwaya	2011	Not yet.	Process has got stuck at the District level.
Lindi Rural	Likwaya	2011	Not yet.	Process has got stuck at the District level.
Mpwapwa	Kizi	2013	Not yet.	Process has got stuck at the District level.
Mpwapwa	Lufusi	2011	2014	
Rufiji	Ruwe	2010	Not yet.	Boundary dispute with Ikwiri Township ongoing.
Rufiji	Nyamwage	2009	Not yet.	Village land use plan not approved due to dispute with RUBADA

Delays in accomplishing the process of provision of VLCs were due to some challenges experienced along the process. Common challenges the villages and other stakeholders faced during the process to acquire VLCs included the following:

- **Resistance of some community members to accept formalization of their village land.**

Community members perceived the process as being a mechanism to take away their land. Some feared that the government wanted to introduce tax on land holdings. Awareness meetings conducted at the beginning of the process helped to clear those doubts in most villages. The situation was tense in Rufiji district where one of the missions for initiating certification of village lands was conducted by RUBADA with the intention of identifying land for investors. A typical case is at Ruwe village where the communities are disputing allocation of 1650 Ha for investment. They want the VLUP revised to ensure that there is available land reserve to allocate 2 ha for each member of the village (including children who will need land in future). The current VLUP provided potential allocation of 2 ha per household (average size of households in the village is 4.5 members). Negotiation between the village and the district is still going on.

- **Village boundary disputes.** Between 2004 and 2007 the government conducted village land boundary surveys. All the villages covered in the study have village land maps approved by Ministry of Land. The villages were therefore required to verify the boundaries as presented in the existing maps. The study observed two major causes of boundary disputes.

1. The village survey by the government was rapidly conducted. Due to limited budget the survey ignored customary features of the village boundaries. Thus the village maps are characterized by having long straight lines demarcating the boundaries, some of them up to 10 km (Annex 3). According to the Ministry of Lands the Village Survey program was

Box 1:

'Our neighbors want part of our forest we cannot allow part of our village land to benefit others'. Ibrahim Mboweto a village chairman Ruwe Village Rufiji District.
'I am a resident and indigenous in this village. The village was spilt publicly and set boundaries. I have my fields in this village and in the other villages. You know boundaries cannot split our culture. I know boundaries have no effect on the ownership status of my fields. I don't care where my fields belong'. Wilhelm Daudi Kianga Kizi Village Mpwapwa District

massive. The budget allocated by the government would not be sufficient to cover the required costs to pick all land mark details defined customarily by the communities. During boundary verification, they recognized that some pieces of lands that are customarily recognized to belong in one village had been chopped into another village by the long straight boundaries. In such situations the villages favored by the existing village map wanted the boundary respected, while the other side demanded revising the boundary to respect details of features defined customarily. In most of the villages the communities resolved the disputes agreeing to respect the existing maps as a compromise to let other activities of the projects to progress. In some villages such as Nyali, Likwaya, Lufusi, Mkanga 1 and Ruwe boundary disputes are persisting. It was observed that village leaders and some opinion makers were most concerned on the disputes than ordinary community members. Statements such as those quoted in Box 1 were common during interviews.

2. Boundary disputes were common for boundaries in shared forests. Typical cases are the disputes between Nyali vs Chabima; Ruwe vs Mng'aru, Ngulakula and Mgongo; Likwaya vs Moka. In those cases GPS readings or previous coordinates of beacons were disputed alleging that the beacons were either dislocated or GPS were wrongly recorded leading to locating beacons on wrong positions.

- When government surveys were conducted the communities (particularly leaders) had not realized the importance and implications of mapping and formalizing their village land. During verification of the boundaries the communities had recognized the importance of mapping and formalizing their village land. Thus raising the demand of communities and their village government to protect their customary rights on land holdings. In some villages such as Dodoma Isanga, Kizi, Lunenzi and Muungano, boundary disputes have been effectively settled because the communities understand that customary land rights for individuals are preserved even if the land parcel is in a village where the owner does not reside. Also their leaders in those villages were ready to compromise among each other.

- **Inadequate personnel and budget at district and villages to cover administrative costs.** It was observed that all districts depend on one or two persons at the land offices to handle administrative and logistical process in accomplishing registration of Village Land Certificates. Usually these persons have other duties to handle in their responsibilities that are of higher priority than handling VLC issues. Sending and follow up of applications to the land Ministry headquarters demand budget for follow up which is usually not allocated specifically.

- The Ward Councilors interviewed in all districts have the opinion that the government at all levels from village, district and central government do not prioritize allocation of sufficient budget to support land reform programs.

Specific cases on the acquisition of VLCs for villages covered by the study are presented in the following sections.

5.2 Dodoma Isanga Village in Kilosa District

The village is located 25 km to the south-west of Kilosa Town in Kilosa District. The village borders with Kilosa Township area to the north, Chabima village to the west, Nyali village to the south and Changalawe village to the east. According to the Village Land Use Plan map, the village area is 4503.06 (Ha) excluding about 30% of the land area that is mapped in the village land map which is defined as general land owned by the Sisal Estate Company. The village was established in 1974 during the national Ujamaa village program. It is a registered village under the Local Government (district Authority) Act No. 7 of 1982 with a certificate issued on 8th August 1993 (see Annex 6). The population of the village is 1870 with 422 households.

The village initiated the process to acquire VLC in 2010. A series of meeting were conducted for three months to raise awareness of the communities in the exercise of mapping village land. Village Council meetings were held almost every week sometimes for decision making and sometimes for execution of field

operations. Village General Assembly was held two times. The first meeting was during inception of the project and second for endorsing the final village boundary map. Awareness meetings at sub-village level were also held. At the end of sensitization meetings the Village Land Use Management (VLUM) Committee and the Village Natural Resource Management Committee (VNRC) were established. The two committees received trainings from project staff and the district PLUM (Participatory Land Use Planning) team.

Validation of village boundaries was accomplished within 15 days with support from the PLUM. The village experienced some boundary disputes with neighboring villages particularly with Chabima where the border is within the forest reserve. The dispute was resolved amicably within 5 days of dialogue between village leaders of the two villages. The diverse composition of participants in the dialogue meetings was key in resolving the disputes in harmony and quickly. Other participants in the meetings were elder persons from the two villages, who had a good knowledge of the traditional boundaries. Others were faith leaders who provided spiritual counseling that helped to control emotions during the discussion. Awareness meetings prepared well the communities. They provided adequate cooperation in resolving boundary disputes. The other factor that helped to resolve the dispute was the beacons that were installed during the 2006 village map surveys. Written records of the agreements that were reached between the neighboring villages were available and were used as reference in dispute resolutions. After verification of boundaries there were no major changes in the village map and therefore the 2006 village map was endorsed. The village leaders logged their application for VLC in 2011 to the district land office. TFCG and MJUMITA Project staff visited the district land office almost every month for follow up on the certificate. Finally they received the VLC in 2013. See Annex 8.

Costs directly related to village and community roles in the process included daily lunch allowances to 8 community members who participated in boundary verification and dispute resolution meetings for 15 days. Thanks to continued support from project staff to follow with the district. This support saved the village from paying travel costs almost once every month (for one and a half year of follow up) that would cost about 40,000/= per trip.

5.3 Nyali Village in Kilosa District

The village was established in 1975 during the national Ujamaa village program. It is a registered village under the Local Government (district Authority) Act No. 7 of 1982 with a certificate issued in 1984. The population of the village is 1038 with 230 households. The village is located about 38 km in the South Kilosa District. The village borders with Chabima village to the west, Dodoma Isanga village to the north, Mdundumizi to the east and Ukwiva forest reserve to the south. About 62% of the village land is forest reserve which is a continuation of a reserve forest extending to Chabima and Dodoma Isanga Villages, and joins the Ukwiva forest reserve.

Nyali Village initiated the process to acquire VLCs in the same period as Dodoma Isanga Village. They also experienced boundary disputes and applied the same approach in resolving the disputes. However the dispute with Chabima Village has not been resolved yet though the VLC for the village was finalized and issued to the village in 2012. See Annex 7. The border between Chabima and Nyali village is in the forest reserve. Nyali leaders claim that the beacons that were installed during the 2006 village mapping have been relocated into Nyali village land. According to village leaders and VNRC members Chabima leaders did not provide sufficient cooperation in the conflict resolution. Nyali leaders had to sign the village land map without the corrections to avoid delays for other processes that required accomplishing verification of village boundaries. Village leaders are planning to pursue boundary dispute case with Chabima village sooner or later when they will establish appropriate procedures.

5.4 Lunenzi Village Kilosa District

The village was formerly a sub-village of Ibingu village and became a full village in 2000 and was registered in 2002 under the Local Government (district Authority) Act No. 7 of 1982. The population of the village is 911 and 181 households. It is located about 65 km to the west of Kilosa Town past Chabima and Ibingu villages. The village is located in the high altitudes of about 1200m a.s.l on the Rubeho Mountains. The village has fertile soils, viable water streams and reliable rainfall. The high agriculture potential of the village

attracts large numbers people from outside the village to do farming in the village. They open up new fields, rent or buy from local households. Degradation of forests around the village is obviously recognized due to exercise of shifting farming and population pressure. The village borders with Chabima Village to the south east, Ibingu village to the south west and Kidete village to the north.

Lunenzi village pursued application of VLC in the same way as Dodoma Isanga and Nyali villages. Similarly they applied the same approaches and procedures for boundary verifications and resolved some disputes with neighboring villages. They logged their application for VLC to the district land office three years ago but they have not received their certificate. The long distance to the district headquarters, difficult steep land slopes to reach the village only on foot the last 4 km and poor mobile network coverage makes it difficult for the village leaders to follow up with the district land office. On the other hand the village government has no resources to cover costs for following up the district land office. Delays in processing VLC between the district and the Ministry of Land explained in section 7.2 below is a major cause of the delays.

5.5 Lufusi Village Mpwapwa District

Lufusi village is located 78 km to the south of Mpwapwa town. The village borders with Lumuma village to the east, Lufu Village to the south, Idaho and Kizi villages to the South west and Mafene village to the north. The village was established during the Ujamaa village program in 1975. It was registered under the Local Government Act in 1982.

The village started the process in 2010. They experienced boundary disputes as well. The beacons installed during the 2004 survey of village map were installed long distances apart up to 6 km between each other locating only major corners of the boundaries. Details between the corners were ignored leading to long straight village boundaries. When community members were verifying the boundaries they wanted to follow all the details of the boundaries some of them affecting locations of lands between neighboring villages. This caused a delay of about 2 months and finally it was agreed to respect the boundaries established during the 2004 surveys to avoid delaying other processes. Although the village accomplished all processes by end of 2011 and submitted their application to the district land office, they received their VLC in beginning of 2014.

5.6 Kizi Village Mpwapwa District

Kizi village was established in 1993 when it was split from Mbuga village. It was registered in 1998 under the Local Government Act. The village has 1285 inhabitants and 265 households. The village borders Mbuga village to the south west, Galigali to the west, Lufusi to the north, and Lumuma Kilosa to the east and Iguluwi to the south.

The village started the process in 2011. They experienced a delay of about 1 year to resolve boundary dispute with Mbuga village. The decision to split the village from Mbuga village was declared administratively without clearly defining the boundaries between the two villages. The 2004 village map survey established only one straight boundary line dividing the villages. During boundary verification they identified boundary details that were too many and too important to ignore. The dialogue between the two villages continued for over a year that involved continued awareness rising and consultations with the communities (particularly those who would be affected by boundary decisions). Finally it was agreed to respect the 2004 boundary. This was until when the communities understood that village boundaries would not affect land holding status whether the land is within the village they reside or in the neighboring village and leaders were ready to compromise. Then village leaders signed the application for VLC and submitted to the district land office in 2013. To date the village have not received the VLC. The last feedback they received from the project staff that the certificate is not yet ready. The village government does not have resources to cover costs for follow up thus they are waiting until when the district will be able to finalize the process and deliver the certificate to the village.

5.7 Nyamwage Village Rufiji District

Nyamwage village was established in 1974 during Ujamaa villages program. It was registered under the Local Government Act in 1984. The population of the village is 3660 and has 1243h households. The village is located on the Dar – Mtwara main road 45km in the east of Utete town the district headquarters of Rufiji District. The village borders with Ikwiriri town ship to the north.

The village started the process for applying VLC in 2009 concurrently with the Village Land Use Planning process. The village land map from the survey of 2006 was used for verification of village boundaries. A boundary dispute emerged with authorities of the proposed Ikwiriri township. Nyamwage village leaders claim the boundary to be the Rufiji River while Ikwiriri authority claims the boundary to be at a point where the old tarmac road ended. This makes a stretch of 4 km of disputed land. In 2014 the District land officer ruled in favor of Nyamwage Village based on the 2006 village map. Ikwiriri authority disagreed with the ruling and appealed to the Minister of Lands. Until this dispute is resolved, Nyamwage village cannot continue with the provision of CCROs and the proposed Ikwiriri township authority cannot be formalized. The other controversial effect of the situation which affects the community members is that while Nyamwage Village allocates the land for grazing, Ikwiriri authority have allocated the same piece of land for farming. Land use conflict between pastoralists and farmers have increased.

5.8 Ruwe village Rufiji District

Ruwe village is located about 15 km to the west of Ikwiriri township. The village was established in 1968 and registered in 1974. The village has 610 households and a population of 3504. The village borders with Mng'aru village to the north, Ngurakula to the north west, Mgongo to the west, Mbunju to the east, Utete to the south west and Utunge to the south.

The village boundaries were surveyed in 2004 and a village map was drawn. The village engaged in the process for applying VLC and establishing Village Land Use Plans (VLUP) in 2010 with support from RUBADA. However, Ruwe Village leaders disagreed with the final village map that was also used in the preparation of the VLUP. They disputed the boundary between the village and the three neighboring villages Mng'aru, Ngurakula and Mgongo. Ruwe village leaders claim that a beacon installed in the 2004 mapping that marks an intersection point of boundaries of the four villages was in the wrong place taking away a piece of Ruwe Village into the three other villages. The village submitted their complaint over the boundary dispute to the DLO. The District Land officer promised to send technicians to do technical verification of the location of the boundary when the district will have funds available to cover the field costs for the technicians. The district was willing to send the technician if the village would be able to cover the field cost for the technician which was TZS 120,000/=. The village was unable to raise that amount and therefore they are waiting indefinitely for the technicians from the district.

Apart from the unresolved boundary dispute the village disagreed with the final Land Use Plan because the amount of land allocated for investment and classified as general land does not match with what they approved. They demand that the VLUP should allocate land sufficient to allocate at least 2 ha for every member in the village. They want the land allocated as general land for investment to be reduced to ensure that the remaining land for production can provide allocation of at least 2 ha for each person in the village.

These prevailing situations have impeded accomplishment in securing VLC and issuance of CCRO for individuals.

5.9 Mkanga 1 Village, Lindi District

Mkanga 1 Village is located about 25 km from Lindi in the south west. The village was established in 1974 during Ujamaa Village program. The village population is 794 with 214 households. In 2014 the Village was changed to be a street of Lindi Municipal Authority. This affected the processes the village was undertaking to enforce the Village land Act. of 1999. Before this change the village had submitted their application for VLC, they completed the VLUMP and the communities were hoping to begin applications for CCROs.

Mkanga 1 village has felt the impact of delays in receiving VLCs. The opinion of leaders and community members is that if they would have secured the VLC earlier the decision to convert their village into

township would have taken a different course in their favor. The village started engaging in the processes for applying VLC in 2010. They spent almost 2 years to accomplish verification of village boundaries. Series of boundary dispute resolution caused the delay. Neighboring villages disputed the straight boundaries between villages drawn during the 2007 village mapping surveys. They wanted all the details in the boundaries to be mapped in order to ensure that each village keeps their land as defined customarily. The village has two versions of their village maps in their VLUMP (Annex 3). The two versions one produced in 2011 and another in 2013 reflect the nature of boundary disputes caused by two different village land surveys. The 2007 survey was less participatory. The importance of the survey to the communities and to the status of the village governments was not felt strongly by then. Village boundary verification during the process to secure the VLC and develop the VLUP was more participatory and demonstrated the benefits that reflected a change in the village status. This stimulated ownership of the process to village leaders. The details that were ignored in the former surveys they become important in the later exercise. This created tension. Villages that are favored with the former surveys did not want to change the existed maps while those felt loosing they wanted changes to secure their customary rights.

5.10 Likwaya Village Lindi District

The village was established in 1974 during Ujamaa Village program. It is located about 35kms in the west of Lindi town. The population of the village is 502 and has 171 households. The village received support from CONCERN and TFCG for doing VLUP and issuance of CCROs. CONCERN supported them between 2007 and 2010. They verified village land boundaries and developed their VLUMP. In 2010 TFCG and MJUMITA supported them to review their plan to demarcate areas for a village forest reserve and revised the land allocated for social services.

The process for application of VLC was completed and submitted their application to DLO within 3 months in 2011. However the village has not received the VLC. Although the village completed verification of all boundaries in 14 days, some boundary disputes remained passive. One boundary dispute erupted in 2014 with Moka village. The major reason for eruption of the dispute is the change in village leadership. The new leaders in Moka villages do not respect the boundary with Likwaya which was adopted from the village map drawn from the 2007 surveys. This is one of the straight line boundaries about 9 km long, separating the two villages. To demonstrate disrespect to the boundary the Moka village leadership authorizes harvesting forest products in the forest areas within Likwaya village. Moka village disapproved participation in REDD project and they don't respect bylaws developed by Likwaya village in the use of forest resources. Likwaya village leaders submitted their complaints to the DNRO in June 2015, and are still waiting the response.

The village has a fully equipped village land registry. They have the office, a steel cabinet, CCRO register book, and a seal. The VLUM committee is well trained to perform field work for adjudication of land parcels. The village has a GPS and two local persons who can operate the GPS. However, they know that they cannot begin to offer CCROs before they have the village secures VLC.

5.11 Muungano Village Lindi District

Muungano Village was part of Nangaro Village that was established in 1969. Muungano split from Nangaro in 1975 during Ujamaa village program and was registered as separate village. The population of the village is 2700 with 650 households. The village is located about 45kms from Lindi town in the west.

The village engaged in the process in 2010. They started by verifying village boundaries established in the 2007 village mapping. By 2011 they accomplished all processes required and submitted the application for VLC. They also accomplished VLUP processes in the same period. They have not yet received the VLC. They also experienced boundary disputes particularly in the forest where they boarder with Mlalo B and Ruhoma villages. There were able to resolve the dispute and avoid delays in accomplishing the exercise. They resolved the dispute by accepting to loose part of the land they believed belonged to them. The rationale of their decision was the benefits they anticipate to gain with the REDD scheme was higher than continuing demanding the pieces of forest land and loose REDD program. They also accomplished the CBFM but they not feel having sufficient authority to enforce their plan without having VLC.

6) Case studies on customary right of occupancy applications from at least 5 villages in 3 Districts

Five villages were covered in documenting case studies for issuance of CCROs. They included Chabima and Dodoma Isanga in Kilosa district, Kizi in Mpwapwa district, Mtanga 1 and Likwaya in Lindi district.

6.1 General findings

During planning stage of the study it was anticipated to find beneficiaries possessing CCROs in the sampled villages to document their experiences in acquiring CCROs. The reality on the field revealed that CCROs have not been issued in any of the sampled villages. Therefore the study focused on assessing aspirations of communities on acquiring CCROs to document demand drivers of the community to acquire CCROs.

6.2 Chabima Village Kilosa District

Chabima village is located about 35 km in the west of Kilosa township. It was established in 1974 during Ujamma village program and is registered under the Local Government Act. The population of the village is 1151 with 313 households.

The village conducted awareness meetings to the community members for about 3 months, conducted boundary verification for about a month and submitted application for VLC to the district in 2012. VLUMP was conducted in 2011. It took about 3 weeks of field work involving 9 VLUM team, 8 PLUM team from the district. CCAP project staff coordinated the process. The VLUMP was accomplished and the map issued to the village 2012. The village proposed bylaws to guide and control application of the VLUMP and are part of the VLUMP document. The bylaws were approved by the district full council and come into force at the village about a year later in 2014. The VLUMP was submitted to the district land officer to process approval by the Commissioner of Lands. The approved VLUMP has not yet been issued to the village. According to project records and verified by the district land officer no VLUMP has been approved by the commissioner for villages supported by TFCG and MJUMITA. The VLUMP will be submitted when VLC are approved by the Commissioner of land. Nevertheless, the village is using the proposed document to enforce the bylaws. The village has an office containing a land registry office constructed in 2011 with support from TFCG and MJUMITA. The village land registry has a steel cabinet and a register book but the village seal has not been provided yet.

The village plans to begin the process of issuing CCROs to community members. The DLO confirmed that the VLC is at the district land office ready for collection. However, commencing the process to issue CCROs will assume that the VLUMPs will be approved without major changes that will affect land use aspirations of persons applying for CCROs. The village has planned to pilot issuing CCROs with support from CCAP. 10 women who will be pilot beneficiaries have been selected. Systematic village Adjudication (SA) of land parcels have not been done in Chabima village. Therefore the village will have to opt to apply either SA or Spot Adjudication. A case study documented for Likwaya village (see Box 3 below) can be a basis for deciding which option will be better for the pilot.

Box 2: Views of Women in Chabima village on CCROs

“ My husband passed away and left us with the land that I presume I and my two children inherited. But if I or my son dies, God forbid, my in-laws will take over the land and deprive our rights. I am waiting for CCRO anxiously. Thanks it is promised that will be granted for free. But even if I had to pay as long as it will be within my ability, say something less than 20,000/= I would struggle to find the money and pay for CCRO.” Melina Ignas, a 47 years widow with a boy and a girl children.

“ I am in a polygamous marriage as the second wife to my husband. A CCRO under my name or my children will limit my husband from reallocating the land I own with my children to other wives” Amina John a 34 years lady.

This study conducted Semi Structured Interviews with 12 people in the village to document their aspirations and their point of view about

acquisition of CCROs. Compositions of respondents were: 4 women among the 10 pilot women beneficiaries, 4 men and 4 youth (2 girls). Awareness on issuance of CCROs was higher for older men and women than it was for youths who appeared to be less aware. The importance for acquiring CCROs that was frequently mentioned by respondents were: security of ownership and access to credit if land becomes an asset viable to mortgage.

Women expressed stronger demand for security on land ownership than the other groups. The threat on land ownership for women was within the community and their families which they felt more likely to happen. While for others the perceived threat is external and felt less likely to happen. Box 2 presents quotes that represent the view of women on CCROs. Youth generally expressed skepticism on wanting to have CCROs.

The majority of boys use family lands allocated by parents. Therefore they seemed less concerned with land security. However, if CCROs would make parcels of land become assets, they would struggle to purchase plots of land, get CCROs and mortgages to obtain capital to invest in the highly productive lands such as in irrigated fields.

A young married lady Elizabeth Dominic (24 years) represented the hopes of girls and young women that depended on kindness of husbands who may be willing to share CCRO ownership. Parents do not allocate land to girls because they anticipate they will be married and leave the family.

Samwel Mlonga a 59 years married man with 6 children represented the views that are typical to men. He felt that CCRO would increase the status of land ownership and security just in case probably the government would want to take his land to allocate for other uses. But added "I remember we were told that the land law recognizes customary ownership of land. I know I deserve and have the right to bargain for fair compensation for my land if I have to give it for public interest. Any way if CCROs will be for free I will be interested to have it for my land".

The findings above resonates a message that that promoting CCROs as means for increasing land ownership security and access to credit as a blanket message to all, is not necessarily adequate to create demand for CCROs. Specific messages should be delivered to specific groups of members of the community to demonstrate the relevance of CCROs in addressing their specific practical needs related to land tenure.

The general views of respondents about effectiveness of VLUMP and CCROs in enhancing security on land tenure was poor coordination in enforcement of the bylaws. The community members felt that government leaders do not enforce strictly the bylaws and there is lack of transparency in the way they enforce VLUMPs. Conflicts between land uses still happen. Livestock grazing on farms seems to be under no control. Village leaders complain of not having sufficient cooperation with the judiciary instruments. Some cases which they forwarded to the police and to the courts took too long to resolve. Most of the cases were ruled in favor of defendants because the village leaders failed to appear on courts. The leaders lacked sufficient budget to cover travel expenses from the villages to Kilosa district to attend court cases.

6.3 Dodoma Isanga Village Kilosa District

Particulars and location details of the village are presented in 5.2 above. A typical case observed in this village regarding provision of CCROs is that the majority of community members in the village depend on a general land that is owned by a private investor. This was formerly a state owned companies and one of those not performing well. The study interviewed 12 members of the community 4 women, 4 men and 4 youth (3 girls). All of them expressed their concern about their fate if the owner of the sisal estate evicts them. The Village government leaders explained their efforts to request the government to revoke the title deed of the sisal estate and release the land to the communities. The opinion of the communities is that CCROs won't be a relief from land tenure insecurity on the land they highly depend on their livelihoods. A young lady Cortilda Fernandis 22 years, however, expressed an innovative idea that she will strive to acquire CCRO for a resident plot she owns. She will mortgage the CCRO to obtain loan that she will invest

in a plot she cultivates seasonal crops in the sisal estate land. This is another case where careful messaging in promoting demand for CCROs is demonstrated.

6.4 Kizi village Mpwapwa District

Particulars and location details of the village are presented in 5.6 above. The experiences for establishment of VLUMP were similar to Chabima village. They followed the same procedures and accomplished each step of the process almost within the same periods of time. They have a VLUMP document that is also still provisional. They are waiting approved documents from the district.

Mpwapwa district experience capacity issues similar to what experienced by Kilosa district. They experience delays in completing approval process for VLUMP for villages for reasons similar to Kilosa district. The VLUMP will be submitted for approval when the VLC will be approved. Kizi village do not have plans to offer CCROs at the moment. They are hoping that the district will come up with another project that will take forward the remaining steps. They still hope for CCAP extension to train VLUM team on the process to offer CCROs. Community members on the other hand expect CCROs will be provided soon.

The study interviewed 12 community members; 4 women, 4 men and 4 youth (2 girls). The views they expressed was similar to those observed in Chabima. The commercial value of CCROs features strongly. Some community members (across all categories of respondents) who had access to irrigation land expressed specifically that they need CCRO to access credit to enable them meet initial costs in production of onion and vegetables. They expressed their willingness to cover the costs related to acquisition of CCROs as long as the costs within their capacity. A similar case related to economic value of CCRO as a demand driver was presented by the district PLUM team and the DNRO. They presented two cases one of Pwaga village and another of Lumuma Village in Mpwapwa district. The community members in Pwaga district were mobilized politically and applied for CCROs through MKURABITA program. Despite some delays due to sending CCROs to Dodoma for signing by the Authorized Land Officer the CCROs were finally complete for issuing to beneficiaries. Over one year the 50 CCROs are still lying at the district land office because beneficiaries are not willing to pay 2,000/= as nominal contributions before CCROs can be issued to them. In the second case, 150 community members from Lumuma village where they grow onion in the irrigation schemes proactively requested for CCROs. The village was not among the villages included in the MKURABITA program. However, in order to cover unbudgeted resources to include them in the program they had to contribute 50,000/= for each application. They promptly contributed the money. The process was conducted. CCROs applications processed, completed and all 150 applicants collected their CCROs from the district land office.

6.5 Mkanga 1 village Lindi District

Particulars and location details of the village are presented in 5.9 above. The experiences for establishment of VLUMP were similar to what is presented for villages in 6.3 and 6.4. They followed same procedures and accomplished each step of the process almost within the same periods of time. They have a VLUMP document that is also still provisional. This village presents a different experience from others explained above because the village status was changed to urban status before they obtained VLC as well as approved VLUMP. Therefore the study explored and documented perceptions of the communities on this change with respect to land tenure. The general opinion of the communities and leaders is that if they had secured the VLC they would not be likely be included in the urban territory.

The study interviewed 13 members of the community, 5 women, 4 men and 4 youth (3 girls). The general perception about the change reflected mixed moods. Youths in particularly are aspired with the change. They envision their village with improved services such as tarmac roads, reliable tap water supply, health services, electricity and increased business opportunity. The older persons both women and men shared similar aspirations. They acknowledge anticipated urban services, However, a long distance, 25km from Lindi, off the main road, they are skeptical that the anticipated development may take several decades to reach them. In the village setup, they knew they would afford to own their land parcels customary. In the urban setup they understand that they will not be able to own such large chunks of lands, and will automatically be forced to surrender their land to the authorities. Although the Municipal authority of Lindi

granted the communities to respect the LUMP prepared when it was still a village, community members have no confidence to invest on their lands. They are in more uncertain on their land tenure than before. Almost every person interview during the study expressed a dilemma about how long will they stay without enjoying the benefit of the urban setting while suffering restriction from optimal utilization of livelihoods opportunities they are endowed with?

6.6 Likwaya Village Lindi District

Particulars and location details of the village are presented in 5.10 above. The experiences for establishment of VLUMP were similar to what is presented in other villages above. They followed the same procedures and accomplished each step of the process almost within the same periods of time. They have a VLUMP document that has not been approved yet by the commissioner of lands. Despite the village lacking a VLC the process for issuing CCRO has started. This looked to be compromising legal requirement but the district land officer confirmed that the VLC for Likwaya village are among the certificates that have been signed by the Authorized Land Officer awaiting to be issued to the village for signing by village leaders. CONCERN (2007 -2010) and CCAP (2010 – 2014) supported the village to do VLUMP and issuing of CCROs. The village has VLUM and VNRC with members who are trained and skilled to undertake processes related to provision of CCROs. TFCG and MJUMITA trained 2 VLUM members on the use of GPS for taking coordinate details of land parcels. The village has a GPS provided by REDD project. It is used with both VLUM for adjudicating land parcels and VNRC for monitoring forest density. The village land registry office has all the necessary facilities for documenting issuing and documenting CCROs.

In 2013 village conducted systematic Adjudication of 146 land parcels that was about 40% of land parcels in the village. The process took 2 months to accomplish involving two SATs each with 6 persons, 4 from VLUM team and 2 from the district PLUM team. Each member of VLUM received 5,000/= per day for participating in the process. CCRO applicants paid 2,000/= for every parcel. VLUM members interviews expressed their concern that 5,000/= for a full day they spent for field work was not fair and motivational compensation for them. A compensation of 20,000/= per day per person would be a rational compensation. If this process is to continue for the other community members a fair and motivating compensation would be required to make the process a success and sustainable. During FGD with village leaders and VLUM members they proposed the cost structure (Box 3) for CCRO issuance process. The general opinion of

Box 3: A cost structure proposal for the process to issuance of CCROs. A case of Likwaya Village – Lindi District

Two VLUM members skilled in using GPS can adjudicate 6 parcels per day an parcel owners should participate in clearing the boundaries. The VLUM members will receive 20,000/= per day each. The plum team will record coordinate details from GPS and sketch and owners details for each parcel on ordinary exercise book that GIS technicians at district may use to prepare digitized SARF. The District land officer confirmed that the district is applying this approach already.

With this approach the costs to conduct adjudication would be 40,000/= per day which is approx. 7,000 for each parcel

One trip for sending to the district adjudication details of 30 land parcels collected in 5 days. Each trip will cost 30,000/= for one person. This will add 1,000/=for each land parcel

One trip for collecting from the district prepared CCROs for signing by parcel owners. This will add 1,000/= for each parcel

One trip for sending back to the district CCROs signed by owners adds 1,000/= for each parcel

One trip for collecting complete CCROs for issuing adds 1,000/= for each parcel.

Allowances for village council members who will meet to discuss applications before doing adjudication will be 25,000/= per meeting. This adds about 1,000/= per parcel.

Assuming no more follow up trips to the district and the conditions applied in the cost analysis holds true, the proposed cost structure will cost 12,000/= for each parcel of land to obtain CCRO.

community members interviewed in the village confirmed that they would be willing and capable to contribute between 10,000/= and 25,000/= to apply for CCROs.

The other concern which was expressed by VLUM members, village leaders and community members was undue delays in for completing approval and signing of CCROs from the district. Since 2013 when they submitted applications none of the applicants has received their CCRO. Interviews with DLUM members at the district acknowledged the delay but noted that they depend on just one person the DLO to do all the clerical and technical preparations of the documents while he has to attend other priority matters to serve the entire district. Currently there are several other organizations and private companies supporting CCRO provision (see Annex 5). All this is a workload for one person at the District Land Office. The district has to send the CCROs to Nanyumbu about 150 km away for signing by the Authorized Land Officer. Therefore delays for accomplishing issuing of CCROs are inevitable.

7) Consultation with key stakeholders

7.1 The District PLUMs and DNROs

The study conducted FGDs with PLUM team members and District Land Officers in the four districts. It was generally observed that delays in accomplishing provision of VLCs and issuance of CCROs was common in all the districts. The major reasons as highlighted in the previous sections above include low staff capacity and limited budget. The staff positions at the district land office that would offer optimum services includes a Land Officer and Land Valuer one of them has to be an Authorized Land officer, Land Surveyor, Land Cartographer, Land Planner, and Land Registrar. The present staffing at district land offices in the four districts have two or three of the staff positions.

On the other hand districts authorities do not provide significant budgets for conducting land tenure and natural resource management programs. All initiatives observed during this study that supported provision of VLC and issuance of CCROs were implemented with donor funds from NGOs or central government programs such as MKURABITA and National Land Use

Planning Commission. Some private companies have participated in supporting the process either as part of their corporate social responsibility or facilitating identification of land for investment. Nevertheless project funds usually do not finance administrative costs (travels, logistics and stationary) of the district offices or hiring additional staff for the district. Therefore budget deficiency at district level is one of factors affecting the performance of projects.

The perceptions of implementing staff at district levels revealed that the policy and legal framework for land and natural resource management are well established. However, guidelines and structures for streamlining resources required for implementation and harmonization of efforts from different actors are inadequate. Each project attempts to apply overarching approaches to address all components related to land and natural resource management (e.g. social, economic, environment, governance). But the tendency is that each project ends up focusing on their core missions. When the project ends some important elements are left unaccomplished while the districts don't take them up to accomplish. Typical cases observed during the study that demonstrate this fact are shown in Box 4.

Box 4: Some cases demonstrating inadequate harmonization of efforts in promoting sustainable land and natural resource management.

BTC project in Lindi (Likwaya village) focused on the environment. The VLUMP they supported overlooked the investment component.

RUBADA project in Rufiji (e.g. Ruwe Village) focused on allocating land for investors in the VLUMP that they developed. This is disputed by the communities because the community felt that it does not consider the right of the future generation on land access

MKURABITA in Mpwapwa District supported CCROs issuance in villages that have no VLCs

NLUPC implemented village surveys rapidly ending up with land boundaries that are widely disputed by communities for non compliance to customary boundaries

7.2 Ministry of Land and the Ministry of Prime Minister's office Regional Administration and Local Government (PMO RLG)

The study interviewed Dr. Adam Partrick Nyaruhuma the Head of Ministerial Delivery Unit. The unit is under the Commissioner of Lands and is responsible for processing and registering VLCs. Dr. Adam acknowledged challenges that the district land offices experience in accomplishing provision of VLCs and issuance of CCROs. He noted that the ministry is aware of the limited resources available for enforcing land polices at district and the ministry. Mechanisms for coordination and streamlining resources for implementation of land reforms are not well developed. He appreciated the contribution of donor funded projects implemented by NGOs and the government for the achievements in provision of VLCs and CCROs. The ministry is planning a national program to formalize each and every parcel of land. The ministry will apply resource concentration approach. Available resources (budget, personnel, equipment and facilities) will be allocated to a number of villages and districts at a time, progressively until when the entire country will be completed.

Another interview with Joyce Shayo the Senior Technician for Land Valuation provided her views on technical details in processing VLCs and compared the theory (guidelines) with practice as follows:

Application for VLC is expected to be demand-driven from the communities through their village leaders. They send their applications to the district authorities. In practice this is not always a case. During implementation of the World Bank funded program between the ministries chose the villages and sent a list of selected villages to the district to initiate application of VLCs. The same case happens with other donor funded or national programs.

District Land Officer requests survey maps directly from the director of land survey at ministry. This process may take at least two weeks to accomplish. In practice it may take longer up to a month or more depending on how much the district officer is able to collect the survey maps from the ministry. The district requires one trip to send applications (a list of village names) and one trip to collect the maps. Carrier services may be applied but it is seldom utilized. Due to many applications from districts and villages handled by the ministry it is more convenient and easy to track delivery of documents if districts take responsibility to collect the documents than relying on carrier services which are not well established in most districts. When this process is initiated by the ministry, it is accomplished within two weeks. Figure 1 below represents the communication pathway for steps 1 and 2

The district facilitates verification of village boundaries and submits confirmed village maps to the director of land survey at the Ministry for preparation of deed plans. This process can be accomplished in less than a month. In practice it depends on the ability of villages to resolve boundary conflicts which usually arise during the process. The ministry has experienced delays of some months to receive confirmed survey maps from villages.

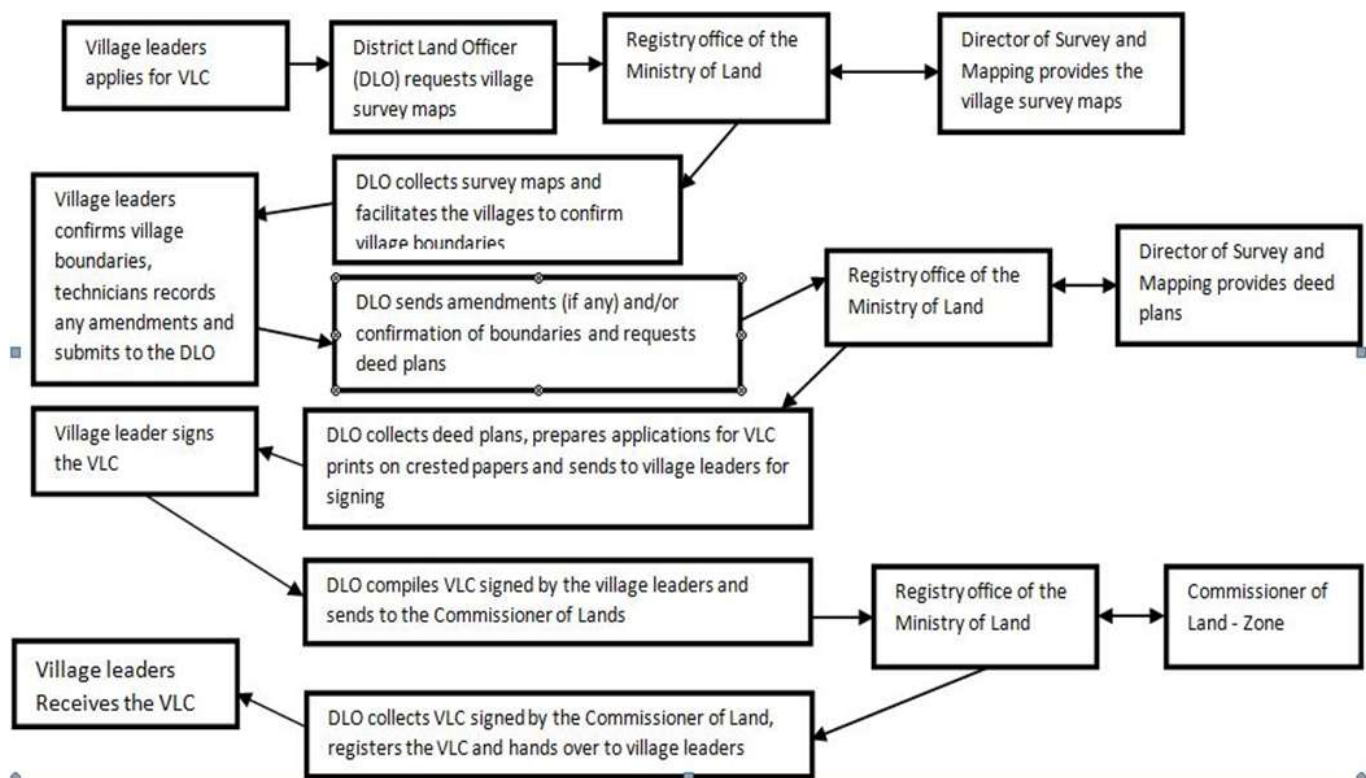
The ministry prepares deed plans and sends them back to the districts. This process takes about two weeks. But it depends on how fast the district can collect the deed plans from the ministry.

The district prepares VLC applications in prescribed forms, prints them on crested papers with three copies being provided for each village. When the VLCs are signed by village leaders and the district land officer sends the applications to the Commissioner of lands for signing. In practice due to shortage of staff at district level and shortage of crested papers, the districts sometimes requests the ministry to assist with this step. A typical case is the recent applications from Kilosa District. The ministry received the request about two months ago to prepare VLC applications for 8 villages because the district did not have crested papers and available staff to do the work. The ministry prepared deed plans and printed the VLCs on crested papers in about 10 days. The district collected the applications about three weeks ago. This was also the case for the villages which the ministry facilitated through the World Bank project. The ministry experienced long delays in accomplishing this step for some districts. The main cause of the delays was the loss (misplacement) of documents at the district land offices leading to repeating the process.

The certificates are signed by the Commissioner of Lands within two weeks. The district collects the signed certificates. In practice the Commissioner signs the certificates within a few days, but some districts delay in collecting the certificates for some months. Coast, Morogoro and Dar es Salaam sends the certificates to the Ministry for signing. Other regions send certificates for signing to respective zones (Mtwara, Mbeya, Dodoma, Mwanza and Arusha) reducing the workload at the ministry.

Figure 1 summarizes a communication pathway of the process for provision of VLCs based on the discussion with Joyce the Senior Technician at the Ministry of land. The diagram shows that the DLO position is critical. Joyce noted that most delays happen when DLOs do not deliver on their roles efficiently. The registry office is another critical element that may affect communication at the ministry. All correspondences have to be managed through the registry office. This office handles a massive volume of documents. Some delays may also happen in the process at the registry office when delivering documents between offices. One of the best practices Joyce noted is that when the district land officers submit documents for processing through registry they should also send a copy of the communications to the respective office. This helps the responsible office(r) to begin working on the issue in request while waiting for a formal communication to arrive. During the World Bank project, the ministry achieved providing VLCs in six months because the project funded the entire process and specific staffs were assigned to follow up the process of providing the certificates.

Figure 1. Communication pathway for provision of VLCs



The communication pathway (Figure 1) shows that the provision of VLCs is a process that involves 5 operational units of the government, which are the village government, district land office, registry office of the ministry, land survey directorate of the ministry of land, and Land Commissioners office. Documents have to move between the village and the ministry of land 6 times back and forth passing from one unit to another 18 times before the process is complete. In order to avoid delays all of the operational units have to be efficient in delivering their roles. Yefred Myenzi (HAKIARDHI Executive Director) in the interview with the consultant during this study noted that, delays in providing VLCs and CCROs happens unless everyone involved in the process takes ownership of the achievements as part of his/her own achievements.

Interview with Aziza Munga the Assistant Regional Secretary for Singida Region, confirmed that PMO RALG have issued administrative registration certificates to all villages in the country. New villages are

announced after all processes are complete including provision of registration certificates. The certificate provides jurisdiction recognition to the village. The consultant observed that all the villages covered in the study had village registration certificates. Therefore provision of administrative certificates for villages has no influence in the experiences observed in process of providing VLC and issuance of CCROs.

7.3 Civil Society organizations¹⁵

7.3.1 HAKIARDHI

HAKIARDHI is a local NGO dedicated to promoting land rights particularly for small-scale rural producers and marginalized communities. They raise awareness on land rights, provide legal aid on land rights, conduct research on appropriate approaches to resolving land disputes and implement projects aimed at promoting security of land tenure. They are currently implementing a program to promote Land rights and good governance in responding to climate change. The program is implemented in 4 districts; Kilolo, Mufindi and Mkinga. HAKIARDHI have achieved provision of VLCs to all the villages they support. An average of 300 CCROs has been issued in every village. HAKIARDHI follow the same standard procedures established in the land laws and guidelines. Average periods of time they spend to accomplish standard field work is similar to experiences documented in this study. However, they have devised an integral process which enhances community awareness, cultivates sense of ownership of process to the communities and creates context specific demand for land right services from community members. Therefore HAKIARDHI have split the initial step into various steps that are implemented as part preparatory activities. The steps are:

- Baseline survey to establish needs, potential conflict over NRM, assess power relations and practical needs for land rights service across different social groups.
- Multi stakeholder dialogue that brings together the district and the village teams to share findings from the baseline and identify priority needs to be included in the implementation plan.
- Training Ward Tribunals on land laws and resolution of land rights. Helping them to understand their roles and levels of accountability.
- Train village leaders and opinion makers in the villages to create a capacity for steering change
- Public awareness to ordinary citizens focusing on changing the landscape of power from leaders to public masses. Promote demand drivers for land rights (e.g entrepreneurship for CCROs).
- Creating and empowering paralegals bringing legal advisory services closer to communities.

Step iii, iv and v are similar to step one of the standard procedures. However, HAKIARDHI does it with in-depth purpose to address practical priority needs. This process has implications on resources and time. While the standard preparatory step is completed in about 3 months, the HAKIARDHI integral process needs about one year to accomplish. However the overall effects are worth the additional investment.

HAKIARDHI followed the NLUC guidelines for CCRO issuance. It was the role of the district authorities to ensure that the villages had VLCs. In some of the villages in all four districts, villages had VLCs already. In Mkinga and Kilolo the district councils were very cooperative. They took full responsibility and assigned specific persons to follow up on VLCs. The villages that had no VLCs they received the certificates within 3 months the villages received land certificates. HAKIARDHI experienced delays in Mufindi District where the VLCs were delayed for more than 6 months. HAKIARDHI intervened in the situation by holding meetings with the executive teams and leaders at district level review together the project work plan. Each part took full commitment to fulfill their responsibilities to ensure that no part causes a delay in implementation of the project. In one year all the villages had VLCs and HAKIARDHI proceeded with VLUMPs and issuance of CCROs. HAKIARDHI knew that crested papers would cause some delays in issuance of CCROs. Therefore they purchased crested papers and supplied to the district council for printing. Also a specific person was assigned to follow up closely with the district authorities to ensure that all the

¹⁵ The information in this section is derived from the Key Informants interviews with Mr. Yefred Myenzi the Executive Director HAKIARDHI Mr. Joseph Puppa the Project Coordinator WOPATA and Mstafa Issa the Project coordinator (Iringa region) for CARE International in Tanzania

processes are completed in time. Joseph Puppa the project coordinator of WOPATA (Women Poverty Alleviation in Tanzania) confirms the caution HAKIARDHI took about crested papers (Box 5).

7.3.2 WOPATA

WOPATA is a local NGO based in Morogoro, has been working in Kilosa for more than 15 years. One of their recent projects supported communities in Gongoni village particularly women and youth to obtain CCROs for their farms. Box 5 presents explanations provided by Mr. Joseph Puppa the Project Coordinator for WOPATA .

Box 5: WOPATA experience in supporting CCROs as described by Joseph Puppa the Project coordinator

“When we started the project in 2011 village government leaders of Gongoni were not aware that their VLC was lying at the district land office waiting for their signatures to confirm the village boundaries. We supported the district PLUM team to facilitate confirmation of village boundaries. All the boundaries were confirmed except the boundary with Mvumi village. The dispute persisted for two years. Nevertheless we continued with establishment of VLUMP respecting Gongoni village position in the dispute. In 2014 MKURABITA initiated activities in Mvumi village to issue CCROs. Mvumi village leaders compromised their position and the dispute was settled in favor of Gongoni village.

Gongoni village signed the VLC after the dispute was settled. The project supported a district officer to send the certificate to the Commissioner of Lands in Dar es Salaam for signing. We supported the village leaders to follow up with the district land officer on weekly basis for 3 months before the VLC was received and delivered to the village leaders.

In October 2014 we began the process to issues CCROs. We accomplished the field work in 2 weeks. 300 land parcels was adjudicated. The district provided a technician and equipment (GPS and laptop) who worked with VLUM team members. The communities verified 142 undisputed land parcels. We commenced the process to issue CCROs applications for the undisputed parcels in January 2015. The first challenge we faced was shortage of crested papers at the district. Over four months of waiting, the district could not supply the papers. Then WOPATA decided to purchase 3 rims of crested papers for 270,000/= from government printers. When we purchased the papers another challenge cropped up. The district could not print the certificates because they lacked printer ink. We had to wait for almost two months for the district to purchase the ink without success. WOPATA decided to print the certificates in Morogoro at a private printer for sh. 127,800/=. One week later all certificates were signed by the applicants and sent to the District Land Officer who is also the Authorized Land Officer (ALO). Three months later the ALO signed the certificates. He could not sign the certificates earlier because himself and his team are busy approving and allocating plots to victims of the 2008 floods. It is a month now since the certificates were signed. But the certificates are not yet stamped with the district council seal because there is no staff available yet to do that work. We are still waiting anyway. This process have taken us two years. Probably we will accomplish it in a few months. However if every thing would be ok at district level we could accomplish issuance of CCROs within 6 months of project work ”

7.3.3 CARE International (T)

CARE International in Tanzania supports issuance of CCROs in some villages in Tanzania. Mstafa Issa is a Project Coordinator in Iringa district where Care International supports 3 villages (Idodi, Ilala-Simba and Itagutwa) in Iringa region to issue CCROs. Mstafa shares his experience and views about issuance of CCROs (Box 6).

Box 6: CARE International experience

'We are supporting issuance of CCROs in the villages that have VLCs and VLUMPs. This was a necessary condition which the villages and the district had to accomplish before CARE intervened. We knew that procurement procedures of the government and limited budget at district level would impede the progress of the project. Therefore CARE provided as well a budget for purchasing crested and ordinary photocopy papers and printing ink. We are glad that the district has the Authorized Land Officer and the cooperation between the project, village leaders and district authority is very good. Our aim is to provide 4000 CCROs in the 4 villages by May 2016. We have issued 914 CCROs in the last 6 months after completing awareness raising and training activities which we started in April 2014. We don't expect delays in accomplishing project targets although sometimes there is some delay in obtaining crested papers from suppliers.' Mustafa Issa, CARE International Project Coordinator, Iringa District.

7.3.4 General observations from CSOs

These three organizations present similar experience in supporting VLCs and CCROs in collaboration with the district authorities. All experienced low commitment of the district authorities for implementing land reform projects. They experienced limited resources (budget and personnel) allocated from the district. However, the experiences are different in one aspect. HAKIARDHI and CARE International foresaw challenges and were prepared to address them. HAKIARDHI ensured that the recipient district authorities assumed ownership of the process during project inception. If local authority ownership for the project did not exist, HAKIARDHI cultivated it in the process. CARE International left the responsibility for provision of VLCs entirely to the government authorities (village, district and ministry). That was a requirement for CARE to provide support. CARE provided operational materials for issuance of CCROs that would otherwise cause delays if they depended on the district to provide. On the other hand WOPATA sought for solutions as the challenges arose. Kilosa district demonstrated lack of ownership on the processes. They did not take leadership in the processes for addressing the challenges. Project achievement was not strongly felt as part of the priority missions of the district and individual staff.

Box 7: TFCG and MJUMITA experiences in Kilosa District

" For more than two years we have been waiting for the VLCs to be issued to the communities. Applications were sent to the Ministry in 2013. Staff from the district land office have followed up several times and some of the trips we gave them per diems. Every time they said the process was not complete without clear explanations what happens. Sometimes they say a responsible person was not available. My attempt to request them to provide written reports for their trip we financed wasn't successful. I am not sure if they were really following up the certificates or not. Just last week (the week started 9th November 2015), the district officer obtained the certificates for 8 villages that need signatures of village leaders. It looks they are too busy to get the certificates signed. I have requested the certificates so that I can circulate them myself. Then we will begin another 'marathon' of sending the certificates to the Commissioner of Land for signing." Mr. Enos Project Coordinator TFCG Kilosa

7.3.5 TFCG and MJUMITA Experiences in Kilosa District

The CCAP program is ending in December 2015. The program addressed drivers of poverty through agriculture smart initiatives as a way to reduce greenhouse emissions. The program was mindful that land and natural resources are the primary assets for production for the rural poor communities. The project implemented initiatives that aimed to enhance security of land tenure and sustainable natural resource management. The CCAP project built upon previous work by TFCG and MJUMITA as part of the Norway-financed project: 'Making REDD work for communities and forest conservation in Tanzania' between 2009 and 2014 in Kilosa District that included village land use planning. TFCG and MJUMITA succeeded in supporting all of the target villages to develop and implement VLUMPs. Although not all the VLUMP have been approved by the commissioner of lands the use of provisional documents achieves the purpose intended by the program. The program recognizes the challenges experienced in provision of VLCs and

assurance of CCROs. The project relied on technical staff from the districts. Follow-up between the District and the Ministry of Land has been costly, time-consuming and slow. Mr. Enos TFCG coordinator in Kilosa (Box 7) admits that despite providing financial support to district staff to follow with the Ministry, VLCs have not been issued to the villages. The REDD project supported all the villages to have land registry offices and facilities and trained the VLUMPs on issuance of CCROs procedures and processes. Although no village have reached a stage of issuing CCROs the program has achieved putting in place the basic infrastructure and knowledge base which other actors particularly the district authorities will take over and accomplish the remaining components. The exit strategy of CCAP is based on advocating to the district authorities to commit resources to accomplish the initiatives. Other projects such as the Agriculture initiative and sustainable charcoal may also push forward the process in the village where they implement activities.

8) Lessons learned for strengthening community and individual land tenure.

8.1 Lessons learnt from provision of VLCs

The communication pathway of documents in the process of providing VLCs is long and involves many operational units of the government. It is practically possible to complete the process in 6 months. However, delays of more than one year to complete the process have been the usual experience. It is learnt that adequate budget to finance the process is necessary but not sufficient to accomplish the process in time. The process may not be efficient if each operational unit of the government and if every staff involved in the process do not fulfill their roles as part of their mandatory operational performance.

Village boundary disputes are the most prevalent cause of delays in accomplishing implementation of VLC and CCROs. Boundaries that divide villages through resource rich areas (especially forests) are hotspots for disputes between villages. The disputes generally comprise one village demanding respect for the formal boundaries which were established in the previous maps, whilst the other village demands respect of customary land marks. The disputes take a long time to resolve and some cases have not been resolved at all because there is no obvious guide on when and where to respect customary land marks and when to respect formal boundaries.

Crested papers and printer ink are not always easy to obtain immediately from suppliers. If these items are not adequate on stock they may cause delays in preparation of VLC documents.

Operations of the government units are overly dependent on project funding. The government units particularly villages and district authorities are not creative enough in mobilizing own resources (finance and staff time) to complement donor-funded projects. This situation has caused delays in accomplishing operations which the government units have to implement with their own resources.

The commitment of the district authority on provision is a key to success in accomplishing processes for provision of VLCs and issuance of CCROs. It is not enough that the district land office participates in the implementation. If the district authority leadership does not give priority on the processes in their plans, and they don't allocate adequate budget to support the process and they don't hold accountable responsible staff in the project, success in provision of VLCs and issuance of CCROs may be dismal.

8.2 Lessons learnt from issuance of CCROs

Majority of community members in the project area understand that the benefits of CCROs include ensuring land security, access to credit and reducing land conflicts. Most the community members in the project area understand that they will benefit on CCROs in the same way. Therefore there is high probability of future disappointment if they do not understand that their specific social context may affect the benefits of CCROs as experienced in Mbozi district¹⁶.

Demand for CCROs by the communities is still low. They are willing to receive CCROs because projects and the government provide them. The majority of the community do not strongly associate CCROs with their practical needs.

¹⁶ See literature review below

VLUMPs have been established in all the villages in the project area. By-laws for controlling implementation of the VLUMPs are in place and in force. The VLUMP and the bylaws are important institutional tools for ensuring sustainable land and natural resource use and management. It is learned from the study that where village governments and their committee do not practice good governance, and village government do not provide adequate budget for implementation of the VLUMPs, the VLUMPs are not respected and bylaws are not enforced effectively.

Some of the operational materials particularly crested papers and printing ink may not be readily available. As in the case of provision of VLCs, if these items are not prepared in advance of issuing CCROs, the process may be delayed.

Implementing issuance of CCROs in villages that have not secured VLCs due to boundary disputes (even if they villages are in the process to obtain VLCs) may affect accomplishment of issuance of CCROs.

9) Recommendations

The Government should provide guidelines on resolving boundary disputes to address ambiguous understanding between formal and customary settings of village boundaries.

The government is planning a national program for allocating the land totally. This effort is commendable. The government should however be mindful of the efforts that have already been invested in this sector by various stakeholders and build this program from there. As part of the program the government should establish a coordination mechanism for streamlining efforts of every stakeholder who has interest in supporting land reform in the country.

Land is the keystone for development and economic growth in the country. The government at all levels (central, district and village) should prioritize allocation of budget to support implementation of land reforms as a strategic driver for social and economic growth.

Achievement in provision of VLCs and CCROs should be included in the performance appraisal of government staff to increase accountability of government staff and efficiency of the government units in supporting implementation of projects engaged in provision of VLCs and CCROs.

Agencies that are promoting acquisition of CCROs should always assess the practical needs of the communities and determine what appropriate message to convey to promote demand for CCROs. The HAKIRDHI model demonstrates strength in addressing shortfalls in the standard approach. The situation in the villages where CCAP was implemented need to be revisited to ensure that perceptions of the communities regarding the expectations and importance of CCROs is not superficial. Since CCAP is ending the district authorities should take a lead in this matter.

Village governments should exercise good governance practices to ensure effective implementation of VLUMPs. The village governments should be creative and innovative to generate incomes and allocate sufficient budget to sustain implementation of VLUMPs

Research should be conducted to identify policy barriers that limit the local communities and their government to benefit from incomes generated from natural resources.

10) References

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Annex 1. Questionnaires

Land Officers and District Natural Resource Officers

Village land certification and CCROs

In how many villages has the district initiated the process for Village land certification?

How many have accomplished the process?

What have been common causes of delays in accomplishing the process?

Which part of the land law or policy was difficult to implement? What changes, if any, would you recommend?

What are the organizations/projects implementing or facilitating village land certification in the district?

Is there any difference in the performance of implementation of the village land certification?

What are the key roles of the district council in the village land certification process? What challenges do you face in working with the district council for implementing village land certification process?

How many community members have requested CCROs ?

How many or % of them have received CCROs

What have been the reasons for delays in issuing CCROs?

What is the average cost for provision of CCRO for a community members, or for a village?

How has the district attempted to address the causes of delays to the process and what has been the result?

What are your recommendations to improve the situation?

Ward councilors: Ward and District names:

Village land certification and CCROs

Name and Phone numbers

How long have you participated in District full council meetings?

What were the roles of the village council in the village land certification and CCROs

What challenges did the council face in playing its roles in CCROs and VLC process

What do you recommend to change in the law or policy or implementation process to improve the situation?

In your opinion what priority do village council meeting give to discussions on issues related to Village land certification and approval of bylaws of VLUMPs?

What priority do full council meeting provide in allocating budgets for village land use planning and provision of CCROs

In your opinion how many members of the district full council and district management understand the importance of village land certification and provision of CCROs in relation to the social and economic growth of the district?

What are your recommendations to improve the situation?

KI Checklist questions for interview with District legal officer

What are the key roles of the district legal officer in the process of Village Land Use Planning and provision of Village land certificates?

How long does it take you to accomplish each role?

What challenges did you experience in accomplishing your roles?

What are your recommendations to increase efficiency and performance in the process of provision of Village Land Certificates?

DPLUMS: District

Names and phones of participants

Chronological Steps for establishment of VLUMP	Who are involved with what roles	What kind of costs and who pays for it	What has been the shortest and longest time to accomplish and in which villages	What were the reasons for delays	What challenges did you face and how did you address them	What recommendations do you provide to improve the process

CCROs: District Names and phones of participants

.....

Chronological Steps for provision of CCROs	Who are involved with what roles	What kind of costs and who pays for it	What has been the shortest and longest time to accomplish and in which villages	What were the reasons for delays or quickest accomplishment	What challenges did you face and how did you address them	What recommendations do you provide to improve the process

Village leaders and VLUMPs:

Village District

Names and phone no. of participants Village land certification

Chronological Steps for certification of village land and VLUMP	How did you participate with whom	How long did it take	What were the reasons for delays	What challenges did you face and how did you address	What was the components of costs, how much did they cost and who paid for the costs	What changes have happened related to this step and how are do you cope with the changes

Village leaders and VLUMPs: Village District
 Names and phone numbers

CCROs

Chronological Steps for provision of CCROs	How did you participate with whom	How long did it take	What were the reasons for delays	What challenges did you face and how did you address	What was the components of costs, how much did they cost and who paid for the costs	What changes have happened related to this step and how are do you cope with the changes (social, economic, environment, natural resource use)	What do you recommend to improve the situation

COMMUNITIES: for acquiring CCROs: Village District
 Names and Phone numbers

Step	How did you participate with whom	How long did it take	What challenges did you face and how did you address	How much did it cost you	What changes have happened related to this step and how are do you cope with the changes (social, economic, environment, natural resource use)	What do you recommend to improve the situation

VLUMPS and Village leaders

District Village,

Names and phone numbers of participants

Brief history of the village, population and land size of the village

CCROs

How many applicants (women, men, youth)

What influenced disparity in access between men, women and youth?

How many received CCROs

How much were the costs for acquiring CCROs? For what expenses?

What are the specific barriers faced by women and youth or other marginalized groups in the process of acquiring CCROs?

Questionnaire for semi structured interviews on acquisition of CCROs

What is your name

Write the gender of respondents

What is your age

What is your marital status

- Married monogamy or polygamy (and how many wives)
- Divorced
- Widow
- Single

How long have you been in this village

What kind of land do you own

- Residence plot
- Farm or forest
- How is the land tenure of the lands you own or use?
- Inherited
- Purchased
- Opened up a new field
- Family land
- Renting annually
- Joint with my husband or wife

If you inherited land and you have siblings describe how was the proportions of land inheritance among siblings both brothers and sisters?

Have you applied for CCRO?

If yes when did you apply? If not go to Qsn. No.14

If you received CCRO when was it?

What challenges you experienced in the process of application until receiving the CCRO? How did you address the challenges?

How much did it cost you? Did you feel that the cost was fair/reasonable/realistic? If not what would you suggest to make the cost fair/reasonable/realistic

If you have not applied yet will you apply for CCRO? If not why?

How is CCRO important for you?

What difficulties or challenges do you anticipate during application of CCROs (explore for each type of land tenure and marital status)

In your opinion will there be any disparity in accessing CCROs among women, men and youth within the community?

why? (explore also among types of marital status)

What do you recommend?

Annex 2. List of respondents

Respondents in FGD Village leaders and VLUM members

Name	Village	District	Gender	Designation
Onesmo Magota	Dodoma Isanga	Kilosa	M	Chair person
Rostic daudi	Dodoma Isanga	Kilosa	M	VEO
Mwanajuma Ramadhani	Dodoma Isanga	Kilosa	F	VLUM
Colleta issa	Dodoma Isanga	Kilosa	F	VLUM
Revoncia Abal	Dodoma Isanga	Kilosa	M	VLUM
Emanuel Andrea	Dodoma Isanga	Kilosa	M	VLUM
Juma pune	Nyali	Kilosa	M	VLUM
Habibi thabiti	Nyali	Kilosa	F	VLUM
Joseph Alimasi	Nyali	Kilosa	M	VLUM
Nasoro Hemedi	Nyali	Kilosa	M	VLUM
Tausi Hasani	Nyali	Kilosa	F	VLUM
Ally lusamilo	Nyali	Kilosa	M	Chair person
Yohana lesombe	Lunenzi	Kilosa	M	Chair person
Emilian Daniel	Lunenzi	Kilosa	F	VEO
Jonas yohana	Lunenzi	Kilosa	M	VLUM
Ahmed Ngwabi	Chabima	Kilosa	M	Chair person
Julius philemoni	Chabima	Kilosa	M	VEO
Jackson Ndugalu	Lufusi	Mpwapwa	M	VEO
Rita clemence	Lufusi	Mpwapwa	F	Chair person
Agapiti Njore	Lufusi	Mpwapwa	F	VLUM
Silvano alexander	Lufusi	Mpwapwa	M	VLUM
Mopilyo Herman	Lufusi	Mpwapwa	M	VLUM
Laurian Damian	Lufusi	Mpwapwa	M	VLUM
Severina Simon	Lufusi	Mpwapwa	F	VLUM
Benjamin Kigomba	Kizi	Mpwapwa	M	VLUM
Nicolous yohana	Kizi	Mpwapwa	M	VLUM
Anrelian John	Kizi	Mpwapwa	F	VLUM
Moshior salim	Kizi	Mpwapwa	F	VLUM
Plashid Anthony	Kizi	Mpwapwa	M	VLUM
Leonard paul	Kizi	Mpwapwa	M	VLUM
Ngeka merkior	Kizi	Mpwapwa	M	VLUM
Abbdallah saidi Mrope	Ruwe	Rufiji	M	VLUM
Sadiki Mbwila	Ruwe	Rufiji	M	VLUM
Editruda Goodluck	Ruwe	Rufiji	F	VLUM
Chungua Mkumba	Ruwe	Rufiji	F	VLUM
Maliam Ngwele	Ruwe	Rufiji	F	VLUM
Muhsini Mkumbugo	Ruwe	Rufiji	M	VLUM
Mwajabu Rwambo	Ruwe	Rufiji	F	VLUM
Juma ligomba	Nyamwage	Rufiji	M	VLUM
Mwajabu mpurumuka	Nyamwage	Rufiji	F	VLUM
Ibrahim Said	Nyamwage	Rufiji	M	Chair person
Athuman Abrahman	Nyamwage	Rufiji	M	VEO
Omari Uwezu	Nyamwage	Rufiji	M	VLUM

Name	Village	District	Gender	Designation
Hadija Mhamedi	Nyamwage	Rufiji	F	VLUM
Mohamed Athumani	Nyamwage	Rufiji	M	VLUM
Mustapha Abdulahman	Mkanga 1	lindi	M	Chair person
Anzigar Nilai	Mkanga 1	lindi	F	VEO
Ally S. Nakolimba	Mkanga 1	lindi	M	VLUM
Mohamed Tipe	Mkanga 1	lindi	M	VLUM
Athumani Bakari	Mkanga 1	lindi	M	VLUM
Mathiew Kuwanga	Likwaya	lindi	M	Chair person
Mwl. Kasian	Likwaya	lindi	M	VLUM
Heleswida Mathiew	Likwaya	lindi	F	VEO
Juma Mnjangali	Muongano	lindi	M	Chair person
Issa Mtimba	Muongano	lindi	M	VLUM
Issa Maenjela	Muongano	lindi	M	VLUM

List of respondents for FGD PLUM teams

Name	District	Designation
Anold Celestine	Kilosa	Afisa ardhi kilosa
Mr. Haule	Kilosa	Afisa misitu
Shebe	Kilosa	DLUMP- Surveyor
Mr. Abdalah Mussa	Lindi	DLUMP- Surveyor
Mr. Ali Namilar	Lindi	Land use planer
Kenedy Mongo	Rufiji	Fisheries Oficer
Mwanahamis Salehe	Rufiji	CDO
Revocatus Nandi	Rufiji	RUBADA- Coordinator agriculture officer
Oscar Mauma	Mpwapwa	Assistant Forest Officer
Charles john	Mpwapwa	District town planer
Sky Thomas	Mpwapwa	DDO
Luis Ndumbo	Mpwapwa	DNRO
Doris Dario	Mpwapwa	Legal officer

Key Informants

Name	Title	Organization
Dr. Adam Nyaruhuma	Head of Ministerial Delivery Unit	Ministry of Land
Joyce Lymo	Senior Technician Land Valuation	Ministry of Land
Yefred Myenzi	Executive Director	HAKIARDHI
Aziza Munga	Assistant Regional Administrative Secretary Singida Region	Ministry of the PMO RALG
Joseph Puppa	Project Coordinator	WOPATA

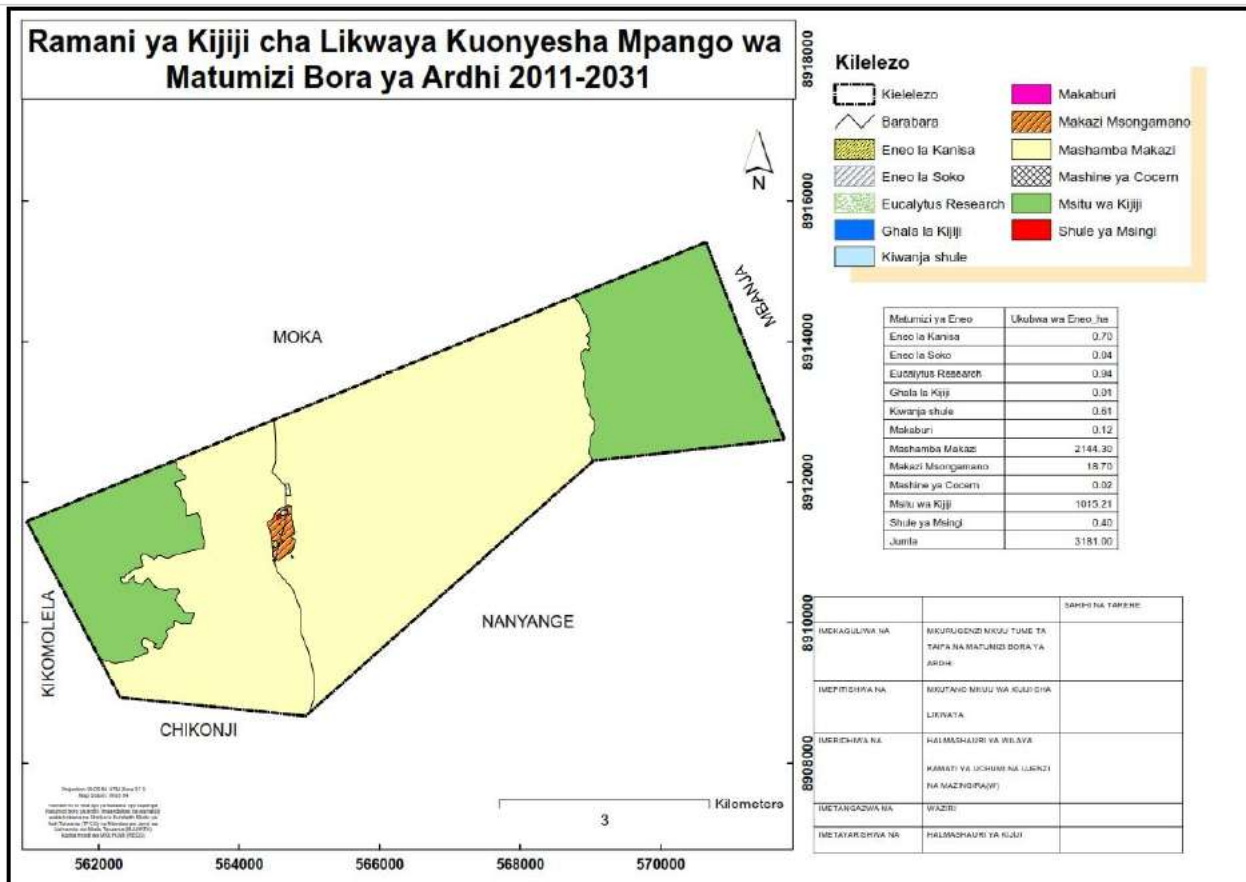
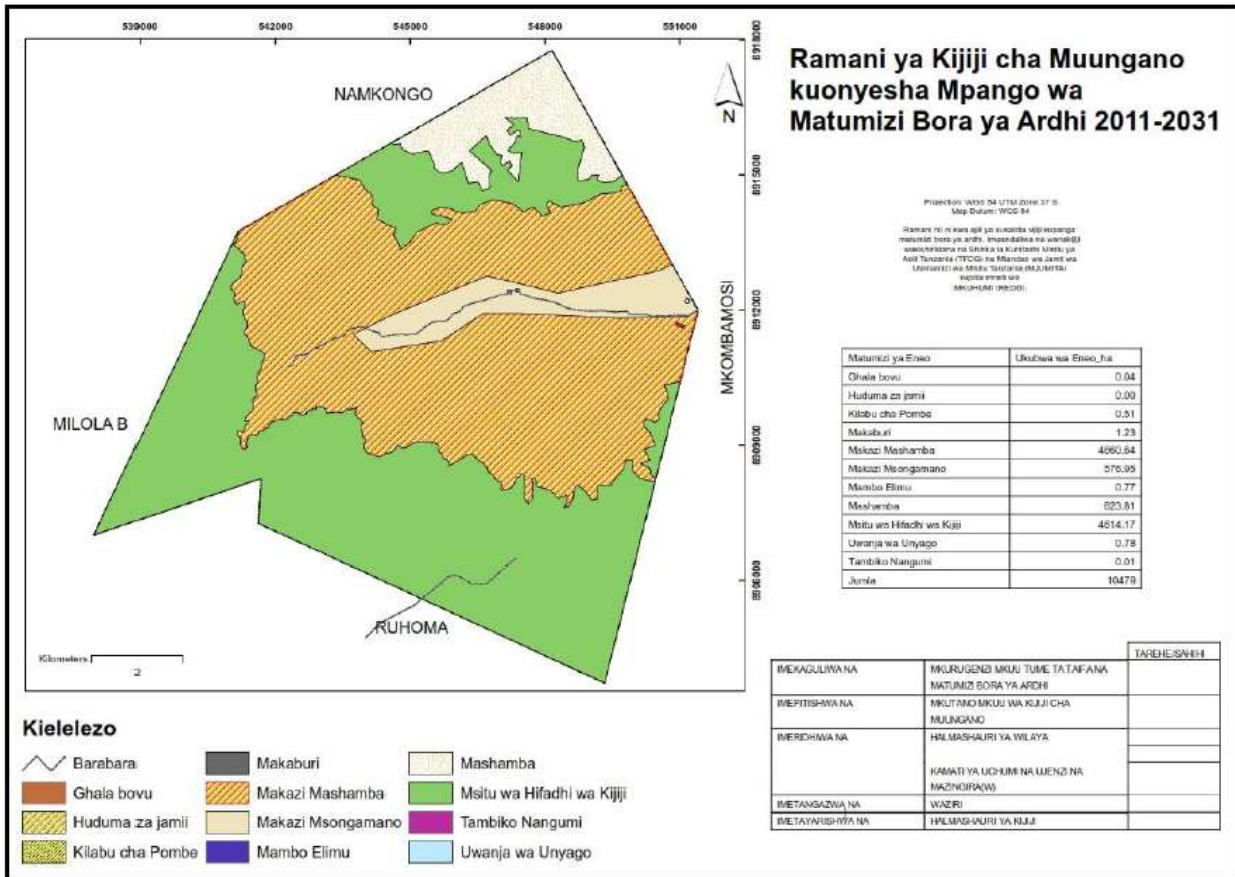
List of respondents: Semi-structured interviews

SN	Name	Village	District	Gender	Age
1	Abraham Malamla	Dodoma isanga	Kilosa	M	35
2	Selina Mkinga	Dodoma isanga	Kilosa	F	42
3	Simon Lusahila	Dodoma isanga	Kilosa	M	45
4	Donatus Bazil	Dodoma isanga	Kilosa	M	36
5	Mustafa Yahaya	Dodoma isanga	Kilosa	M	43

SN	Name	Village	District	Gender	Age
6	Mohamed Masumbuko	Dodoma isanga	Kilosa	M	38
7	Peter Simon	Dodoma isanga	Kilosa	M	27
8	Jafet Daudi	Dodoma isanga	Kilosa	M	32
9	Coltrida fernandis	Dodoma isanga	Kilosa	F	22
10	KapuLelina Paul	Dodoma isanga	Kilosa	F	28
11	Agness Mazengo	Dodoma isanga	Kilosa	F	26
12	Melinaa Ignas	Chabima	Kilosa	F	47
13	Regina Gabriel	Chabima	Kilosa	F	48
14	Betha paulo	Chabima	Kilosa	F	43
15	Marko Mwaguta	Chabima	Kilosa	M	49
16	Elizabeth Dominic	Chabima	Kilosa	F	31
17	Azalia Medres	Chabima	Kilosa	M	26
18	Theonas Laurent	Chabima	Kilosa	M	29
19	Elenei Ignas Mdoe	Chabima	Kilosa	M	30
20	Hassani Ally	Chabima	Kilosa	M	51
21	Samwel Mlonga	Chabima	Kilosa	M	59
22	Ignas midoe	Chabima	Kilosa	M	66
23	Amina John	Chabima	Kilosa	F	34
24	Ignas Yeronini	Kizi	Mpwapwa	M	38
25	Mirimo Acley	Kizi	Mpwapwa	M	42
26	Saibati Chelasa	Kizi	Mpwapwa	M	42
27	Jofina Sando	Kizi	Mpwapwa	F	27
28	Bbiana chilasa	Kizi	Mpwapwa	F	28
29	Auleria Kigwada	Kizi	Mpwapwa	F	35
30	Joyce Paulo	Kizi	Mpwapwa	F	52
31	Wilhem Daudi Kiaga	Kizi	Mpwapwa	F	65
32	Valentino charles mungi	kizi	Mpwapwa	M	27
33	Gloria Richard Kitima	Kizi	Mpwapwa	F	24
34	Selestina Kulanga	Kizi	Mpwapwa	F	35
35	Emani Seiph Silanga	Nyamwage	Rufiji	M	28
36	Mohamed Magingo	Nyamwage	Rufiji	M	18
37	Hamisi Musa Mpili	Nyamwage	Rufiji	M	41
38	Maganga Mtenya	Nyamwage	Rufiji	M	38
39	Salma Rashid	Nyamwage	Rufiji	F	50
40	Nasoro iddi	Nyamwage	Rufiji	M	30
41	Kiule Ally	Nyamwage	Rufiji	M	50
42	Mwanaisha Kitangacha	Nyamwage	Rufiji	F	24
43	Salima Mtiniku	Nyamwage	Rufiji	F	35
44	Zainabu Mkumbogo	Nyamwage	Rufiji	F	47
45	Asha Saidi	Nyamwage	Rufiji	F	39
46	Omari Seif	Nyamwage	Rufiji	M	28
47	Mariam Kidawilo	Nyamwage	Rufiji	F	21
48	Daruweshi Kimwahi	Nyamwage	Rufiji	F	60
49	Haruna Lutundubile	Nyamwage	Rufiji	M	60
50	Esta said Mtawa	Mkanga 1	Lindi	F	50
51	somoe Nakupingwa	Mkanga 1	Lindi	M	40

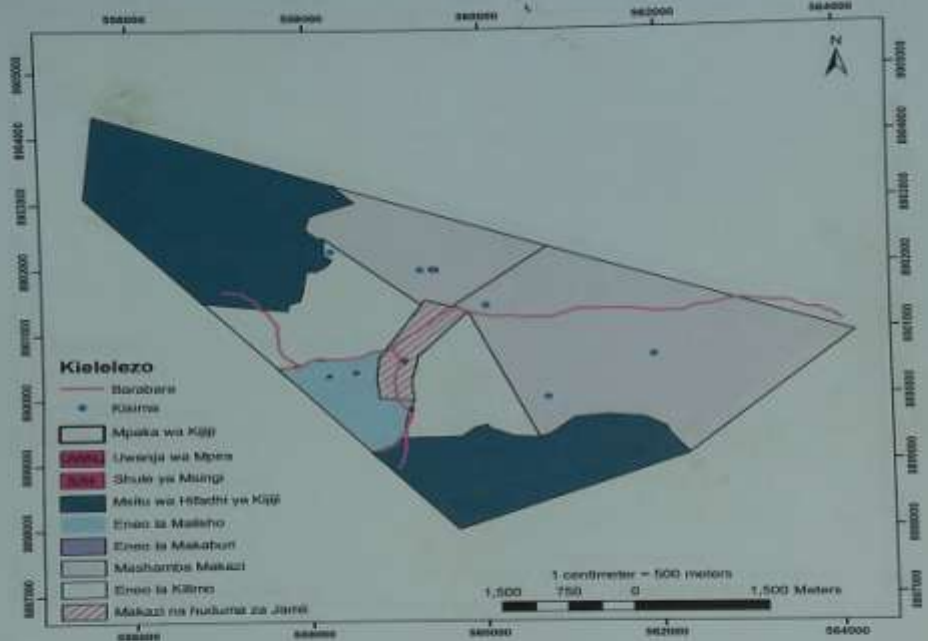
SN	Name	Village	District	Gender	Age
52	Saidi Mawala	Mkanga 1	Lindi	M	50
53	Ismail Musa	Mkanga 1	Lindi	M	35
54	Bakari Lyumu	Mkanga 1	Lindi	M	45
55	Ramadhani Mkapita	Mkanga 1	Lindi	M	19
56	Ahmadi Makwango	Mkanga 1	Lindi	M	32
57	Khadija Rashidi	Mkanga 1	Lindi	F	24
58	Issa Ablehman	Mkanga 1	Lindi	M	35
59	Hamisi Abdalah	Mkanga 1	Lindi	M	41
60	Amina Said	Mkanga 1	Lindi	F	30
61	Zainabu Nchapacha	Mkanga 1	Lindi	F	35
62	Athumani Mautanga	Mkanga 1	Lindi	M	25
63	Jamali Maryo	Likwaya	Lindi	M	29
64	Halima Kipuyo	Likwaya	Lindi	F	35
65	Brasius Lukao	Likwaya	Lindi	M	50
66	Paulo Moris	Likwaya	Lindi	M	41
67	Yoranda Yohana	Likwaya	Lindi	F	35
68	Martha John	Likwaya	Lindi	F	40
69	Andrea Yohana Milanzi	Likwaya	Lindi	M	47
70	Abdulahman Njonga	Likwaya	Lindi	M	26
71	Salum Seleman	Likwaya	Lindi	M	24
72	Fatuma Ali	Likwaya	Lindi	F	44
73	Anifa Rashidi	Likwaya	Lindi	F	25
74	Salma Issa	Likwaya	Lindi	F	32
75	Husina Moris	Likwaya	Lindi	F	25

Annex 3. Village maps



RAMANI
RAMANI YA KIJJI CHA MKANGA I

Ramani ya Kijiji cha Mkanga1 Kuonyesha Mpango wa Matumizi bora ya Ardhi 2011/2021

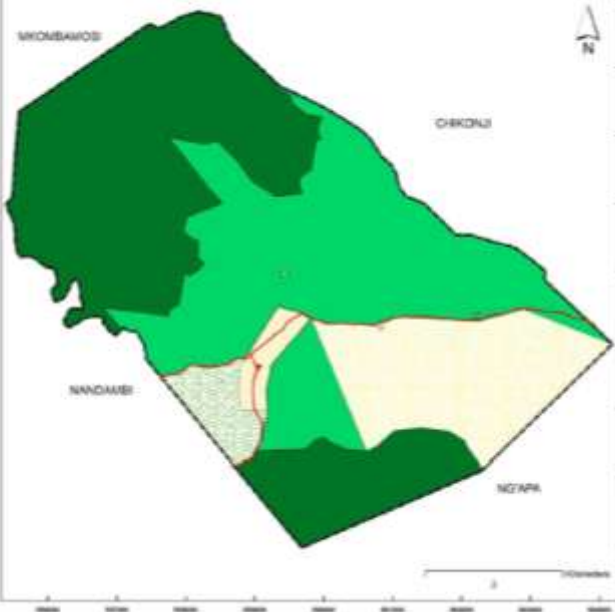


Matumizi ya Eneo	Ukubwa wa Eneo_ha
Makazi na huduma za Jamii	69
Eneo la Kilimo	402
Makazi na Mashamba	1035
Eneo la Makaburi	1
Eneo la Malisho	117
Mitu wa Hifadhi ya Kijiji	870
JUMLA	2494

IMEKAGIJIWA NA
IMETITISHWA NA
IMERODIWA NA
IMETANGAZWA NA
IMETAYARAJIWA NA

MKURUGENZI MJIU TJUMVE YA TAHA YA MATUMIZI BORA YA ARDHI SAKUTANO MKUU WA KIBI CHA MKANGA I HALMASHAURI YA WLAYA KAMAATI YA UCHUMU, UENZI NA MAZINGIRA (W) WAZIRI WAKAASHIMBURI YA KIBI

Ramani ya Kijiji cha Mkanga 1 Kuonyesha Mpango wa Matumizi Bora ya Ardhi 2013-2033.



Kielelezo

- Barabara
- Siniority
- Chanzo cha maji
- Huduma ya za Jamii
- Kilimo/Chamba
- Makaburi
- Makazi Mashamba
- Malisho
- Mitu wa Hifadhi ya Kijiji
- Shule ya Mungu
- Uwanja wa Mpira

Matumizi ya Eneo	Ukubwa wa Eneo_ha
Chanzo cha maji	0.01
Kilimo/Chamba	128.01
Makaburi	0.01
Makazi Mashamba	602.28
Malisho	116.80
Mitu wa Hifadhi ya Kijiji	7541.51
Shule ya Mungu	0.01
Uwanja wa Mpira	0.08
Huduma ya za Jamii	69.21
JAMII	3001

Annex 4 A list of organizations involved in land issues

In RUFJI

TFCG

RUBADA

WWF

MKURABITA

AGRO

AFRICE GREEN OIL

CAMCO

IUCN

BTC

In LINDI

CONCERN

MACEMP

MKUHUMI

WWF

GREEN FOREST

CASSAVA STARCH

In KILOSA

MKURABITA

WOPATA

OXFAM

TFCG

WWF

Annex 5. Terms of Reference

TANZANIA FOREST CONSERVATION GROUP

TERMS OF REFERENCE

Project: Climate Change, Agriculture and Poverty Alleviation Project (CCAP)

Title: Development of case studies and review of lessons learned in strengthening land tenure in rural Tanzania.

1. Project Summary

1.1 Project partners and duration The climate change, agriculture and poverty alleviation project (CCAP) is a partnership project being implemented by four organizations: the Tanzania Forest Conservation Group (TFCG), the Community Forestry Network of Tanzania (MJUMITA), the Tanzania Organic Agriculture Movement (TOAM) and the Agricultural Non State Actors Forum (ANSAF).

The initiative aims to steer Tanzania towards an agricultural development pathway that achieves the dual goals of poverty reduction and lower greenhouse gas emissions. The project started in October 2012 and is financed by the Accountability in Tanzania programme.

1.2 Project Goal, Objectives and Outputs

The Goal of the CCAP Initiative is that: Poverty has been reduced amongst small-scale farmers in Tanzania and greenhouse gas emissions from agriculture have been reduced through the widespread adoption of climate resilient, low emission agricultural practices.

The Intermediate objective of the CCAP initiative is that: Tanzania has developed and is implementing policies and strategies that prioritise support to small-scale farmers to enable them to improve their livelihoods through the adoption of climate smart agriculture and sustainable land and natural resources management.

The immediate objectives of the CCAP initiatives are: - Small-scale farmers and other stakeholders are demanding the integration of climate-friendly agriculture in national policy and policy implementation.

- Government, private sector and civil society are cooperating to support small-scale farmers to benefit from low GHG emission agriculture that is more climate resilient.

2. Scope of Work

2.1 Overall objectives and approach of this consultancy • To document case studies of village land certificate applications and to present lessons learned and recommendations regarding the process of securing village land certificates. • To document case studies of community efforts to obtain customary rights of occupancy and to present lessons learned and recommendations regarding the process of securing customary rights of occupancy.

Security of land tenure is an important factor determining community and individual commitment and investment in sustainable land and natural resources management. Secure land tenure can also contribute to increased resilience to climate change. The consultancy shall look at the implementation of two measures aimed to demonstrate land tenure in relation to village land in Tanzania: i. village land certificates; and ii. customary rights of occupancy.

The focus of the study should be on identification of measures that can be taken to achieve stronger land tenure for rural communities including small-holders. The study is not intended to investigate land tenure in urban areas nor for institutions or individuals not ordinarily resident in a village.

i. Village land certificates According to the Village Land Act 1999 Section 7 (7) A certificate of village land shall:

(a) be issued in the name of the President;

(b) confer upon the village council the functions of management of the village land.

(c) affirm the occupation and use of the village land by the villagers under and in accordance with the customary law applicable to the land in the area where the village is situated.

Over the last decade the Tanzania Forest Conservation Group and MJUMITA have helped support more than 30 communities to apply for their village land certificates in Kilosa, Lindi, Mpwapwa and Rufiji Districts. After three or more years since submitting their applications and close follow-up, most villages have not received their village land certificates. The exception has been Mpwapwa District where village land certificates were issued within a few months of applying.

The consultant will document the experiences of at least ten villages from at least 4 different districts (including Lindi, Kilosa and Mpwapwa) describing the process that has been followed and the results so far. The case studies will include details on the costs of applying for and following up on the certificates. The case studies will document the perspectives of different stakeholders on the issue including village leaders, ward leaders and ordinary citizens including women.

The consultant shall also interview representatives from local government, the Ministry of Lands, PMO RALG and other CSOs to document their perspectives on the process, reasons for the delay and recommendations for improving the system.

The consultant shall also conduct a literature review and a review of the legislation and regulations.

Based on the various inputs, the consultant shall identify lessons learned and shall propose recommendations for improving the system.

ii. Customary rights of occupancy In addition to the barriers that villages face in getting their village land certificates, farmers face additional challenges in securing their customary right of occupancy.

According to the Land Act 1999 and the Village Land Act 1999, customary rights of occupancy provide the legal basis for individual or group land tenure on village land.

Allocation of the customary rights of occupancy to individual villagers is expensive, time-consuming and technically challenging.

The consultant will document the experiences of at least five villages from 3 districts (including Lindi and Kilosa) in issuing customary rights of occupancy to small-holder farmers, describing the process that has been followed and the results so far. The case studies will include details on the costs of applying for and following up on the certificates. The case studies will document the perspectives of different stakeholders on the issue including village leaders, ward leaders and ordinary citizens including women.

The consultant shall also interview representatives from local government, the Ministry of Lands, PMO RALG and other CSOs to document their perspectives on the process, reasons for the delay and recommendations for improving the system.

The consultant shall also conduct a literature review and a review of the legislation and regulations.

Based on the various inputs, the consultant shall identify lessons learned and shall propose recommendations for improving the system.

3. Methods At a minimum the consultant shall use the following methods: • Literature review • Review of relevant legislation and other legal instruments • Consultation with key stakeholders including farmers, village leaders, local government staff at ward, district and regional level, ward councillors, representatives from Ministry of Land, representatives from PMO RALG and CSO staff including from TFCG, MJUMITA and HakiArdhi. • Selection of villages for case study development to include villages that have been successful in achieving the process as well as those facing challenges • Case study documentation • Analysis and identification of lessons learned • Development of recommendations

Other methods may be employed in addition to those listed above.

4. Deliverables The Consultant shall deliver the following: - 1 inception report detailing the approach to be followed by the consultant, the villages to be included; and a detailed work plan. - 1 technical report. At a minimum, the technical report shall contain the following:

1. Executive Summary 2. Table of Contents 3. Acronyms 4. An introduction including: An overview of the linkages between land tenure and sustainable land and natural resources management, adoption of improved agricultural techniques, climate change resilience and climate change mitigation including references to published research.

Background and rationale for the study.

The objectives of the study

5. Review of relevant laws and legal instruments A description of the legal basis for village land certificates with specific reference to the Village Land Act 1999 and related legal instruments.

A description of the procedures that are supposed to be followed in issuing village land certificates

A description of the legal basis for customary rights of occupancy with specific reference to the Land Act 1999 and the Village Land Act 1999 and related legal instruments.

A description of the procedures that are supposed to be followed in issuing customary rights of occupancy.

6. Literature review A summary of other research and literature related to lessons learned and recommendations related to the village land certificates and customary rights of occupancy in Tanzania.

7. Methods A description of the methods used by the consultant in the implementation of the study.

8. Case studies on village land certificate applications from at least 10 villages in 4 Districts The case studies will include details on: The location and brief history of the village The process that has been followed including a timeline of events; The costs that have been incurred by the communities, local government and by any NGOs or other institutions supporting them in the process. Any technical barriers experienced by different stakeholders along the process. Reasons for delay as cited by different stakeholders

9. Case studies on customary right of occupancy applications from at least 5 villages in 3 Districts The case studies will include details on: The process that has been followed including a timeline of events; The costs that have been incurred by the communities, local government and by any NGOs or other institutions supporting them in the process. Any technical barriers experienced by different stakeholders along the process. Reasons for delay as cited by different stakeholders

10. Results of consultation with key stakeholders The consultant shall present the perspectives of key stakeholders on village land certificates and customary rights of occupancy including: Farmers including women Village leaders including Village lands committee members District Lands Officer Representative of

Ministry of Lands Representative of PMO RALG CSO representatives including TFCG, MJUMITA and Haki Ardhi

These shall provide a broader, national perspective and should include national-level data on the number of villages that have received their village land certificates and the number of customary rights of occupancy that have been issued.

11. Lessons learned Drawing upon the case studies, stakeholder perspectives and literature review the consultant shall articulate lessons learned focusing on issues related to strengthening community and individual land tenure.

12. Recommendations

The consultant shall develop clear and detailed recommendations for different stakeholders aimed at improving community and individual land tenure for members of rural communities. This will include recommendations on how to make the processes of applying for village land certificates and customary rights of occupancy, more efficient and more accessible.

13. References 14. List of stakeholders consulted 15. Terms of Reference

- 1 presentation at a stakeholder meeting to be organised by the CCAP project

5. Budget The total budget to undertake the assignment should not exceed US\$ 9,500 including taxes and all direct costs including transport and accommodation associated with the study. Consultants proposing to undertake the work as secondary employment should be aware that the new rate of withholding tax for those in secondary employment is 30%.


6. Timing

The consultants shall be available to start the consultancy by 12th November with a draft report to be submitted by 10th December.

7. Qualifications and experience of the consultant

This assignment requires a person with: - At least an MSc in law or land and / or natural resources management or a related subject with preference for candidates with a PhD; - Experience of community consultation; - Experience of research on rural land tenure in Tanzania; - Demonstrated experience of delivering professional consultancy reports on time.

Annex 6. A copy of Village Registration certificate Dodoma Isanga Village


JAMHURI YA MUUNGANO WA TANZANIA

HATI YA KUANDIKISHWA KWA KIJJI
(SHERIA NA 7 YA 1982)
Imetolewa chini ya kifungu No. 22
No. ... MR/KIJ/450

Nathibitisha rasmi kwa HATI hii kwamba

Kijiji kijulikanacho kama ... DODOMA
kilicho katika Wilaya ya ... KILOSA .. Mkoa wa ... MOROGORO
leo kimeandikishwa kama Kijiji kwa mujibu wa Kifungu Na.
22 cha Sheria ya Serikali za Mitaa (Mamlaka za Wilaya) Sheria
Na. 7 1982.

HATI hii imetolewa na kutiliwa sahihi na mimi J.N.MALLYA
leo tarehe.....8..... ya mwezi..... AGOSTI19.93.
Mallya
M/sajili wa Vijiji

Annex 7. Village land certificate – Nyali Village

Fomu ya Ardhi ya Viji Na. 16

JAMHURI YA MUUNGANO WA TANZANIA



SHERIA YA ARDHI YA VIJILI, 1999
(Na. 5 ya 1999)

CHETI CHA ARDHI YA KIJILI

(Cheti ya Fungu la 7)

Namba ya Cheti: 7 KLS

Kumb. Na. _____

Leo tarehe: 24 ya mwezi: Januari mwaka 2012.

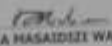
He ni kutibitisha kuwa Halmashauri ya Kijiji (huru ikirejwa kama "Halmashauri") cha **NYALI** katika Wilaya ya **KILOSA** inakabidhiwa kama mihaimi usimamizi wa ardhi yote iliyokwiza katika jedwali liloambatishwa (huru ikirejwa kama "ardhi ya kijiji") kadri ya nia na maana halisi ya Sheria ya Ardhi ya Viji na kwa masharti yafuatayo:-

- I. Halmashauri itasimamia ardhi ya kijiji kadri ya sheria za mila zinazohusu ardhi kwenye eneo husika
- II. Halmashauri italinda mazingira kwa kuhifadhi rutuba ya ardhi na kuzuia mmomonyoko wa udungu;
- III. Halmashauri italinda haki za njia;
- IV. Halmashauri italinda na kutunza mipaka ya kijiji;
- V. Halmashauri itatunza na kukihifadhi kwa usalama cheti hiki;
- VI. Endapo mipaka ya kijiji imebadilishwa au kurekebishwa, Halmashauri itatunza cheti kwa Kamishna ili kudimisha mabadiliko au marekabihi ya mipaka kwenye cheti;
- VII. Halmashauri itatoa hati ya hakimiki ya kimoja na kutafuta daftari la ardhi ya pamoja

JEDWALI

Enzi lita kufuata kama kijiji cha **NYALI** katika Wilaya ya **KILOSA** limo ukubwa wa **Kilometa za mraba grubani na tano mbili sifuri nne (45.04 Sq km)**. Kama masha inavyoambathwa kwa wipo katika ramani/choro liloambatishwa hapo.

ZINETOLEWA na **Nala** na **Yochakidhiwa** kwa **MKONO** kutoka na **LAKIRI** kama huwekana iki na masha vilivyondikwa hapo juu.


KAMISHNA HASAIDIZI WA ARDHI

IMEWEKEWA LAKIRI hatia ya Halmashauri ya Kijiji

na Ki. Chanyali wadao yetu:

- 1) Ina Aliy. Mwanimo Mshahidi
Siku: 24/1/2012
Cheti Mucyeki wa Halmashauri ya Kijiji
Anuani: S.L.P 190 KILOSA LAKIRI/MORRI
- 2) Ina Abdullah Selema Lakirani
Siku: 24/1/2012 **HALMASHAURI YA CHA NYALI**
Cheti: Katiba wa Halmashauri ya Kijiji **REG. No. M/1/1/1/99**
Anuani: S.L.P. 190 KILOSA

Nakala: Mawili



Annex 8 Village Land Certificate – Dodoma Isanga

Forma ya Ardhi ya Viji No. 16

JAMHURI YA TANZANIA WA TANZANIA



SHERIA YA ARDHI YA VIJILI, 1999
(No. 5 ya 1999)

CHETI CHA ARDHI YA KIJILI

(Cheti ya Fungu la 7)

Namba ya Cheti: 6 KLS

Kumb. No. _____

Leo tarehe 6 ya mwezi Februari mwaka 2017.

Ni ni kutibitiza kuwa Halmashauri ya Kiji (huru kirojwa kama "Halmashauri") cha **DODOMA ISANGA** kutika Wilaya ya **KILOSA** inakubidhiwa kama mshahidi usimamizi wa ardhi yote iliyokichwa katika jedwali lililombitishwa (huru kirojwa kama "ardhi ya kiji") kadiri ya na na maana hali ya Sheria ya Ardhi ya Viji na kwa maharti yafuatayo:

- I. Halmashauri kusaname ardhi ya kiji kadiri ya sheria za mila zinazohusu ardhi kwenye eneo husika
- II. Halmashauri itafinda mazungu kwa kutifadi kutaba ya ardhi na kutaba mionomonyoko wa utungo;
- III. Halmashauri itafinda hali za njia;
- IV. Halmashauri itafinda na kutunza mpaka ya kiji;
- V. Halmashauri itafunza na kukitfadi kwa usalama cheti hiki;
- VI. Enyapo mipaka ya kiji imedabidhiwa au kuruhubiwa, Halmashauri itatuna cheti kwa Kamishna ili kudhibita kutadilika au marububiko ya mipaka kwenye cheti;
- VII. Halmashauri itataa hali ya hakimiki ya kimo na kutunza defari la ardhi ya pamoja

JEDWALI

Eneo lile ililikanali kama Kiji cha **DODOMA ISANGA** katika Wilaya ya **KILOSA** lenye ukubwa wa **Kilometa za mraba sitini nyкта moja saba (60.17 SQ KM)**. Kama mipaka inavyoonyeshwa kwa wili katika ramani/mchoro uliombitishwa hapa

IMETOLEWA na Rais na imkabidhiwa kwa **MKONO** wangu za **LAKIRI** namni kuwekana siku na mwaka ulivyanadhiwa hapo jua.


KAMISHNA MASAIKIZI WA ARDHI

IMEWEKEWA LAKIRI hali ya Halmashauri ya Kiji
cha DODOMA - ISANGA mbale yetu:

- 1) Jm. DRESINO FRANCIS MANDISA
Siri: [Signature]
Cheti: Mwenyuki wa Halmashauri ya Kiji
Anwar: 325 - KILOSA LAKIRI/MOHURI
- 2) Jm. LUSTIKI ANEHI KANISA
Siri: [Signature]
Cheti: Kitiu wa Halmashauri ya Kiji
Anwar: 325 - KILOSA

Rakali: Muaji



