Country Report 2005

(Based on the PCGIAP-Cadastral Template 2003)

Tanzania

Country/state for which the indications are valid:	TANZANIA
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I. Country Report

A. Country Context

Geographical Context

Tanzania is located on the east coast of Africa between latitude 1°S and 12°S, and 29°E and 41°E. It is bordered by Kenya and Uganda to the North, Rwanda, Burundi and Democratic Republic of Congo to the West, Zambia to the Southwest, Malawi and Mozambique to the South, and the Indian Ocean to the East. Tanzania is predominantly agricultural with emerging mining activities.

Tanzania mainland has an area of about 931,000 km2 of which 886,000 km2 is land and the rest is water. 23% of the land is allocated to reserve areas such as National Parks and Forests. Only 5% of the land area is cultivated. The rest of the area is pastureland. The islands of Zanzibar have an area of 2,611 km2. The 2002 population census recorded the total population as 34.5 million.

The relief of Tanzania begins with a low-lying zone along the Indian Ocean coastline, which rises steadily towards inland where there are hills and plateaus (300 metres). The northeastern part comprises of Block Mountains of the Usambaras (2,300 metres) and the Pare ranges as well as the line of Volcanic Mountains, which include Mount Kilimanjaro (5,950 metres), Meru and Oldonyo Lengai. The Southern Highlands area is comprised of northeast trending high ground rising to heights of 2,000 metres above mean sea level. The western part consists of plateaus, which are indented by the western rift valley. Besides these areas, small alluvial river valley floors such as the Rufiji and Ruvu flood plains occupy many parts of the country.

The relief influences the climate of the country. Annual rainfall is not uniformly distributed. The coastal belt has about 800 mm; the highlands receive more than this amount and the inland plateau areas receive less than 400 mm. Based on this, the population is unevenly distributed over the country.

Historical Context

Tanganyika (present Tanzania Mainland) was colonized by Germany from 1895-1914. After the First World War, the League of Nations entrusted Britain to rule the country as a Mandate

Territory. British colonial rule, therefore, lasted from 1919-1961. On 9th December 1961 Tanganyika became an independent state becoming a republic on the same day in 1962.

In 1964 Tanganyika united with the isles of Zanzibar and became the United Republic of Tanzania. Tanzania is a multiparty state with all political leaders democratically elected. Zanzibar has its own cadastral system. Therefore, the cadastral information described herein does not include the isles.

Current Political and Administrative Structures

Tanzania consists of two parts: namely, the isles (Zanzibar) and the Mainland. There are 21 administrative Regions on the mainland and 5 Regions on the Isles. Each Region is further subdivided into Districts and each District is in turn divided into Wards.

The Central Government administration is composed of three organs, namely: the Executive, Legislature and Judiciary. In addition to this structure, there are Local Government Authorities at various levels to assist the Central Government organs.

The Executive is composed of an executive President who is directly assisted by a Vice President, President of Zanzibar, Prime Minister and the Cabinet. In addition, there are 26 regions led by Regional Commissioners and 130 districts led by District Commissioners.

The Legislature (Parliament) is composed of two organs: the National Assembly and the President. The National Assembly enacts laws and the President assents them. The National Assembly is composed of 285 elected members and 11 appointed ones.

Local Government Authorities are classified as either Urban Councils or District/Rural Councils. These Councils are responsible for (a) maintaining law and order, and (b) economic and development planning in their respective areas of jurisdiction.

The Judiciary is composed of a Court of Appeal, a High Court, Regional Magistrates Courts, District Magistrates Courts and Primary Courts. The legal system is based on common law.

Historical Outline of Cadastral System

The cadastral system was originally introduced in the then Tanganyika (present mainland Tanzania) by the German colonial administration. The British colonial administration developed it and so did the independent Tanganyika and later, Tanzania administration.

The concept of Cadastral Surveying was introduced in Tanzania by the German colonial administration, which formed the Department of Surveying and Agriculture in 1893. The British followed the footsteps of the German administration. Initially cadastral surveys were used for the alienation of land to European settlers.

The primary objective of cadastral surveying in Tanzania is to provide geometric description, sizes and locations of land parcels for purposes of facilitating equitable access to land and registration of land rights. Based on this, an extract of or a reduced copy of the cadastral plan of a land parcel(s) is annexed to the certificate of title. Recently, the primary objective has evolved into fiscal purposes whereby cadastral surveys are used as a basis for collection of land/property rent/tax and for supporting land market.

The cadastral surveying system is administratively placed in the same Ministry as the other related disciplines, namely Land Use Planning/Zoning, Land Administration, Valuation and Land Registration and Titling.

The Surveys and Mapping Division administers the execution of all cadastral surveys in the country including: monitoring, regulating and supervising cadastral works undertaken by Government and Licensed Private Surveyors. In this regard, it checks and ensures that all cadastral surveys in the country are executed in accordance with the specified standards, approves cadastral tasks, keeps and maintains records of approved surveys, prepares or causes the preparation of deed plans needed in the compilation of Certificates of Title to land parcels, establishes and densifies control system upon which cadastral (and other) surveys are connected.

The cadastral survey process uses ground survey methods employing numerical techniques. Ground methods are invariably used largely because most survey tasks are sporadic and often involve the survey of single land parcels (expensive). The surveys are based on fixed, monumented, boundary marks that delimit the corners of land parcels. The marks showing the corner points of land parcels are either a concrete block (a numbered beacon) or an Iron Pin in Concrete (IPC) firmly held in the ground by mortar.

B. Institutional Framework

Government Organizations

The Registrar of Titles undertakes Land registration. Cadastral Surveying is administered by the Surveys and Mapping. Government Surveyors and Licensed Private Surveyors do cadastral surveying. Both the Land Registry and the Surveys and Mapping Division are housed under one Ministry, namely; the Ministry of Lands and Human Settlements Development.

See part 'A' on Country Context above for more.

Private Sector Involvement

Public offices do all Land Registration processes in Tanzania. The process of land registration begins in the District/Urban Council Land Offices from where applications for land surveys, allocations and registrations are lodged; the records/documents compiled and sent to Zonal Land Registries for further processing. The registration process is finalized at the Central Registry office in Dar es Salaam. There are six zonal offices distributed in various centers (Dar es Salaam, Dodoma, Mbeya, Moshi, Mtwara and Mwanza) in Tanzania.

Both Government and Private Licensed Surveyors do cadastral Surveys in the country. Preparation of deed plans needed for title registration is prepared at District/Urban Council Land Offices and at the Surveys and Mapping Division in Dar es Salaam.

Professional Organization or Association

There is a professional association called the Institution of Surveyors of Tanzania (IST). It has 100 full members and 30 Technical Associates. The full members are all graduate surveyors, most of whom have been fully registered as Professional Surveyors by the National Council of Professional Surveyors. The technical associates are Survey technicians who hold certificates in land surveying.

Licensing

There is a licensing system of cadastral surveyors. Before a surveyor can be licensed he/she must be registered as either a Fully or Temporarily Registered Surveyor (i.e. FRS or TRS). Conditions for Full Registration are BSc degree in Land Surveying or equivalent, approved working experience acquired over a period of at least 5 years, independent recommendations of good ethical standing in professional practice, and passing an interview conducted by the National Council of Professional Surveyors (NCPS). The NCPS is a statutory government agency established under the provisions of the Professional Surveyors (Registration) Act No. 2 of 1977.

There are at present (2005) 28 Surveying Companies in private practice in the country.

Education

There is only one institution offering degree courses in Land Surveying (Geomatics) in Tanzania. It is the Dar es Salaam based University College of Lands and Architectural Studies (UCLAS). UCLAS is a Constituent College of the University of Dar es Salaam.

The degree programme in Geomatics takes four years. Admission qualifications are Form Six Secondary Education with two principal level passes in Mathematics and Physics or Geography or Chemistry or Biology. Equivalent entry qualifications are also available. The annual number

of student enrolment has been rising steadily. This number is poised to keep rising from the current average of 30 to 40.

Ardhi Institute Morogoro trains survey technicians at certificate and ordinary diploma levels. Each level produces an annual output of about 50. This Institute admits ex-Form four and six secondary school leavers. The duration for each of the certificate and diploma courses is two years.

C. Cadastral System

Purpose of Cadastral System

The original purpose of the cadastral system was legal. It has now been modified to also include fiscal and multipurpose aspects. See part 'A' on Country Context above for more.

Cadastral Surveying and Mapping (or the cadastre) is one of the major components of a modern Cadastral System; the other components being Land Registration and Titling, Physical and Environmental Planning, and Land Administration, including Valuation. The cadastral system operates within a framework of law and regulations.

The Land Act 1999 and the Village Land Act 1999 together provide the basic law in relation to the management and administration of land, settlement of disputes and related matters. All ministries, public and private institutions whose functions are associated with land development are required to work closely with the Ministry of Lands to ensure efficient implementation of the national land policy. Similarly Local Government Authorities are required to cooperate with the Ministry to ensure proper land administration in their respective jurisdiction.

Types of Cadastral System

Cadastral surveys are carried out in urban and rural areas. Most cadastral activities are done in the urban areas. In either case the surveys and parcel registrations are largely sporadic. Cadastral surveys are carried out in conformity with the Land Survey Ordinance of 1956 and the Survey Regulations of 1959. Most cadastral surveys in urban areas are carried out on the basis of approved Town Planning layouts. Cadastral surveys in informal urban settlements and in the rural areas are carried out following already established boundaries, i.e. as settled.

About 70% of urban dwellers live in informal settlements that have not been planned and surveyed. This is a great concern for the government. Measures are currently (2005) being taken to formalize them following adoption of the de Soto program in Tanzania in 2004.

Cadastral Concept

The main unit in the cadastral system is the plot/parcel. It is the plot that is registered.

Content of Cadastral System

There are two types of registers: the cadastral survey register and the titles register. The cadastral survey register contains the geometric and spatial descriptions of parcels while the titles register contains parcel ownership particulars. The Surveys and Mapping Division is at present digitizing all cadastral Survey Plans. There is also at the Ministry responsible for land development, a Management Information System unit dealing with the computerization of all other cadastral information.

D. Cadastral Mapping

Cadastral Map

Every individual cadastral survey task culminates to the production of a survey plan that is constructed at specified material type, scale, size and format.

Information on the cadastral map includes spatial location of parcels (coordinates and physical eg District location), parcel numbers, boundary dimensions and sizes (area) of each parcel and

significant features existing on the ground at the time of survey. Such features are those, which may affect the allocation of the parcels and therefore may require to be moved or accommodated. Other information on the plan includes boundaries of previously surveyed adjoining land and where necessary, an inset map showing the location of the area surveyed.

Example of a Cadastral Map

Role of Cadastral Layer in SDI

The cadastral plans/maps are also used as a guide in the provision of utilities and infrastructure.

E. Reform Issues

Cadastral Issues

The major problems include:

- Inadequate funding,
- Delays in delivery of planned, surveyed and serviced land.
- Old/Inadequate working tools.
- Proliferation of informal settlements in urban areas.

Current Initiatives

Steps taken to address the identified issues include:

- Request for more funds from Treasury to be able to acquire equipment and implement various activities.
- Cost recovery from cadastral services provided as a measure of sustainability.
- Decentralization of services to District/Urban Council levels to avail services promptly to those who need them.
- Using state-of-the-art technology wherever possible to speed up delivery of services.
- The 20,000 Plots Project in Dar es Salaam is being emulated in other urban areas to mitigate the problem of supply of planned, surveyed and serviced parcels.
- Acquisition of modern equipment to speed up work performance.
- Adoption of the de Soto program as a measure to recognize properties in the informal settlements.
- Involve more participation of the private sector in the cadastral system to cut down direct expenditure by government.
- Etc.

References

Director of Survey & Mapping, P.O. Box 9201, Dar es Salaam, TANZANIA.

Silayo, E.H. P.O. Box 35176, Dar es Salaam. Tanzania.

II. Questionnaire

1. Cadastral Principles

Deed or title registration

1.1 Is your cadastral system based on deeds registration or on title registration?

- ☐ deeds registration
- × title registration
- ☐ other: …….

Registration of land ownership

1.2 By law, is registration of land ownership compulsory or optional?

- ☐ compulsory
- × optional
- ☐ other: …….

1.3 If felt necessary, please, comment how registration works in practice, and what the legal consequences are for not registering a land ownership title:

Approach for the establishment of the cadastral records

1.4 Are landowners required to register their properties systematically during the initial establishment of the cadastre or is registration sporadic, i.e. triggered only by specific actions (such as for example sale) ?

- ☐ systematic
- × sporadic
- ☐ both
- ☐ all properties are already registered
- ☐ other: …….

2. Cadastral Statistics

Population

2.1 What is the **population** of your country ?

34.5 million

2.2 Please, estimate the **population distribution** between urban and rural areas.

urban:	…4… %
rural:	…96… %
total:	…100… %

Number and distribution of land parcels

2.3 Please, estimate the approximate **total number of the smallest uniquely identified land units**, often called "land parcels" in your country, including urban and rural areas ?

The total number would include all freehold and state owned land, regardless of registered, non-registered or informal holding.

maybe 0.5 million

2.4 What is the approximate **total number of registered strata or condominium units** ? This number would be in addition to the number of land parcels indicated in 2.3 ?

maybe 50,000

2.5 For **URBAN areas**, please, estimate the **distribution between the smallest uniquely identified land units, often called "land parcels"** (i) that are legally registered and surveyed, (ii) that are legally occupied but not registered or surveyed, and (iii) that are informally occupied without any legal title (this may include illegal occupation or squatting).

If the estimation is too difficult or complex using land parcels, you may base your estimation alternatively on the number of people occupying these forms of land parcels.

legally registered and surveyed:	…10… %
legally occupied, but not registered or surveyed:	…20… %
informally occupied without legal title:	…70… %
total:	…100… %

2.6 For **RURAL areas**, please, estimate the **distribution between the smallest uniquely identified land units, often called "land parcels"** (i) that are legally registered and surveyed, (ii) that are legally occupied but not registered or surveyed, and (iii) that are informally occupied without any legal title (this may include illegal occupation or squatting).

If the estimation is too difficult or complex using land parcels, you may base your estimation alternatively on the number of people occupying these forms of land parcels.

legally registered and surveyed:	…5… %
legally occupied, but not registered or surveyed:	…90… %
informally occupied without legal title:	…5… %
total:	…100… %

Number of professionals

Please estimate the total number of *academic professionals* that are active within the cadastral system and the proportion of the time that they actually commit for cadastral matters (as opposed to work outside of the cadastral system) ?

2.7	Total number of **professional land surveyors**, such as licensed surveyors active within the cadastral system:	150
2.8	Proportion of the time that these land surveyors commit for cadastral matters:	…50…%

2.9	Total number of **lawyers/solicitors** or equivalent active within the cadastral system or land market:	10
2.10	Proportion of time that these lawyers/solicitors commit for cadastral matters or land market:	…50…%

Remarks and Comments

Please, identify the best aspect of this questionnaire ?

Part I on country report.

Please, suggest the area in the questionnaire that could be improved?

Part II on cadastral statistics.

Consider the inclusion of a section on Land Tenure (general aspects only).