

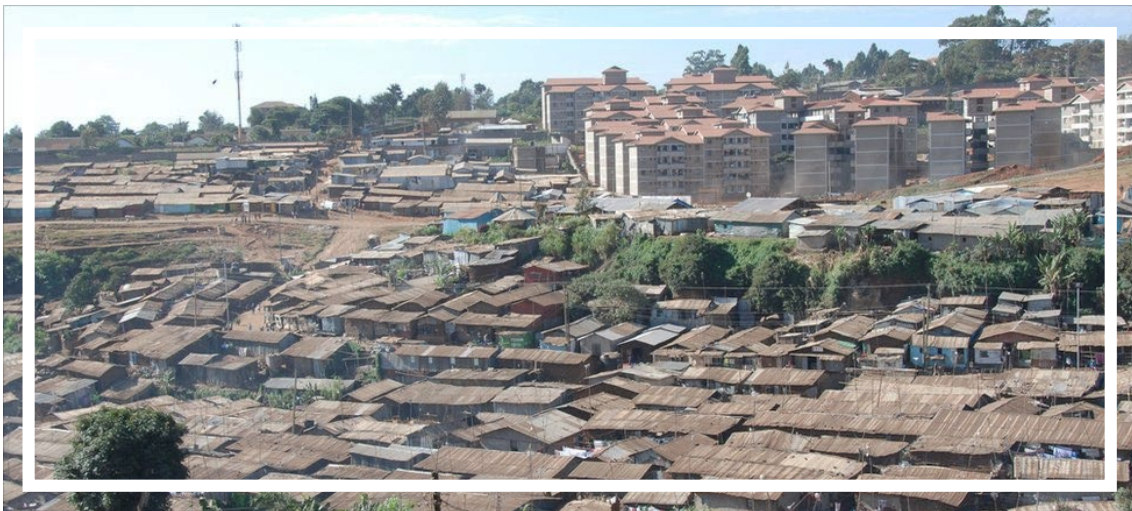


## « URBAN PLANNING, LAND RIGHTS AND FOOD SECURITY »

Ubungo Darajani, Tanzania

*Period of implementation: 2006 (launch) | Study case written in 2010*

This case describes spatial land use planning and urban agriculture practises in Dar Es Salaam, Tanzania, one of the rapidly urbanising cities in Sub-Saharan Africa. It demonstrates how urban agriculture livelihood can be integrated in spatial land use planning and improve urban land governance, using Ubungo Darajani as case study. The case shows that the urbanisation processes, urban poverty, food insecurity, and inadequate community involvement in land use planning are the factors underpinning and catalysing changes in land use, land transactions, immigration, and overall urban agriculture proliferation in the city. The implications generated by these factors suggest that poor urban land governance is not only the cause, but it is caused by the weakness of planning institutions to realise and adapt to the new challenges that urban agriculture presents to urban land development process.



The **Inclusive Cities Observatory** was launched in 2008 by the UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights with the aim of creating a space for analysis and reflection on local social inclusion policies. The initiative was developed with the scientific support of Professor Yves Cabannes (University College of London) and the Centre for Social Studies (CES) from the University of Coimbra. At present, the Observatory contains more than sixty study cases mostly developed between 2008 and 2010. Even though many of these cases refer to policies that have already come to an end, they still have much to offer: from capitalizing on the learning acquired by other local authorities to discovering suggestive and alternative means to address social inclusion challenges from a local perspective.

## Context

### *National context and decentralization*

Access to land is a central problem and source of conflict in urban contexts in Africa, and Tanzania is a good example of this. In this country, located in eastern Africa<sup>1</sup>, one of the main problems derives from the absence or poor organization of urban planning, especially in the more peripheral areas of the cities. For the purposes of this case study, an *urban setting* is defined as contiguous sub-places predominantly made up of proclaimed land where there is a reasonably high density of people (more than 500 people per km<sup>2</sup>) and where residents have access to urban amenities and opportunities (schools, hospitals/clinics, services, recreation, work, etc).<sup>2</sup> The urban population of Tanzania is estimated at 30%, and is increasing at about 11% per year. Informal settlements are expanding rapidly.

In Tanzania, all land is public, vested in the President as trustee for and on behalf of the citizens. Legally, there are two main types of land tenure: statutory and customary. Both systems coexist in most rural and urban areas. All citizens who wish to occupy and use land in Tanzania can apply to the municipalities for land. The government grants its citizens renewable rights of occupancy on land that has been surveyed of up to 99 years at a premium and revisable annual rent. To be valid, the right has to be registered under the Land Registration Ordinance Chapter 334 (Sheuya et al. 2010: 3-4).

Recent years have seen some interest in land markets in African countries. Proponents for reform in rural lands have argued for a movement towards replacing customary tenure with market transactions. In urban areas, it is increasingly noted that there is a thriving market in land despite many a government's admonition that there is no market in land, with more and more people getting land by way of purchase.<sup>3</sup>

In terms of tenure security, people who build and use land in informal settlements in Tanzania know that they have some 'perceived' security of tenure due to:

- a) Historical reasons: Since the 1970s, the Tanzanian Government has been sympathetic to the development of these settlements (Sheuya et al. 2010);
- b) National land policy of 1995; and
- c) Human settlements development policy: In place since 2000, this policy aims, progressively, to upgrade informal settlements in cooperation with 'their inhabitants through CBOs<sup>4</sup> and NGOs', with the government playing 'a facilitating role' (URT 2000: 26). In this context, urban planners and policymakers have sought to establish and consolidate emerging forms of urban agriculture-based livelihoods within land use planning practises and within a guided planning framework. Thus, since the late 1990s, the municipal structures of Dar es Salaam have been supporting and promoting various projects seeking to regularize the use of land in

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<sup>1</sup> The United Republic of Tanzania is a country in central East Africa bordered by Kenya and Uganda to the north; Rwanda, Burundi, and the Democratic Republic of the Congo to the west; and Zambia, Malawi, and Mozambique to the south. The country's eastern borders lie on the Indian Ocean.

<sup>2</sup> There is no international standard or commonly accepted definition of urban land, with definitions often based on how and for what purpose the user wants the information. Many countries use a combination of population size and density to define urban areas. There are many settlements that have urban densities but are distinctly rural in character.

<sup>3</sup> Several policy instruments affect the supply of land, including property rights, land titling and registration, land use regulations, direct public intervention including land acquisition, and the use of different scales of power.

<sup>4</sup> Community-Based Organizations

informal settlements, including the right to tenure for housing and agricultural purposes.

### *City context*

Dar es Salaam is an 'administrative province' within Tanzania<sup>5</sup> and consists of three local government areas or administrative districts: Kinondoni to the north, Ilala in the centre of the region, and Temeke to the south. It is the largest city in Tanzania, with more than 2.8 million inhabitants in 2006 (compared to 2.5 million inhabitants in 2002; UNDP 2006). It is also the country's richest city and a regionally important economic centre. Spatially, in the peri-urban areas of Dar es Salaam, the land is sparsely populated and dominated by urban agriculture activities aiming to provide a food supply to urban residents living in the inner zones. Understanding food security challenges in Tanzania is necessary to determine urban development processes.

### *Land use planning and urban agriculture*

In the majority of African countries, land use planning processes and outputs (i.e. land use plans) rarely put in place conditions, standards, and mechanisms to coordinate and control urban agriculture and promote it in urban areas. This illustrates the inadequacies in land development coordination and control mechanisms in place in many Sub-Saharan African cities. In the context of rapidly urbanisation processes in African cities, there is increasing marginalisation of the sector in urban land development and management despite its relevance in food security, environmental conservation, and poverty reduction.

In rapidly growing cities such as Dar es Salaam, urbanisation processes, urban poverty, food insecurity, and inadequate community involvement in land use planning are the factors underpinning and catalysing changes in land use, land transactions, immigration, and overall urban agriculture proliferation in the city. These factors suggest that poor urban land governance is not only the cause, but it is caused by the weakness of planning institutions to realise and adapt to the new challenges that urban agriculture presents to the urban land development process. In this context, land management and land use planning become key policy elements, which should be discussed involving community elements (Magigi & Majani 2005).

A UN-Habitat (2007) report shows that cities in Sub-Saharan Africa are very affected by uncontrolled urbanisation processes and the poor enforcement of land development policies and legislations. The report stresses an urgent need for these cities to adopt participatory planning frameworks able to coordinate and control land development. Such frameworks can assist in coordinating different land use functions, including urban agriculture, which can be used to meet the needs of expanding populations, add value to land, and provide goods to meet market and food security challenges. By involving different stakeholders in planning, facilitating, and controlling land use planning and subsequent activities, this process also allows for a broader participation in view of land development control and securing tenure in informal neighbourhoods.

Urban agriculture in world cities is not a new phenomenon and today is an issue to be considered as an integral part of urban land management (Friedmann 1987: 47; Lynch 1990: 536; Drescher 2003) for a range of reasons: its scale and magnitude in providing food for the majority of urban residents, employment alternatives to decreasing employment in the formal sector from

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<sup>5</sup> Dar es Salaam lost its official status as capital city to Dodoma, but remains the centre of the permanent central government bureaucracy.

the structural crisis affecting African urban centres, environmental conservation, and ongoing civil service reforms in many sub-Saharan countries. Ngware & Kironde (2000) observe that it is important to improve urban food supply to a level where every urban dweller has access at all times to the food required. The authors stress that the ability to sustain food supplies in order to feed the urban masses is likely to be one of the major urban development challenges for Tanzania in the coming years. However, in only a few cases has urban agriculture been integrated into policymaking, urban planning, and urban management practises in developing countries, including Tanzania (Mitlin & Satterthwaite 2002: 23).

Despite its importance as a major food provider sector, an employment generator, in sustaining livelihood for the urban poor, and for environmental resources, urban agriculture practice seems to be hardly integrated in land use planning processes and structures. As this study shows, a better understanding of the spatial land use planning and urban agriculture practises and forms, their influencing factors, implications, and options for their integration in Dar es Salaam will help improve policy and practical gaps in urban growth and development processes in regards to food security, poverty reduction, and planning processes. It will also redress urbanisation impacts and improve urban land governance in Sub-Saharan Africa developing cities. Indeed, as Liviga & Mekacha (1998) underline in their study of youth migrations and the location of poverty in Tanzania, food insecurity and malnutrition is increasingly shifting from rural to urban areas. This increases the necessary level of involvement of different actors, including the government and the private sector, in feeding the urban masses and maintaining sustainable urban development processes.

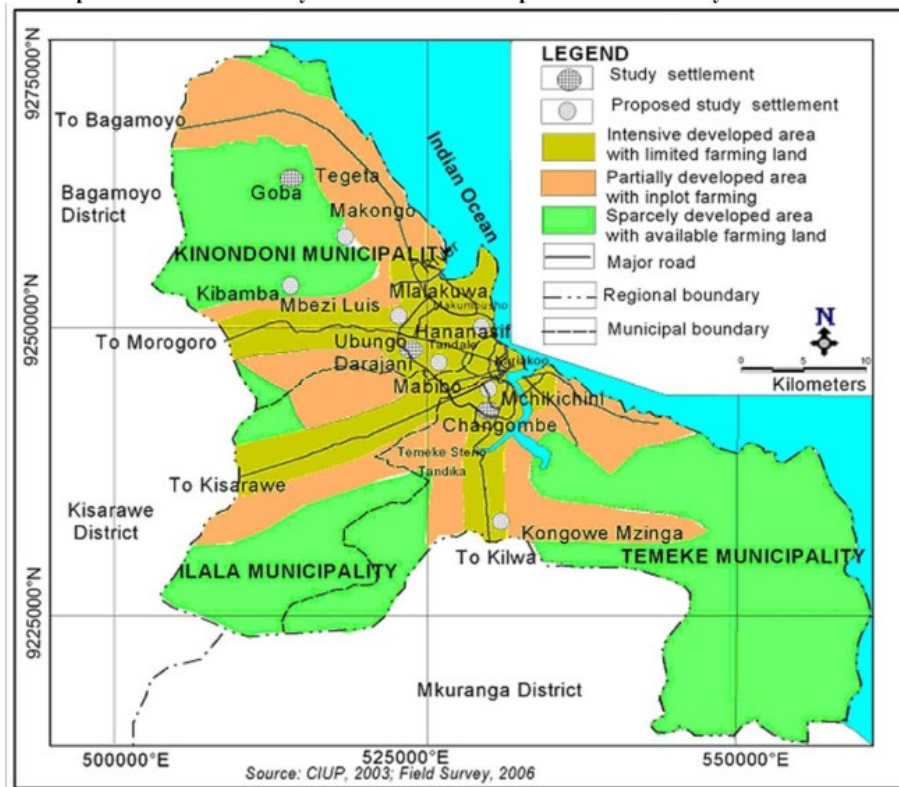
### *Ubungo Darajani: Social and Economic Context*

Dar es Salaam has a historical problem of unplanned settlements, with Ubungo Darajani being one of them. This informal settlement is located some 9 km away from Dar es Salaam (Magigi & Majani 2005) and covers 26 hectares, a low land area that experiences flooding during the rainy season. It has a total of 849 households and 4,245 people, of which 2,420 are female. Of the 849 households, 269 are landholders and 580 are tenants (URT 2002). The population of this informal settlement is from various ethnic backgrounds, with a great degree of cultural, social, and economic diversity. The presence of religious groups and female credit associations is an important point of analysis to understand land regularization in Ubungo Darajani. These groups have influenced many aspects of local development and social welfare (Magigi 2010).

The main economics activities involve the local settlement: gardening, land business, petty trading, and farming. Other activities include owning retail shops, garages, hotels, and restaurants; and animal and poultry keeping (up to 32%). Additional subsistence activities include off-farm activities such as carpentry and the sale of processed building wood, which employs 20% of residents. Sixty percent of residents affirmed having formal employment, leaving about 40% of residents to be employed in the informal sector. This employment pattern and level, and increased housing investments for renting and residential purposes, enhances the community's contribution capacity in land use planning processes (URT 2002).

Furthermore, if, in the past, unplanned areas were considered to be occupied by the poor and by socially deviant persons, current evidence suggests a more complex situation with middle- and high-income households, as well as civil servants and prominent entrepreneurs, having a sizeable presence in these areas. In Dar es Salaam, high-income households are seen to be developing expensive buildings in unplanned areas, which could be said to be undergoing gentrification (Magugi 2008). At the periphery of urban areas, high income households are buying land from locals to build on it immediately, or to use it for agricultural purposes for a time before subdividing it into plots for development.

**Figure 1. Formal and informal neighbourhoods in Dar es Salaam City**



Source: Magigi (2008)

**Institutional level of policy:** Municipality

## Policy development

### *Background*

During the colonial British administration, the first master-plan approach was adopted for the urban centres in Tanzania. The fieldwork experience showed that master-plan had not worked because it was mainly based on a top-down approach. Despite the non-involvement of the local community in implementation and management, the plan was based upon an 'Ordinance' scheme that involved different levels of authorities and that was to be applied, by the same procedures of implantation, in the whole country. Today, the Town and Country Planning Act of 1956, revised in 1961, guides, directs, and controls land development in compliance with other laws such as Land Act of 1999.

The Land Act stipulates important roles in relation to development control (section 35-39) through enforcement of building control and empowers local authorities to impose development conditions on land development. It makes use of planning consent procedures and land use zoning through preparation of a detailed planning scheme (i.e. land use plan). Cap 378 of this Law has two main parts, which facilitate local community involvement in land development and management. The first part is on the preparation and execution of detailed planning schemes; the second part is on land development control. Local and central government authorities are required, by law, to facilitate formal land development and management.

The Law underlines the need for public-private partnership in land development activities including preparation of land use planning in view of flexible planning standards. The flexible standards help to control land development in view of locally enforced unwritten norms in place by the communities with government facilitation. However, as several studies show, the 'Ordinance' scheme becomes a political tool when the local authority uses technical experts in support of the landholders. In this process, quite often the grassroots are not taken into consideration, and the compulsory approbation by the population becomes one of the main strategies developed for the plan to work.

From the 1990s on, after the Sustainable Cities Program using Environmental Planning and Management (EPM) was approved, the grassroots became more formally involved in the planning process of the issues and development of land in Tanzania. The landholders – in the informal settlements not holding any formal title – are involved through consultation meetings, where they can pose objections to the land use planning scheme to be lodged<sup>6</sup> (Magigi 2010: 225). In Ubungo Darajani, this participatory process began only when the EPM was created. Before that, the land regulation had some problems because the landholders avoided the 'Ordinance' plan and continued to manage their land by themselves.

### *Policy objectives*

The main objective of the Ubungo Darajani land regularization is to adapt the social context through the land dimension in order to aggregate infrastructure, services, and welfare, and to ensure security of tenure. The scheme of regularization entails arrangements for land use planning and boundary demarcation, for the involvement of local authority and landholders in the areas, and for budget and compensation in connection to scheme implementation, cadastral survey, and land registration. This process, at place in several urban centres in Tanzania, facilitates the recording, adjudication, classification, and registration of occupation and use of land by persons living and working in an area. Further, this process strengthens institutional structures and linkages in land use planning practises, and promotes the involvement of local communities in defining their priorities when working to improve urban land governance.

### *Chronological development and implementation*

The involvement of local communities with the discussion of land use planning and land policies was initiated by CBOs and NGOs; specifically, the Ubungo Darajani Community Development Association (UDASEDA) became the frontline movement. UDASEDA resulted from the communities' fear of evictions with the implementation of Dar es Salaam master plan, as the area was designated as hazardous land in 1978. The area's poor infrastructure service, poor accessibility to credit facilities, and flooding were among other pertinent, commonly felt problems in the community. It enhanced community collective action in the land use planning process and led them to become able to decide on planning standards through mutual agreements.

Active community participation in land regularization, as an active mechanism of social inclusion in Dar es Salaam, has been actively promoted since the early 1990s. Despite good policies and intentions, however, there is a vacuum regarding its operationalization at the grassroots level. Power concentration in the central government leads to long and tedious processes and can discourage local community involvement in land management. This issue points to the need to put legal mechanisms in place to decentralize land use planning initiation

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<sup>6</sup> The Law grants the right of appeal against administrative decisions.

and implementation to grassroots actors, where government could facilitate at the point where the local community fails.

In Ubungo Darajani, the main important actions of EPM were (a) identifying stakeholders and their social and economic profiles, and (b) conducting consultative meetings to discuss issues both inside and outside of the local troubles. Prior to project execution, planning standards were discussed with local leaders, UCLAS landholders, tenants, private sectors, and the ministry. The endorsed planning standards agreed by local communities were later discussed and endorsed by the Municipality and then approved by the Ministry.<sup>7</sup> The project took place over five years (Magigi & Majani 2005).

## *Stakeholders, beneficiaries and participatory methodologies*

### **Partners involved**

Ministry of Lands and Human Settlement Development (MLHSD), local authorities<sup>8</sup>, municipalities, civil society, householders and landholders, University College of Land and Architectural Studies (UCLAS), Ubungo Darajani Community Development Organisation (UDASEDA), Community Land Development Committee (CLDC), Kinondoni Municipal Council, donor community, and religious groups.

### **Beneficiaries**

Householders and landholders, local community

## *Institutionalizing and financing*

### **Institutionalization process**

Despite the Acts already mentioned, the most important institutionalizing process is the land regularization itself. The experience of Ubungo Darajani illustrates how a partnership of civil society, local authorities, government, and university could become a legal instrument to democratize land legislation. The dynamic mechanism of participatory forums where the suggestions and proposals cross all decisions spheres showed an interesting way to solve local struggles and offered to the government a wide overview of the land situation in the local level.

### **Funding**

University College of Land and Architectural Studies (UCLAS) and Ministry of Lands and Human Settlement Development (MLHSD), both from Tanzania, with support at different stages from international institutions, including the World Bank.

## **Outcomes and reflections**

### *Key results and achievements*

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<sup>7</sup> It included major infrastructure facilities and the identification of various uses of land: residential areas, road hierarchy and right of way, solid waste collection points, etc. It also identified facilities including schools, health facilities, water access, etc.

<sup>8</sup> The role of the local authority was important to guarantee communications among the society participants and to offer material resources to ensure the meetings happened. Further, the local authority made their technical expertise available to the community to assist in the negotiations. On other hand, part of trusting the planning process came from the 'spokesperson', elected from within civil society to follow the process and provide feedback to the community about the management and development of processes.

A total of 237 plots were planned and surveyed, making them part of the formal land management system. Three new roads were opened in the settlement. Flexible planning standards for road widths were adopted: 6-metre, 10-metre, and 20-metre standards for footpaths, access roads, and local distributor roads respectively. Thirty-two landholders donated land for the road expansion through mutual agreements between the landholders and Municipal Council (Magigi 2010: 231).

The minimum plot size did not conform to the national planning space standards (i.e. 400 metres) approved by the central government. This recognized informal settling in policy reforms and institutional support, and facilitated community involvement in decision-making to determine planning standards in line with land availability (Magigi & Majani 2005).

### *Overall assessment and replicability or adaptation elsewhere*

#### **Overall assessment and improvements of the practice**

This case illustrates how the articulation of civil society, local authority, and government could be an interesting way to improve local welfare and to find solutions to land struggles. Obviously, when the authority talks about the land regularization, it talks about the opportunity converge divergent views and approaches on the same issue. Land represents more than economic feasibility. A community who feels itself responsible for its own politics is stimulated to dialog with the authority towards its development.

#### **Interest and replicability**

The growth of the urban agriculture sector remains an indispensable reality depicting urban land development in rapidly urbanising cities in Sub-Saharan Africa. Inclusion of urban agriculture-based livelihoods in spatial land use planning processes and structures, including decision-making, preparation, implementation, and monitoring, are rationales for improving the livelihoods of the urban poor-smallholder farmers and space use. This can be achieved through, but not limited to, adopting participatory urban planning approaches, settlement upgrading, institutional collaborations, decentralising roles to the local level, and strengthening smallholder organization through institutionalisation and giving them a voice platform in the political dialogue. However, development control and enforcement should be in place to ensure standards approved are safeguarded using a community-based management approach to avoid further land subdivision and to support sustainable city growth.

### **Further information**

Information obtained from the internet, based upon studies developed by Wakuru Magigi. The text was prepared by Leonardo Veroneze and Maria Paula Meneses in 2011, both from the Centre for Social Studies at the University of Coimbra, Portugal.

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