Formalising Property Rights in Informal Settlements and Its Implications on Poverty Reduction: The Case of Dar es Salaam, Tanzania

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Abstract: Formalising property rights as a strategy is a call for a global reform aimed at overcoming poverty and underdevelopment. Its focus is formal recognition of "extralegal" properties. The poor of the world who are mostly living in informal or unplanned settlements hold assets worth trillions of dollars in the form of houses, buildings, land and small businesses. The problem is that their rights are not adequately documented and hence these assets cannot readily be turned into capital. It is believed that poverty can be reduced if assets owned by people living in these settlements are formalized and hence used as collateral for a loan. However, not much is known to generalise that formalizing property rights will automatically reduce poverty among the poor residents in informal settlements. In Dar es Salaam City, the largest and primary urban centre in Tanzania with more than 4 million people has approximately two thirds of its residents living in informal settlements. About 80% of the residential houses found in these settlements were until recently not formally registered. The properties in these areas are sound or improvable. This paper discusses the process of regularisation that includes formalisation of property rights, taking place in informal settlements in Dar es Salaam. The findings from recent research conducted in Dar es Salaam show that owners of the regularised properties are using the licenses or certificates to access credit for improving their houses or establishing small business. These emerging processes are indicators of poverty reduction. Although there are several challenges, the authors argue in the paper that the experiences in Dar es Salaam may assist in the scaling-up of the regularisation process of informal or unplanned or slum settlements in most urban centres in developing countries, including Tanzania, and thus achieving one of the Millennium Development Goals, Goal 7 Target 11.

Key words: regularisation; formalisation; land tenure; property rights; unplanned/informal settlements; poverty reduction; Dar es Salaam

JEL codes: R210

1. Introduction

Formalizing property rights as a strategy is a call for a global reform aimed at overcoming poverty and underdevelopment. Its focus is formal recognition of "extralegal"[1] properties (Ben et al., 2005). According to De

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Soto (2000)[2] the poor of the world living in informal settlements hold assets worth trillions of dollars in the form of houses, buildings, land and small businesses. The problem is that their rights are not adequately documented and hence these assets cannot readily be turned into capital. It is believed that poverty can be reduced if assets owned by people living in informal settlements are formalized and hence used as collateral for a loan (*ibid*). However, not much is known to what extent formalizing property rights may reduce poverty among the poor residents in informal settlements.

Tanzania is one of the signatories of the UN declaration of Millennium Development Goals (MDGs), many of which are to be achieved by 2015. Tanzania has signed different declarations pertaining to human settlements development made at different for a followed by the agreement of Agenda 21, The UN-HABITAT Agenda, Johannesburg Plan of Implementation of targets of adequate shelter for all and sustainable human settlements development. In the Millennium declaration, adopted by the General Assembly in September 2000, it was agreed that, "by 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers as proposed in the 'Cities Without Slums' Initiative". In Tanzania, efforts are being made to regularise all unplanned settlements by 2015 as one of the strategies for poverty reduction.

Since the 1990s, Tanzania government has come up with clear policies and strategies of addressing the issue of insecure tenure in unplanned or informal settlements (also known as squatter settlements). These include the Land Policy of 1995, the Human Settlements Development Policy 2000, Land Act 1999 (Act No. 4 of 1999) as revised in 2004 and the Urban Planning Act 2007, all of which have been enacted to include provisions that provide security of tenure of property owners of legalized unplanned settlements (URT, 1995; URT, 2000; URT, 1999; URT, 2007). Also, a National Housing Development Programme was drafted in 2002 and partially being implemented (URT, 2002). The two Policies and two Acts recognize the importance of the unplanned settlements in provision of shelter in urban areas especially to middle and low-income residents.

In that view, the government, in collaboration with other stakeholders, is already implementing projects of identifying all properties in informal settlements in major urban centres of Dar es Salaam and Mwanza. Using their own budgets, the urban local authorities of Dodoma, Moshi, Tanga, Iringa and Morogoro are also implementing similar programmes. Issuing of land/property licenses or Right of Occupancy is also on-going at the same time in order to curb further densification of those areas and to improve security of tenure which could be used as collateral for economic empowerment (URT 2004). This formalization process seem to be a foundation for the regularization process that ultimately allows provision of infrastructure including water, sanitation, secure tenure, improving housing conditions and reducing overcrowdness in unplanned settlements. Providing security of land tenure and improvement of basic infrastructure are both non-income indicators for poverty reduction (Lerise & Kyessi, 2002).

For Tanzania, its is hoped that regularisation that include formalisation of property rights would contribute towards attaining the targets in the National Strategy for Growth and Reduction of Poverty (NSGRP), Cluster 11 Goal 3.4 (reduce households living in slums without adequate basic essential utilities) and Goal 3.10 (planned and serviced urban settlements with functioning town planning procedures in place) (URT, 2005). Understanding the

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1 "extralegal" refers to real estate assets that are missing three fundamental legal and economic mechanisms that not only empower all economic agents, small as well as big, but are indispensable for the creation of wealth, the elimination of poverty, and the foundation of an inclusive, modern economy.

2 Hernando de Soto, is an economist from Peru. His institution has identified big potentials in the informal land sector in Tanzania which need to be transformed into live capital.

process of formalisation process of informal settlements and its implications to poverty reduction would facilitate the design of new projects that aim at scaling-up and delivery of better service to the urban poor.

2. Urbanization and Urban Governance

Tanzania's total population was estimated at about 38 million by 2007 with some 27 percent or about 10 million people living in urban areas. The urban population has been growing rapidly at over 8 percent per annum, which is more than twice the national rate of population growth (ibid.). There are ten major towns with populations of over 150,000 including the major city and port of Dar es Salaam which is having a population of approximately three million; while Mwanza the second in size has a population of about 700,000 (TACINE, 2009).

Over the past four decades, urbanisation-that is the proportional change between the population living in rural areas and that living in urban areas-has become one of the most important trends in human settlements development (Kironde, 2000). Unlike Western countries where urbanisation was fuelled by industrialisation, in Tanzania like many of the developing countries, especially those of Sub-Saharan Africa, her type of urbanisation depicts rapid population increase and uncontrolled expansion of cities with limited economic or productive base (Aligula, 1999; Lupala, 2002). The main features that characterise urbanisation in the country include sprawling urban centres beyond the limits and capacity of responsible authorities to provide planned and surveyed plots and basic infrastructure and social amenities (URT 2008, Ngware et al., 2000). This has been a major hindrance to urban housing developers resulting to huge housing backlog. By the year 2000, the shelter backlog was 2 million housing units in urban locations (URT 2000). The current situation seems to be worse (ibid.). Major and intermediate urban centres depict a rapid increase in unemployment and urban poverty, growth and expansion of informal settlements, deterioration of existing infrastructure and social services, proliferation of the informal sector and growth of non-urban activity sectors such as urban farming (UNCHS, 1996; Kyessi, 1998). This kind of urbanisation is taking place amidst abject poverty, a situation that has been called by some scholars as urbanisation under poverty (Scholz, 2008).

Urban growth has been doubling every ten years in Tanzania since 1960s (Kulaba, 1989 cited in Kyessi 2002). Both the 1978 and 1988 national census reports show that a bigger share of urbanisation is a result of rural-urban migration. The trend continued even up to the 2002 national population census (URT, 2003). This growth of urban population is characterised by acute shortages of adequate shelter leading to growth and expansion of informal settlements in urban locations.

In principle, all the national government ministries play a role in managing urban planning and development in one way or the other. However, the Prime Minister's Office-Regional Administration and Local Government (PMO-RALG) and the Ministry of Lands, Housing and Human Settlements Development (MLHHSD) play a key role in influencing the administration of human settlements and in carrying out urban planning functions respectively. However, it is argued by many scholars and political decision makers that demands of the urban population, due to rapid urbanisation, have been unmet by the existing structures of governance. There are several culprits to this fact.

2.1 Over-reliance on Central Government

The institutional and regulatory framework for urban management in Tanzania is made up of central government ministries some of which have considerable investment and management powers in urban areas; and

the district and municipal authorities. A major observation of this set up is that powers are over centralized within the central government *vis a vis* local authorities. For example, many land management aspects cannot be enforced and are violated, sometimes by the authorities themselves.

Administrative culture prevailing at all levels of government and its agents in urban management can be characterised as passive, procedural and prescriptive (Halla, 1997). This situation is often compounded by rules, procedures and regulations imposed by central government based upon "borrowed models and concepts" dating back to several decades that often discourage innovation, risk-taking and delegation of authority. Although urban authorities are empowered by law to provide the various services in areas of their jurisdiction, until recently the central government and national agencies have almost unfettered powers of operation within urban areas.

Major public utilities such as water, energy, major roads and central sewer systems in urban authorities fall under the responsibility of authorities without local financial base. One of such examples is the Urban Water and Sanitation Authorities responsible with water and sanitation in all cities, municipalities and town councils. Urban authorities are not responsible with the provision, operation and maintenance of these services. The marginalisation of urban authorities in the provision of such essential public utilities, apart from weakening the revenue base of urban councils, has also led to uncoordinated provision of these services with actual urban development. The result has been gross under-provision of urban services through the public sector (ibid.).

2.2 Unguided Urban Development

A peculiar characteristic associated with informal settlements is uncoordinated land development, which is attributed by the absence of a regulatory mechanism/tool to direct and control development in such areas. The result is urban development contrary to the urban plans. Low capacity in terms of resource base, including human technical know-how, is one of the main factors that have contributed to the poor performance of the urban authorities to administer and foster planned development in the urban area.

The urban planning practice in Tanzania is unable to address the specific problems of human settlements (Nnkya, 1999) particularly the informal settlements. A major negative feature in the process includes urban development without guidance. This is indicated by *inter alia*: mushrooming of informal settlements on marginal lands to include areas liable to flooding, steep slopes, areas left for recreational purposes and relocation of development from the designated areas to the informal settlements or other strategic areas as determined by the developers (Kyessi, 1990). As a result, large numbers of households with property are left without legal tenure and access to safe water and quality sanitation or accessibility, while the increase in the haphazard patterns of urban growth has caused economic inefficiency, environmental degradation and human misery (ibid.).

2.3 Non-coherent Regulatory Frameworks and Rigid and Unaffordable Standards

There has been a problem of inefficient use of resources caused by selection of inappropriate planning tools and mostly relying on rigid standards. Traditional or conventional practices based on outdated and inappropriate legislation have continued to be applied in urban settlement planning, development and management in Tanzania. Much emphasis is on well-planned neighbourhoods, isolating the informal settlements, based on conventional surveying techniques although there has been limited capacity to realize this on the ground.

Furthermore, informal settlements in urban centres in Tanzania are growing at an unprecedented rate. Government efforts alone to address the housing problem have been very limited due to resource constraints. This, in turn, has led to a situation where the majority of the urban population, i.e., more than 50%, is living in informal settlements, similarly, public resources to upgrade informal settlements and provide serviced plots have been dwindling year after year while the demand has been increasing.

A large spectrum of technical planning concepts incorporating *rigid and unaffordable standards* have been proposed through different "planning schemes" including master plans and squatter upgrading programmes to meet the growing demand for land and infrastructure. High standards in upgrading have created a situation where more property had to be demolished especially in informal settlements such as in Manzese and Mtoni/Tandika in Dar es Salaam (Kironde, 1995). Decreasing budgets and increasing demands for compensation have created situations where some of the infrastructure services have had to be foregone or standards reduced during the planning stage or in the implementation stage (Materu, 1986).

2.4 Un-coordinated Efforts of Actors

There is lack of co-ordination of local actors for their effective participation in urban development matters. Furthermore, there is missing linkages of municipal service providers and users; exactly what planning should be for. For about four decades since independence, each institution offering infrastructure utilities has usually concentrated on its own sector in terms of planning and implementation of projects without co-ordination with other parties and the result has been complete chaos. The whole planning system and procedure has been top-down and very sectoral, a process that has created deficiencies in urban development and management in the country.

Indeed, potential developers acquiring plots formally or informally in urban areas have usually taken their own initiatives, at exorbitant costs, to secure municipal services on an individual basis. It is common to find one developer or house owner financing the installation of a kilometre of water pipe, sewerage pipe, electricity power line and a road to his single plot/house. For instant, municipal services have been provided to different users in various parts of the city of Dar es Salaam without proper plans (ibid.). If all the several developers/house owners along those provided with municipal services were mobilised and linked, the cost for the provision per plot would definitely be a fraction of the total cost that they all end up paying.

2.5 Top-down Planning with Inadequate Local Participation

Between 1961 and 1970, the government's policy was to demolish informally built housing areas that were perceived unsafe for human habitation and to replace them with what was considered decent housing, which was provided by the government through the National Housing Cooperation (NHC). This policy is commonly termed as "the slum clearance and redevelopment policy". The process involved *inter alia* putting in place infrastructure services. Ilala, Temeke, Magomeni and Kinondoni settlements in Dar es Salaam City represent the areas where this scheme was partially implemented. This policy was, however, abandoned in the early 1970s after the government of Tanzania and others such as that of Zambia realised that housing stock in such settlements represented investment and wealth and provided affordable rental housing for the lowest income groups (Sliuzas 1988). Demolitions reduced the stock of such affordable housing, discouraged people's initiatives in house construction, disrupted social structures, and subsequently contributed to increase in urban poverty rather than alleviating it. Worse still, the government had no resources to replace the demolished housing stock. Even the few houses provided by National Housing Progammes in Tanzania, for example, were beyond the affordability of the majority of low-income earners (Kyessi, 1997).

Besides, the interventions by local authorities to provide some infrastructure when requested by residents, the central and local governments have initiated and implemented upgrading projects, the planning, design and implementation of which have followed varying approaches and taken different forms over time. The upgrading projects which were implemented in the 1970s and early 1980s were characterized by lack of community participation and lack of ownership of the improved infrastructure; did not deal with regularization of property rights, so that after upgrading further land subdivision and building could not be checked to control densification

to undesired levels. A poor record on cost recovery and operation and maintenance of the improved; application of inappropriately high design and building standards that made projects very expensive, unaffordable to the target group and impossible to replicate to other informal settlements. Both lack of community participation and poor cost recovery contributed to poor or lack of maintenance and subsequently deterioration of infrastructure and services in the upgraded areas.

Failure to replicate settlement upgrading approach meant that a whole decade until 1993 passed without upgrading. Between 1993 and 2000 a pilot community-based participatory upgrading project was implemented in Hanna Nassif informal settlement, Dar es Salaam (Nnkya, 2004). In the intervening period, both the central and local governments prepared several layout plans for the informal settlements but no actual implementation took place. The plans were prepared without involving the residents and disregarding the existing land rights. Had these plans been implemented they would have prompted far reaching disputes between the landowners and local authorities, and animosity among the landowners whose plot boundaries would have been arbitrarily changed. In other words, while planning for the targeted informal settlements was urgent and necessary, exclusion of the affected residents and disregard of their land rights would have caused more harm than good.

2.6 Urbanisation under Poverty

Urbanisation under poverty and the above deficits are the major challenges in urban planning and land development that appear in all towns in Tanzania (Kombe & Kreibich, 2006). Most of the urban population lives in un-serviced parts of towns and in the ever expanding informal settlements with environmental conditions which threaten their life and health. A substantial number of the growing urban population fails to obtain their daily needs (Lugalla, 1995; Holm; 1995, ibid.)

The Tanzania National Poverty Profile (World Bank, 1993) showed that in general, poverty was concentrated more in rural areas where it was also widespread and more severe. Some 59 percent of the people living in rural areas were shown to be poor, as compared to 39 percent of those in urban areas. Although the situation in urban areas may appear to be better, the continued rapid growth of these urban areas partly caused by the movement of people from rural areas is, however, increasing urban poverty (Kironde, 1999). In the absence of sequential statistics on urban poverty based on people's incomes and assets, one possible way of estimating the level of poverty is to identify how many people live in poor-quality homes or settlements that lack the basic infrastructure and services (UN-HABITAT, 2003; Lerise & Kyessi, 2002). A little more than half of urban population lives in informal settlements with inadequate municipal services including basic infrastructure (ibid.). Generally, most urban areas in Tanzania are characterised by paucity of infrastructure investments and poorly delivered services.

Thus, poverty should not only be regarded as a rural phenomenon but also a thorny issue facing urban communities where concentration of people is higher than that of the rural areas (Sheuya, 2004, p. 7). In addition, poverty is one of the major drivers of environmental degradation. In particular, the urban poor, who are unable to compete for scarce resources or protect themselves from harmful environmental conditions, are most affected by the negative impacts of urbanization. Causes of increase in urban poverty include an increasing gap between incomes and land prices, and the failure of housing markets to provide for low-income groups (UNCHS, 2001). Despite various responses by different actors, including the government, urban poverty still remains a major problem in Tanzania. Drawing from previous studies, one issue is pertinent: The scale of growth of unplanned settlements in urban areas is unprecedented and the poor are predominantly tenants and those with property have restricted access to formal land tenure (ibid.).

Under social relationships, people are categorized as poor depending on the ability to live what is understood

in a society as a "normal" life: for instance, to be capable of raising a healthy family, and especially educating children and participating in society, those who cannot afford this, are termed as poor. Also, people who live in conditions that illustrate way of poverty, for instance, living in areas which lack a wide range of economic and other resources are described as "poor" (ibid.).

Also, Sheuya (2004, p. 5) citing Townsend (1985) defines poverty as the lack of the resources required to participate in activities and to enjoy living standards that are customary or widely accepted in the society in which poverty is being measured. In spatial terms, poverty refers to the lack of infrastructure and social services. This situation is often considered to be more severe in urban areas than rural areas (ibid.).

Generally, urban poverty can either be *income* or *non-income poverty* (Lerise & Kyessi, 2002). *Income poverty* is indicated by: basic needs poverty line which combine food requirements and other essential needs such as clothing, housing, water and health and thus provides "an upper line" of measuring income poverty for urban households, therefore if an urban citizen do not access the basic needs, then they are poor, low level of employment in the formal and informal sector as well as income levels whereby men earn more than women as well as failure to access credit facilities.

When poverty is defined in spatial terms, it refers to the lack of infrastructure and social services, often referred as *non-income poverty* which is indicated by: access to water in which there is low proportion of households with access to safe drinking water, inadequacy of clean and safe water and long walking distance to water sources. Also, access to education where there is constrained access to education due to insufficient school sizes in rapidly growing cities. In addition, increase in the proportion of households living in crowded rooms in terms of occupancy rate. Also, failure to use modern building materials in the construction of dwelling units for floors, walls, and roofing, lack of good housing and land to enable the poor to use their houses as productive assets. Increase in the proportion of people living on the streets and homeless, access to land and housing conditions which is indicated by increase in the proportion of households living in unplanned, marginal and risky areas in urban areas, and tenure insecurity, this means land and housing in authorized areas are not affordable, therefore the poor occupy land illegally and construct their houses without construction and occupancy permits as a result the land they own cannot be used as collateral to access loan.

3. Growth of Informal Settlements in Tanzania

Informal settlements (often referred to as squatter or unplanned settlements) are dense settlements comprising communities housed in self-constructed shelters under conditions of informal or traditional land tenure. They are common features of developing countries and are typically the product of an urgent need for shelter by the urban poor (ibid.).

Informal settlements in urban centres in Tanzania have been growing at an unprecedented rate. Government efforts alone to address the housing problem have been very limited due to resource constraints. This, in turn, has lead to a situation where the majority of the urban population is living in unplanned areas.

Informal settlements occur when the current land administration and planning fails to address the needs of the whole community (Tumpale, 2005, citing Kyessi, 2002). These areas are characterized by rapid, unstructured and unplanned development. In countries where Governments have supported private land ownership systems, high costs reinforced by inappropriate regulatory frameworks, forced many lower income households into unauthorized settlements (Barry & Ruther, 2005). The resulting insecurity has been compounded by the requirement of financial

institutions for title deeds to be provided as collateral for loans. Despite the fact that people living in informal settlements own properties, these properties are termed as dead capital because they are not recognized and hence do not have formal property rights which can be used as collateral to raise cash, or in other ways transform the assets into productive capital (De Soto, 2000). In fact, millions of people in developing countries live without adequate formal property rights. These people expect to increase by nearly 137 million a year to reach 1.5 billion, thus this people will continue to be poor if formal property rights will not be provided (*ibid.*)

Housing is not only a basic need. It has emotional, psychological and sentimental values as it gives security for the future. Every Tanzanian dreams of building a house in his/her life time. However, this dream has not come true for most, particularly in urban areas. The increasing housing deficit in urban areas, a considerable percentage of rental housing and growing of informal settlements show that housing is a critical issue in Tanzania. Land is vital for housing and lack of accessibility to land is the basic problem behind this shelter issue for the majority of the people in urban areas. The problem is more acute in Dar es Salaam where the gap between demand and supply of serviced and surveyed urban land is widening (ibid.). One may only interpret it that the deficit finds its way into the informal settlements. In reality, the urban poor in Tanzania prefer "going informal" from the start due to unaffordable housing termed as informal urbanization. Previous studies (Kironde, 1998; Kombe & Kreibich, 2006; Mghweno, 2002; Kyessi, 2006) have revealed that informal housing settlements provide shelter to the majority of the urban poor in Tanzania and amounting to about 60 percent (in average) of the total urban population in major urban centres (see Table 1).

Table 1   Percentage of Urban Population Living in Informal Settlements in Selected Major Urban Areas

Urban centre	Year of study	Informal area in (Ha)	Estimated urban population	Population in unplanned area	Percentage of urban population in unplanned area
Dar es Salaam	2002	5,197	2,497,800	1,696,500	70
Arusha	1992	9,198	113,019	76,332	86
Mbeya	1998	1,843	300,000	239,22	80
Mwanza	2002	2,900	476,640	281,217	59

Source: Mghweno (2002)

On one hand, Dar es Salaam has an area of 1,800 square kilometres with 1,350 of land mass. Demographically, Dar es Salaam had an estimated total population of 3 million people by 2007 (UN-HABITAT 2007). Spatially, about 50 percent of the residential land is unplanned and this area accommodates 2 million people. There are more than 100 unplanned settlements. Out of 500,000 housing units, 400,000 of them or 80 percent are in the unplanned areas housing about 70% of the city population (URT 2004). Figure 1 displays the formal and informal settlements in Dar es Salaam.

On the other hand, Mwanza City has 13.7 square kilometres of urban land of which 2.9 square kilometres or 21% is unplanned land. The unplanned settlements in Mwanza City account for about 70% of the total residential land use. Most of the unplanned areas are located on hills, a common feature of Mwanza morphology making it difficult to upgrade. Out of 65,500 residential units recorded in the city in 2004, about 49,000 units (75%) were located in the unplanned settlements and they were accommodating 281,217 people or about 59% of the city population (Kilawe, 2004).

According to Kironde (1998), the majority (about 44 percent) of urban poor in Dar es Salaam possess no evidence to authenticate land ownership. Another substantive proportion (32 percent) had a sale agreement. Only

15 percent had a certificate of title and 9 percent a letter of offer. Again, according to the published Household Budget Survey of 2007, the level of overcrowding is also increasing in urban areas including Dare s Salaam (URT 2007). Due to lack of inadequate housing provision in planned and surveyed areas, the informal or unplanned areas often receive the majority of incoming urban migrants (Lupala, 2002).
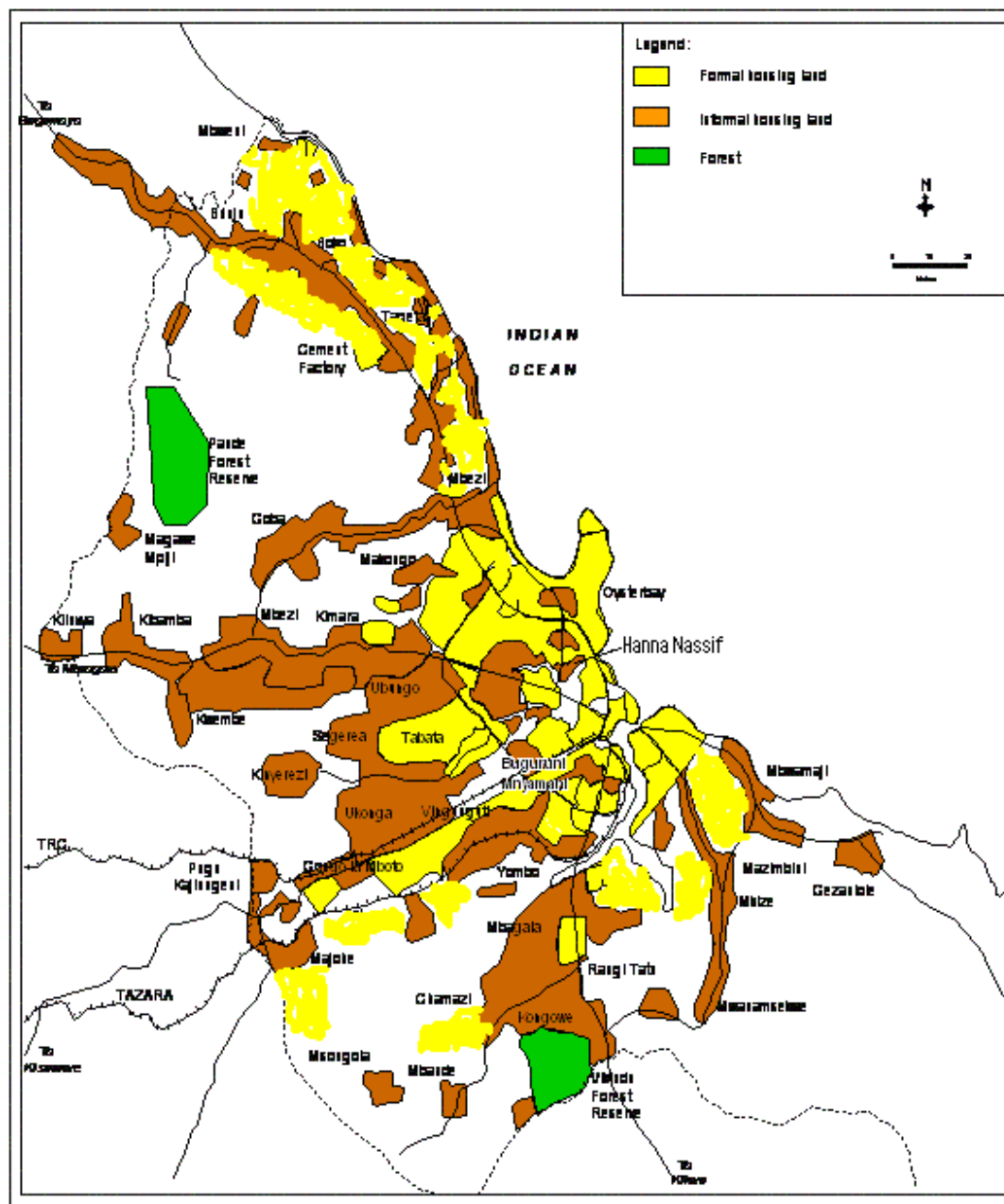

Figure 1   Planned and unplanned Settlements in Dar-es-Salaam City in 2007

3.1 The Future of Unplanned Settlements

Several attempts to improve unplanned settlements were initiated very early after independence (Kironde, 1995). The Sites and Services and Squatter Upgrading Programme financed by the World Bank was introduced in

the 1970s at the time when the government of Tanzania had just abolished the local government administration and instead adopted a regional decentralised administration system. The project administration was therefore centrally located, at the then Ministry of Lands, Housing and Urban Development (MLHUD) and headquartered in Dar es Salaam, adopting a top-down approach in its planning and implementation.

When the MLHUD handed over the project areas to local authorities, the latter were not prepared (in financial and managerial terms) to take-over the projects. Most urban local authorities were not able to cover the maintenance costs from their meagre financial resources, and most of them had insufficient management capabilities. In general, public resources to upgrade unplanned settlements and provide serviced plots have been dwindling year after year while the demand has been increasing. In addition, the programme was not sustainable and collapsed in the middle of 1980s (ibid.).

The government and other key stakeholders have realised the shortfall and since 1995 the government policy defines that regularisation including property formalization and management of unplanned settlements shall be a direct responsibility of the respective local authorities (URT, 1995; URT, 1999; URT, 2000).

Basing on this understanding of the new planning approach in Tanzania, the upgrading and formalisation programmes, which are being implemented in unplanned settlements in urban centres, are adopting the participatory and collaborative planning approach. Dar es Salaam, Tanga and Mwanza cities and Morogoro, Moshi and Iringa municipalities are implementing the participatory planning approach in the regularisation of their informal settlements. At the same time, participatory formalization of property rights in unplanned settlements in those urban centres is also on-going.

4. Property Formalization in Unplanned Settlements

4.1 Formalization in Theory

Formalization is supposed to provide property owners with a number of benefits they do not have access to when operating in the informal sector. Some of the benefits are as follows: (a) *Making people accountable*: the integration of all property systems under one formal property law shifting the legitimacy of the rights of owners from restrictive local arrangements and bringing them into a more integrated legal system facilitated by accountability (De Soto, 2000). (b) *Makes assets fungible*: one of the most important things a formal property system does is transform assets from a less accessible condition to a more accessible condition, so that they can do additional work. (c) *Protecting transaction:* since all property records (titles, securities and contracts that describe the economically significant aspects of assets) are protected, formal property system protect transaction as well as security of ownership (*idid.*).

In general, property formalization allows people to feel more secure in their properties, also able to use their assets as collateral to obtain formal credit from banks to grow and expand their day to day activities. Formalization is as well in the interest of governments and society as a whole, government receives a number of benefits from having more of the economy formalized including a broader tax base and be information and facilitated statistical collection to inform their policy decision making. In addition, society as a whole also benefits from having more formalized properties. The expanded tax base that accompanies formalization can be used to provide much needed public goods and services including education, health care, and systems of social insurance and welfare.

4.2 Legal Aspects of Formalization

The Land Act 1999 which translated the National Land Policy into law took cognisance of the fact that a lot of people had acquired and developed land in unplanned areas (Kironde, 2006). Section 3(1)(b) of the Act, reiterating one of the fundamental principles of the National Land Policy noted that all persons exercising powers over land should seek to ensure that existing rights in, and recognised long-standing occupation and use of land are clarified and secured by law. However, land owners in unplanned settlements do not have authentic documents like the Certificate of Right of Occupancy issued to owners in the planned areas.

Due to the extensiveness of unplanned settlements, especially in urban areas, section 23 of the Land Act 1999 provides for issuing derivatives right of occupying land known as Residential Licenses (RLs) in unplanned settlements by a local authority having jurisdiction in that area where land is situated. The provisions in section 23 of the Land Act mean that occupiers of land in unplanned areas are deemed to have a license of occupation from year to year and a local authority can grant an occupier of land in an unplanned area a residential licence for a minimum of 6 months to a maximum of two years, but this is renewable. The authority may impose conditions that it deems fit and these could include payment of fees and other charges, or development or subdivision conditions. A license is not granted on customary land (such as land in a registered village in an urban area), or over land over which a granted right of occupancy subsists. Also, in line with the provisions of the Land Act 1999, RLs are not issued over land, which is considered to be in hazardous areas, and land that is earmarked for public uses such as roads, schools or land for utilities. While the license is not assignable (i.e., it cannot be passed on to somebody else for their own use), it can be mortgaged. Conditions applying to the licensee apply as well to the licensee's successor.

4.3 Regularisation and Formalisation in Dar es Salaam

In implementing the Land Act No. 4 of 1999, in 2004, the Ministry of Lands, Housing and Human Settlements Development in collaboration with the four Dar es Salaam local authorities established a pilot project of identifying all properties in informal settlements in Dar es Salaam while at the same time issuing residential licenses in order to curb further densification of those areas and to improve security of land tenure which could be used as collateral for economic empowerment. The Project was known as: Creation of a Comprehensive Urban Land Property Register for Economic Empowerment of Residents in Unplanned Settlements in Dar es Salaam (URT, 2004). This was part to the formalization process which was seen as the foundation for the regularization of the settlements that will ultimately allow provision of infrastructure including water, sanitation, improving housing conditions and ultimately delimiting further subdivisions in unplanned settlements.

In the formalization process, a number of activities are carried out as follows:

(1) *Procurement of essential items:* Procurement of items is done progressively in accordance to the work plan. Items or equipment needed for certain activities are acquired well in advance before commencement of the activity in order to avoid delays. These include soft and hard wares, office space, etc.

(2) *Designing of the structure of the database*: The structure of the property database has to be designed in order to consider in advance every type of information that is collected and associated with every property polygon. Unique property identification codes are developed. Corresponding themes and fields are developed as well as data entry forms and questionnaires used for data collection in the field.

(3) *Conducting awareness campaigns*: Having set down the objectives of the project and type of information to be collected, information and awareness campaigns are mounted at various levels, explaining the objectives of the project, procedures to be taken, time framework for the Programme responsibilities of different actors and the

expected output.

(4) *Training*: In-house training is carried out for the survey team on the use of satellite or photographic images, digitization of property boundaries using Geographical Information Systems (GIS) software and administering of a questionnaire.

(5) *Fieldwork:* This involves the collection of data needed for the database. The coding and format of data are designed to comply with the structure of the database.

(6) *Entry of data into a common database*: The data collected by every field team is downloaded/digitized into a common database and harmonized, to check irregularities and inconsistencies so that these are rectified as soon as possible.

(7) *Field verification of the database*: Once the fieldwork and data entry are completed, the database is checked and verified in the field by querying it randomly in order to ensure that it gives correct answers. The received answers are verified in the field. Together with querying the database, maps of the respective areas are posted at the *Mtaa* and Ward offices for a period of 30 days for the residents of the respective areas and their local leaders to confirm the information on property ownership or raise objections. Objections are filled in a form and submitted to the Task Force Team (TFT) for rectification, and updating the database.

(8) *Extraction from the database of products*: Once the comprehensive database is complete and verified, other by-products are derived from the same such as documents like property registers for each municipality which can be prepared and extracted for enhancing property tax databases.

4.4 Citizens Access to Residential License and Cost of Obtaining It

The issuing of Residential Licenses to land owners is the final outcome of a project of formalisation. In Dar es Salaam, land occupiers are required to apply for the license by filling in Land Form 73 obtained from at the *Mtaa* (Sub ward) office and passed through the same office and ward officials, for verification and vetting, before submitting it to the Municipal offices where the Residential License (Land Form 74) is issued. This is done in the three municipalities of Kinondoni, Ilala and Temeke. Initial payments amounting to TShs 5,600/= (USD 5) which covers: application form fee (TShs. 1,000); preparation fee (TShs. 3,000); registration fee (TShs. 1,000); and stamp duty (TShs. 600) has to be made, plus the annual sum of the land rent that varies depending on size, location and use of the plot averaging TShs. 3,000 (about USD 2.7). Thus, a Residential License is issued upon a land occupier paying for the cost of preparing it. This cost is highly subsidised by the government in the sense that cost recovery was not part to the cost of obtaining the Residential License. In fact, the average total cost for one license should have been TShs. 16,880/=. In practice, land owners say that they spent up to TShs. 40,000/= (USD 36) that include transport and other follow-up costs (Kironde, 2006). The steps to get the license are summarized in Table 2 below.

Table 2 Steps of Getting the Residential License

S/N	Activity	Actors	Locality	Outcome
	Identification of Property and Owners	Officials, owners	Settlements	Each property and related land marked on map
	Creation of data base and data input	Officials	Municipal Offices	Data base with maps, property particulars
	Preparation of Register	Officials	Mtaa/Ward offices	Property Register
	Verification of Register	Owners	Mtaa/Ward Offices	Amendments if any
	Application forms for Residential License filled-in	Owner	Mtaa Offices	Filled Land Form 73

S/N	Activity	Actors	Locality	Outcome
	Submission of Application forms for License	Owners	Mtaa/Ward/Municipality	Applications submitted
	Applicant digitally photographed	Owner/officials	Municipal Offices	Completed application forms
	License prepared electronically	Officials	Municipal Offices	Draft License ready
	License signed	Owner/officials	Municipal Offices	License ready
	License registered	Assistant Registrar of Documents	Municipal Offices	License registered in the Registry of Documents
	License collected	Owner	Municipal Offices	License in hands of owner

Source: Ministry of Lands, Housing and Human Settlements Development.

According to Ministerial and Municipal officials, the whole exercise of issuing a Residential License could be accomplished in as few as twenty minutes, but since these licenses are issued on behalf of the Commissioner for Lands by authorized officers, and are registered by an authorized officer on behalf of the Registrar of Titles, the process takes much longer. Originally licenses could be issued in 5 days but recent research has revealed that it takes an average of 30 days for most applicants.

Box 1 gives a brief summary of the property formalisation in informal settlements in Dar es Salaam.

Box 1: Property Formalisation in Dar es Salaam

There are about 400,000 informal properties in Dar es Salaam (out of 500, 000 properties) which were earmarked to be identified and issued with residential license in two years period starting in 2004. A total of 217,407 properties were already identified in the first phase which ended in June 2006. Most of the informal properties in the inner unplanned settlements had been identified especially in informal settlements where upgrading of basic infrastructure has been going-on.

Financing

The Government through the Ministry of Lands, Housing and Human Settlements Development (MLHHSD) financed the first phase of the programme to a tune of a total cost of TShs. 1.8 billion (USD 1.6 million) (Kironde, 2006). Replication is already in place.

Organisation

Personnel from the MLHHSD worked together with personnel from the Dar es Salaam City Council four local authorities including Ilala, Temeke and Kinondoni municipalities with assistance from hired technicians to conduct the exercise.

Major findings

- The use of GIS tool in the property formalization project make the work easier and quicker, A Geographical Information System (GIS) data base on informal properties has been established and being used to issue residential license.

- A Residential License is being issued upon a property owner paying for the cost of preparing it.

- Some households have used their Residential Licenses as collaterals although provision of formal property rights as a security for a loan among poor residents living in informal settlements does not encourage residents to borrow using their properties. Most of the households value their assets as a social good (provide shelter) rather than a security for a loan. Almost all households consider formal property rights as a means of securing their rights and not as a means of getting a loan. Unless awareness is created and training offered, poor property owners are hesitant to use their properties as a security for a loan because they fear to remain homeless when they fail to pay back the loan.

- Some financial institutions have started to issue loans to property owners for the purpose of house improvement and other purposes especially after the tenure of the Residential Licences was extended from two years to five.

- Revenue in terms of land rent charges is already being collected from the registered property owners in informal settlements

Major lessons

Property formalization can greatly contribute to poverty reduction if:

- Regularisation is fully adopted , that includes urban planning and basic infrastructure improvement

- Awareness is created among the residents on the importance of using their properties as collateral. This might increase more opportunities for enhancing household economic development leading to improved income.

- Micro-financial housing institutions are established or more different financial institutions are tasked to provide long term financing through the use of the registered property rights that include Residential Licenses and Certificate of Occupancy.

- Micro-credit financing is also imbedded in the process to allow poor residents establish small businesses.

Source: URT (2008), Kironde (2006), Tumpale (2005)

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5. Implication of Formalisation on Poverty Reduction

Why poor people living in informal settlements categorized as poor? First, according to De Soto, this is not

necessarily because they lack assets, such as house or plot of land. They are poor because they rarely have formal property rights to their possessions and therefore they cannot use these assets as collateral to raise cash from formal financial institutions or in other ways transform the assets into productive capital. Therefore, if people continue to live without formal property rights, there is no doubt that none of them will be able to use the property he/she owns to get capital as a means of reducing poverty. It has been provided by De Soto and his Institute for Liberty and Democracy (*ibid*) that in developing countries, 90% of people hold their land and businesses in the informal sector.

Secondly, Figure 2 shows that, informal settlements contribute to poverty, this is due to the fact that, in informal settlements people live without adequate and reliable basic services like education and health facilities, water and good sanitation, roads and drainage, etc. These constitute the non-income indicators of poverty (Lerise & Kyessi, 2002; Tumpale, 2005).

Thirdly, poverty may lead to further growth and densification of informal settlements, because if people are not able to meet their day to day basic needs, including adequate housing, then it is also possible for them to fail buying serviced plots in planned areas. Thus, the only solution for them is to access a plot or a room through the informal system in the informal settlements of which process has no bureaucracy and often affordable (ibid.). If this process is left unchecked through regularisation and formalisation, excessive densification and housing densities through further subdivision of plots and increasing room densities (people per room) respectively, may lead to intensity of land use and overcrowdness in existing structures resulting to declining urban livelihoods, escalation of environmental and public health problems and insecurity (Kombe & Kreibich, 2006; Sheuya, 2004; Sliuzas, 1998).
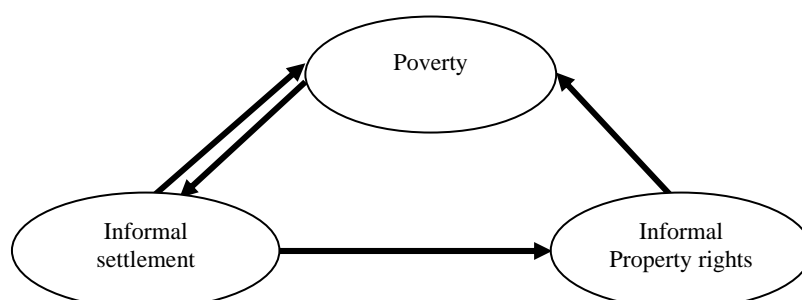

Figure 2 Link between Informal Settlements, Property Rights and Poverty
Source: Tumpale 2005

As it has been discussed in the foregoing sections, people living in informal settlements own properties worth much dollars, despite that they continue to be poor because they don't have formal property rights which can be used as a security against loan (ibid.). Thus, since the 1970s, the government of the United Republic of Tanzania adopted the approach of transforming the informal properties into formal economic and legal system. Through this approach three major programs have been carried out in Tanzania. These include the unplanned settlements upgrading programmes, the creation of comprehensive urban land property register for economic empowerment of residents in unplanned settlements and the property formalization program.

Recent studies and reports (Tumpale, 2005; Kironde, 2006; Kyessi, 2008; URT, 2008), have revealed that the whole process of regularisation and formalisation of property rights in Dar es Salaam has emerged one of the strategies for poverty reduction:

(1) More than 200,000 land properties have been identified and registered in a GIS data base of properties in

informal settlements in the city of Dar es Salaam where the land and houses are legally recognized. About 100,000 property owners have already acquired their property rights in terms of Residential License, Letter of Offer or Certificate of Occupancy. From studies carried out by Tumpale and by Kironde in Manzese regularised area, some residents who had acquired property rights agreed to have accrued benefits after obtaining Residential Licenses that include increased value of land and house and secure tenure. Some property owners had received credit from banks for their houses improvement or establishing a business. Giving some examples, one beneficiary of the formalisation process had this to say:

> "This residential license made the value of my house to increase; I don't know where this project was before, am now proud of my house, and if I will get a person who wants to by my house, am sure I will get millions of money".

Another property owner replied that:

> "Officials from the Ministry of Lands came here and asked me to show the boundaries of my plot and I did so. They then recorded that information. Also, they recorded in their book the size of the land I own. This means that, they previously didn't recognize my house and the land itself. So my land has value now because it is recognized by the Government".

A third property owner, also, commented on the increased security of the land and house and responded that:

> "Am sure no one can chase me from this land because I have this license, he goes further to show his residential license".

These statements indicate that property owners in informal settlements have realized the issue of secure tenure as a very important aspect for them to run their day to day activities without fear of Government eviction.

On the other hand, by the end of 2007, more than 150 property owners had accessed loans from different financial institutions using the Residential Licenses as collaterals (ibid.). In a study by Ramadhani (2007), carried out in Manzese informal settlement, he found out that in a sample of 25 households with Residential License, 18 (72%) of them were willing to offer their property as collateral. Most of the credit (88%), if offered by banks, was proposed to be used for other investments while the remaining 12% were willing to add more rooms for rental and business purposes. Some of the low-income households 28% (7 out of 25) were, however, reluctant to offer their building property as collateral for formal credit facilities from banks because of fear of foreclosing on defaulting loans. These households prefer borrowing from informal microfinance systems (moneylenders, relatives and friends, neighbours, shopkeepers) because they believe it is easier and safe (ibid.), a habit commonly practiced in poor or low-income societies.

(2) Under social relationships, people are categorized as poor depending on the ability to live what is understood in a society as a "normal" life: for instance, among others, participating or taking part in development activities in society. The formalization process in Dar es Salaam has facilitated the active participation of grass-roots institutions and property owners in the programme.

(3) Improved quality of life: The improvement in the quality of life is a result of several factors such as secure tenure, improved housing and accessibility to higher quality basic services and facilities. Most of low income households, for instance in Manzese, who have accessed land with secure tenure, piped water supply (a public tap), improved sanitation, solid waste removal and income generation opportunities over the last six years have gained this on account of the formalisation and upgrading of informal settlements programme in Dar es Salaam. Improvements on access to basic infrastructure may also have long term positive economic impacts on households especially when infrastructure is treated as asset. This includes spin-off outcomes related to income and employment generation.

(4) Formalization has provided benefits to the Government in terms of revenue generation (Kironde, 2006) creation of GIS data base for informed decision making. Through complete land register of properties in the unplanned settlements the government managed to collect revenue through land rent which is further being used to replicate the process and in future may be used to improve community basic services. It is hoped that effective use of the comprehensive land property system will improve land administration in the unplanned settlements and service delivery to the public.

(5) Through the formalisation programme, a more effective mechanism for the enforcement of development control may be devised that will then put limit to excessive densification.

If these opportunities/outcomes are wisely tapped, then there shall emerge and already happening:

(a) a scaling up of the participatory regularization of unplanned settlements in urban centres with intention of improving the services and security of land tenure using government budget allocations but at the same time based on cost recovery mechanisms, property tax and land rent;

(b) a scaling up provision of serviced plots in urban centres to prevent growth of unplanned settlement and issuing of title deed for prevention of unplanned settlements and poverty reduction;

(c) a scaling up of property identification to issue residential licenses and ultimately Right of Occupancies to improve security of tenure, reduce densification in the existing settlements, increase government revenue and prevent further growth of unplanned settlements;

(d) an enhanced integrated approach to sustainable human settlements development through capacity building in the local authorities, promotion of public-private partnerships to support governments efforts to address regularization and formalisation of the unplanned settlement and provision of municipal services to the urban poor.

Some challenges would need to be addressed in the course of total regularization and formalization of unplanned settlements in urban locations such as Dar es Salaam:

● Promotion of active participation of all stakeholders in planning, development and management of human settlements;

● Financing the regularisation and the formalisation processes is expensive;

● Putting in place an effective cost recovery mechanism to ensure sustainability of the regularisation and formalisation process;

● Facilitating creation of employment opportunities and eradication of poverty;

● Regularisation by participatory approach is tedious and requires patience; implementation of projects takes long time to be completed and to show tangible benefits. Thus, a challenge of building of capacities in training and retraining of professionals in fields of related to shelter delivery, human settlements development and environmental development;

● Promotion of capacity building of (i.e., technical, financial and management) for all stakeholders involved in order to facilitate scaling up of the processes;

● Monitoring of performance of unplanned settlements upgrading processes need to be continuous for timely interventions, calling for building of Geographical Information Systems (GIS) data bases and developing indicators for planning, development, management and monitoring purposes.

6. Conclusion

Today unplanned settlements form the major land use of Dar es Salaam and all other towns in Tanzania. Detached single storey houses are built in predominantly unplanned and unserviced settlements. Thus, informal land and housing are very important part of the housing stock in the urban areas because they accommodate up to seventy percent of the urban residents. Capacity building to integrate informal housing into formal urban structures and serviced planned areas, is therefore one of the major tasks confronting bureaucrats, practitioners, politicians, the communities and academicians. The international community is equally confronted.

The two programs of regularisation and formalisation target at identifying, registering informal property and thereafter providing formal property right which is used as the security of tenure. Although it is very clear how poverty is going to be reduced through the use of property rights, however, bearing in mind that formalization of property rights must go hand in hand with upgrading of the unplanned settlements, the two processes together would necessarily lead to more opportunities to residents in informal settlements. In general, the issue of non-income poverty would be required to be addressed together with income poverty aspects.

Monitoring and follow up of the progress in achieving the Millennium Development Goals, specifically, Goal 7 Target 11 needs the cooperation of all stakeholders, including central and local governments, development partners, the private sector, civil societies including NGOs and CBOs and the community in general. On the other hand, central and local governments and development partners need to commit themselves in increasing budget for property formalisation and improvement of unplanned settlements so as to increase capacities toward achieving the Millennium Development Goals and above all reduction of poverty.

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