

# **DRAFT NATIONAL LAND POLICY, 2016**

**Ministry of Lands Housing and Human Settlements  
Development**

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## Purpose of revision

- ❑ Policy twenty years old - 1995
- ❑ Retain relevant policy issues
- ❑ Propose to delete outdated policy statements
- ❑ Address emerging needs or challenges
  - ❑ Greater security
  - ❑ Pressure of land needs for investment
  - ❑ Land use conflicts
- ❑ Strategic plan for implementation

## Introduction – the process

When	What
Ago, 2015	Review national land Policy, 1995 – Ministry's management
Apr, 2016	Collection of stakeholders views
Jun, 2016	Prepare draft of Policy and draft of Implementation Strategy
Nov, 2016★	Collect stakeholders views on draft...
Nov, 2016 ...	Revise draft ...
	Seek approval of Minister ...
	Seek approval of the Cabinet ...

## Issues - Village land administration

Position of the Land Policy, 1995

Village Councils will administer village lands

Stakeholder Comments

- ☐ Customary titles are inferior to granted titles – name, preparation and maintenance, mortgage conditions
- ☐ Village powers to administer their land be maintained and strengthened but . . .
- ☐ Land titles be of one category with same status
- ☐ A villager be allowed to sell land to any Tanzanian within or without the village and in case of mortgage default land be saleable to any Tanzanian

## Settlement of land disputes

### Position of the Land Policy, 1995

- ❑ A well established land dispute settlement machinery
- ❑ Quasi-judicial village land tribunals - *mabaraza ya wazee ya ardhi vijijini*
- ❑ Special courts at district, regional and national levels

### Stakeholder Comments

- ❑ District tribunals established in a few districts
- ❑ Village, ward tribunals weakly administered, lacks resources - disputes remain for 5 years
- ❑ Maintain the tribunals at village, ward and district levels but . . .
- ❑ Establish machinery under the judiciary for administration of tribunals

## Pastoral lands

### Position of the Land Policy, 1995

- ☐Gazetting pastoral land areas
- ☐Titling of common property
- ☐Shifting agriculture and nomadism prohibited
- ☐Modern transhumance pastoralism encouraged

### Stakeholder Comments

- ☐Provide corridors for transhumant pastoralism
- ☐Village land use planning
- ☐Education on livestock carrying capacity
- ☐A possibility of conversion of reserved land to village land

# Land for Investment

## Position of the Land Policy, 1995

☐ Non-citizens shall not be granted land unless for investment purposes

## Stakeholder Comments

☐ Uphold the position regarding non-citizens

☐ Strengthen development control of land for investment

☐ Set aside special areas for investment purposes and transparently

☐ Land to investors according to endorsed investment plans

☐ Fix the term to 33 yrs or lesser in accordance investment plan

☐ Promote long-term benefit sharing arrangements rather than one-off compensation entitlements

## Protection of special areas

### Position of the Land Policy, 1995

- ❑ Protect sensitive areas include water catchment areas, small islands, border areas, beaches, mountains, forests, national parks, rivers, river basins and banks, seasonal migration routes of wildlife, national heritage and areas of biodiversity
- ❑ Not to be allocated to individuals
- ❑ All beaches are public, waterfront development regulated

### Stakeholder Comments

- ❑ Maintain the current arrangement
- ❑ Ocean and lakes beaches buffer 60m, rivers buffer be 30m
- ❑ Small islands be utilised wherever no security threats



# Critical changes proposed

## Examples:

- ☐ Large scale land based investments required to provide long-term benefits
- ☐ Public beaches and islands to be developed economically while some are kept open for general public use
- ☐ Revocation process for non development of land not to be initiated within first ten years of tenure

# Village boundaries

## Policy issues

- ❑ Most villages surveyed but numerous boundary disputes
- ❑ Some boundaries marked without proper adjudication
- ❑ In some cases important resources close to boundaries
- ❑ Subdivision of villages without proper definition of boundaries

# Village boundaries

## Policy Objective

- Effective administration and socio-economic utilization of village land free of boundary disputes

## Policy statements

- Ensure proper survey of villages boundaries
- Coordinate subdivision, registration and resurveying of boundaries of new villages emerging from already registered and surveyed villages
- Coordinate conflict resolutions of village boundaries through involvement of all relevant stakeholders

# Land Policy and land use planning

## Policy issues

- ❑ Pace of land use planning and management is slow compared to the large number of villages
- ❑ Few villages and districts having land use plans
- ❑ Growing environmental concerns and land use conflicts between farming, livestock keeping, pastoral, forests, woodland, wildlife, large scale land investments and other land uses
- ❑ Large part of rural land underutilized

# Land Policy and land use planning

## Policy Objective

- ❑ Sustainable land use planning, implementation and control

## Policy statements

- ❑ Improve preparation and implementation of land use plans
- ❑ Ensure that land zoned for livestock keeping in land use plans, clearly specify the carrying capacity
- ❑ Promote participation of various stake holders in land use planning, implementation and management
- ❑ Ensure preparation of land use planning before allocating land for investments.

# Land Policy and environment

## Policy issues

- ❑ Demand for food production, livestock feed, wood, and fibre to support a rapidly growing population increase pressure on land resources
- ❑ Most natural ecosystems and agro-ecosystems around the world are facing unprecedented risks
- ❑ Land degradation and loss of biodiversity
- ❑ Tanzania witnessing increased incidences of floods, dry weather spells, drought, and an unpredictable weather patterns

# Land Policy and environment

## Policy Objective

- ❑ Effective management of land for sustainable environment

## Policy statements

- ❑ Put in place mechanism to mitigate the effects of climate change on the environment when implementing the National Land Policy
- ❑ Ensure that all recommendations of the National Adaptation Plan of Action (NAPA) on land use are followed and all efforts are made to reduce land degradation
- ❑ Administer land as a communal resource and use pro-poor land policies as a poverty mitigation mechanism

# Land Policy and good governance

## Policy Objective

☐ Enhanced good governance in land administration

## Policy Objective

☐ Ensure decisions on land matters are based on the legal provisions

☐ Put in place competent land administration systems including decentralising core functions

☐ Enhance capacity in land sector