

EFFECTIVENESS OF URBAN LAND DEVELOPMENT CONTROL IN TANZANIA
The Case of Mbeya City

By
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A Dissertation Submitted in Partial Fulfillment of the Requirements for the Degree of
Master of Science in Housing of Ardhi University

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CERTIFICATION

This work has not been submitted in substance for any other degree or award at this or any other university or place of learning, nor is being submitted concurrently in candidature for any degree or other award.

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DEDICATION

To my caring parents

John Kimola Kinakina

Kefuleni Milembe Mashalla

In Memory of My beloved daughter

Catherine Milembe Mashalla

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Thanks are due to all people who in one way or another led to the successful completion of this dissertation report. The completion of this study would have been impossible had it not been for the constructive criticisms from my supervisor Prof. Dr. Alphonse Kyessi who tirelessly dedicated his invaluable time to shape my research topic to this end.

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ABSTRACT

It is conceived that there are fairly adequate land development control instruments and regulations spearheading towards effective urban land developments in urbanizing areas of Tanzania. Yet there is visual evidence on the non-compliance to the governing legal framework when it is operationalized on ground. The urban authorities which act as custodians in all matters regarding urban land developments have proved a failure to accommodate the fast urban developments coupled with high urban population influx rate in urban centres. For instance in Tanzania there is a high rate of uncontrolled urban land developments in both planned and unplanned settlements within the jurisdiction of urban authorities.

This study therefore seeks to investigate the performance of urban land development control measures in Tanzania amidst the presence of sound regulatory framework, programmes and projects focused at attaining sustainable and effective urban land developments in Tanzania. This study documents sensitive issues with the view of improving practical solutions to promote effective urban land development control in urban areas with a case study approach done in Mbeya city taking three units of analysis, two planned neighbourhoods of Iwambi and Itezi and one old unplanned neighbourhood of Iwambi.

Both qualitative and quantitative data collection approach have been adopted, where most data taken and recorded from key informants are qualitative in nature. Moreover exclusive official interviews, questionnaires and field observations were instituted to supplement each other to achieve a sound data triangulation.

Study findings show that there is ineffective urban land development control in Mbeya city due to poor institutional coordination, high building standards, bureaucratic logistics in issuance of construction permits, un-streamlined procedures on land delivery system, corrupt practices among vetted government officials, contradicting sections in enacted legislations, meagre resources towards implementation of effective urban land development control and unrealistic pace of the local governments in surveying and ultimately allocating planned and serviced plots amidst the unprecedented urban population growth.

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CHAPTER ONE

INTRODUCTON AND STATEMENT OF THE RESEARCH ISSUE

1.1 Background to the research

This chapter introduces the subject matter on urban land development by expounding background of the research problem, research issue and listing objectives of the study towards with the view of making the entire study well focused. Furthermore research questions are listed to guide the entire process of research work, then significance of the study has been discussed and the way report has been organized. Urban development Control has its evolution ever since the 19th century when there was high level of industrial revolution in Europe with a big influx of people migrating from rural to urban areas in search of employment opportunities in industries or factories ,*Engels (1982)*.

In 1832, 1848 and 1866 there happened life threatening outbreak of Cholera in Britain and other European countries after development of unplanned settlements in response to the influx of people flocking in urban areas to secure employments, congestion and filthy environments in these unplanned settlements triggered the outbreak of airborne diseases to the extent that respective Government authorities resorted to launching of development control and building permit system to counteract the situation, (*ibid*).In 1909 Housing and Country Planning Act was enacted which gave legitimacy to Local authorities to make their own Planning schemes and Township building regulations, The British Town and Country Planning Act of 1947 were adopted in many British colonies(*Pagne,2001 in Mbasa,2013 pp 12*).Having adopted these legislations in Britain and European countries, similar development control systems were replicated their colonies; Abraham (1964) suggests that in Tanganyika development control system got imposed in the 20th century as the Town and Country Planning Ordinance of 1956.

Pursuant to Keeble (1972), Land development control is a mechanism for ensuring the orderly and progressive implementation or delivery of objectives of the land use plans. The mechanisms involved include compliance or development that requires planning permission, standards, building codes and zoning regulations.Whereas in the colonial era urban development control system was meant to restrict rural-urban migration in attempt to contain unprecedented urban growth rates since independence with weak public administration and scarce resources as it is contended by Pagne (2001); on the other hand it was deliberately launched to ensure compatibility of different land uses in rural and urban areas, (*Boakye-*

Boateng 1997). Urban land development control is the process, laid down in legislation, which regulates the development and use of land and buildings which serves as a way, whereby, policies are being implemented and unauthorized growth prohibited, enhances local authorities to prevent incompatible land uses. (*McLoughlin, 1973*)

Urban land development control has three major stages which are site planning, land allocation and building permit processes which are further sub divided into several sub sections discussed in literature review chapter. The scope of development control is extraordinary wide, it covers everything for which planning and development permission is required, and it extends from creating a large spatial use down to a small spatial unit known as a plot. Development control is seen as a modality put in place to maintain standards so established and outlined, it is a professional activity carried out by Town planners and their allies in a bid to emphasize compliance with an approved master plan aimed at ensuring orderliness. In Tanzania, urban development control legislations such as Urban Planning Act of 2007, Town Planning space standards Regulations of 1997 and Building by-laws 2008 complement each other to enforce the trends of urban development which are in place.

However, despite availability of all these legislations aimed at managing land development control in urban areas, yet there exists a weak institutional framework and coordination mechanisms to a sustainable land development control. Unprecedented urbanization trends in urban areas in the country have prompted *inter alia* uncoordinated urban growth and weak legislations enforcement pertaining to land development control.

Urban land development control in unplanned areas (Informal human settlements)

The fact that not all urban centres in Tanzania have their land surveyed and planned, yet there are strategies which are employed so as to attain somewhat orderly land developments in informal human settlements. Adams (1932) suggests that no urban centre is actually unplanned, for all are responsive to some form of artificial directions; albeit most urban centres are misplanned for lack of conscious design meant to secure superbly coordinated social and economic results. Human settlements in informal areas in general lack formal legal titles and they may exhibit irregular development patterns, lack of essential public services such as sanitation and occur on environmentally susceptible or public land (*Fernandes, 2011*). Three methods are applied to alleviate human habitation conditions in informally occupied areas, i.e. Upgrading, regularization and formalization.

Whist upgrading refers to an incremental approach to unplanned settlements where permanent tenure security is sought and rehabilitation of unsuitable land is hinged on meaningful community participation (Huchzermeyer,2011).On the other hand land formalization gives priority on construction of new housing where people are often involuntarily relocated to make space for formal housing developments (de Wet,2013;Marealle,2011).Regularization of informal settlements refers to legal security of tenure using a set of socio-spatially integrated interventions that merge land tenure legalization with upgrading of public services, urban planning and related socio-economic policies as Hagga (2000) contends.

In Tanzania deliberate efforts were employed to curb high rates of informality growth in urban areas by upgrading, regularizing and formalizing and inception of plot projects as a counterfeit measure against fast growing level of informalities, such projects as Hanna Nassif project, Tandale Community Infrastructure and urban planning,2000 plots project in Dar,5000 plots project in Mbeya city,2000 plots projects in Tabora municipality are some immediate responses aimed at establishing controlled urban land developments in urbanizing centres in Tanzania.

1.2 Statement of the Research Issue

The performance of urban land development control seems to be law based on visual indicators as one visits most urban centres in Tanzania. Although there are sound regulatory frameworks, programmes and projects at hand, little knowledge exists on why land development control seems to be ineffective in Tanzania.

1.3 Objectives of the study

1.3.1 Overall objective

To explore the effectiveness of urban land development control in Mbeya city

1.3.2 Specific objectives

1. To describe land development control process in Mbeya city.
2. To identify the actors involved in urban development control in Mbeya city (study area)
3. To examine the effectiveness in issuance of construction permits in Mbeya city
4. To asses land allocation systems in Mbeya city

5. To recommend improvements and suggest policy review areas related to urban land development control.

1.4 Research Questions

1. How is urban land development control carried out in Mbeya city?
2. Who are the actors (stakeholders) involved in the process of urban land development control in Mbeya city?
3. To what extent is issuance of building permit effective in Mbeya city?
4. How is land allocation carried out in Mbeya city?
5. What are improvements and policy review areas related to urban land development control?

1.5 Significance of the Study

The study has been conducted with the focus of establishing knowledge for urban land development in lieu of the present of elaborate policies, regulations, by-laws and legislations that govern the trend controlled urban land development in Tanzania. Research findings will assist practioners, policy makers and academicians to enhance effective urban land development control in Tanzania. In the present system, urban land developments are fasting growing in uncoordinated manner as though there are no machineries to spearhead the process as it has been suggested by Ndunguru (2006):

“Lack of tools for development control such as Town Planning drawings and specific policies towards promoting urban land development found a fast uncoordinated spatial growth of urbanizing towns”

1.6 Organization of the report

This dissertation report has been organized in six (07) chapters systematically arranged to attract attention to the reader. Whilst chapter one is on the introduction and research issue giving an overview of what prompted the author carry out this research , chapter two is on literature review in which the author has documented what have been done by other authors on the issue from the global, regional and national context levels to unveil the research gap. Chapter three discusses theoretical and conceptual frameworks for the research where two

theories and one approach have been reviewed in an attempt to the formulation of conceptual framework. Chapter four provides the methodological approach employed in the study.

While chapter five presents institutional arrangement for urban land development control in Mbeya city as observed during the fieldwork on the other hand chapter six describes operationalization of urban land development control in Mbeya .Chapter seven provides the conclusion, policy review issues and recommendations for an effective land development control in urban areas.

CHAPTER TWO

REVIEW OF LAND DEVELOPMENT CONTROL IN URBAN AREAS

2.1 Introduction

This chapter presents an overview of literature review on land development control in urban areas by discussing explicitly meanings attached to key words in the dissertation report from a broad spectrum then narrowing it to the local context. Sri Lanka represents a global level whilst Rwanda, Botswana and Zimbabwe represent regional perspective on land development control. Tanzania experience is then described with regard to land development control trends from documentaries and research findings.

2.1.1 What is Land Development?

Land development refers to a range of physical activities relating to land such as erection of building, subdivisions, or the use of existing buildings for a different purpose; however, land development may mean any physical development on land which was initially virgin.

(URT 2007)

2.1.2 What is Urban Land Development Control?

Various authors have defined land development control putting key issues for the sustainable land development; McLoughlin (1973) defines control in general terms that which provides conformance of variations from system objectives within allowable limits. Hence “Development control is the process, laid down legislation, which regulates the development and use of urban land and buildings. It serves as a way, whereby, policies are being implemented and unauthorized growth potential prohibited, promotes local authorities to prevent incompatible land uses. Urban land development control is vital so as to ensure compatibility of different land uses in rural and urban areas as Boakye-Boateng (1997) suggests. It involves therefore efforts that spearhead towards realization of the proposed land uses on the ground.

Development control is a mechanism for ensuring the orderly and progressive implementations or delivery of objectives of the land use plans. The mechanisms involved include compliance or development that requires planning permission, standards, building codes and zoning regulations. Groves (2000) conceives development control as the executive arm of the planning process. It is the means whereby policies are implemented, specific land use proposals brought to fruition and unlawful development restricted. It enables a local

authority to protect residential areas from unwelcome intrusions, reserve land for new industries, maintain a green belt or landscape, and keep valuable buildings and trees whilst preventing ugly signs.

Pursuant to Essien et al (2009), development control is seen as a mechanism put in place to maintain standard. It is a process laid down in legislation, which regulates the development and use of land and buildings. It is a professional activity carried out by town planners in order to ensure compliance with an approved master plan thereby ensuring orderliness. Development control reduces the negative effects that accompany physical developments in such stages as pre-development, during development or at post-development stage of a project which is cited in an unapproved location.

It is thus a highly sensitive exercise which must be done with precaution, precision, and firmness and with deep sense of responsibility by authority concerned. Fairness, justice and equity should be the watchdogs in the development control programmes. (*Ibid*)

Yet, when it is recklessly done with bias and favouritism in the society, it could be explosive and may lead to violent reactions from affected members of the community concerned.

2.2 Essence and tools for urban land development control

Urban land development control is of great significance in land development related issues; however there are several reasons that prompt use of development control in urban areas. (*Essein et all, 2009 in Mbaso, 2013 pp 12-14*)

(a) Coordination and compatibility of land uses and use classes

In planning, Urban land management is important, therefore land is planned according to specific uses and priorities established for a given locality; unless urban land development control regulations are in place then it will be difficult for achieving optimal compatibility of land uses.

The urban land development control enhances compatible uses of land on the basis of zoning either for residential, institutional, public, open spaces (buffer zone), commercial use classes appropriately coordinated to suit land compatibility.

(b) Regulatory measures on pollution

Urban land development control backed with legislations enhances prevention of nature and the built environment from being polluted by activities that take place within the locality proximity.

Given the presence of legislations which regulate the extent to which pollution level is tolerated, it is easy to routinely monitor the trends at which nature is being populated by both industrial and human activities.

(c) Ensuring Physical efficiency and cleanliness of settlements

Urban land development control is a collective undertaking that minimizes the likelihood of spatial overcrowding, protect natural environment, safeguarding property and lives of the people so as to achieve physical efficiency and cleanliness of the settlements.

Cleanliness and physical efficiency may be attained when there exists strict compliance to the guidelines governing construction activities.

(d) Harmonious of land uses

When there is effective and efficient development control mechanisms, land uses planned will harmoniously co exist without causing bad effects to other adjoining areas. Land use planning assigns different uses to zones designed in the scheme, lest land conflicts surface, land uses have to be sustainably located and the allocation criteria be adhered to. For instance an industrial area should be kept afar from residential settlements to minimize chances of residents living near industrial areas to affected by liquid and dust emissions from the industries in place

(e) Preventing uncoordinated spatial growth

Spatial development and growth of a particular area is governed by the legal backed development control regulations and therefore should all people adhere to legislations then chances are that uncoordinated spatial growth will be minimized to a great extent. Compliance to urban development control measures in Dodoma for instance has made it possible for coordinated spatial growth within the central district business.

(f) Land is finite

Finite land is subjected to increasing population as a result land disputes are inevitable if development control is not instituted there is always going to be conflicting interests for search of land. It is thus suggested use of land is planned, managed and controlled for sustainable user friendliness of the future generation.

Unless there is controlled use of urban land, chances are that an increasing influx of people in urban areas will no more be accommodated since whilst the land remains the constant, on the other side of the coin there is rapid population growth to be sufficiently accommodated.

2.3 Processes of urban land Development Control

There are three stages in urban land development control:

2.3.1 Site Planning Process

A site planning development-(**SPD**) is a detailed drawing of a commercial, industrial, institutional or residential development project, showing existing site conditions and proposed improvements with sufficient detail for agency review, approval and subsequent construction.

General information that are featured in a site planning development are: Existing and proposed buildings and structures, driveways, sidewalks and paved parking areas, existing topography, proposed grades and retaining walls, drainage and storm water management (SWM), sediment and erosion control, utilities and easements, landscaping and outdoor lighting and site conditions on adjacent properties.

2.3.2 Land Allocation Process

A development plan makes provision for the land in the area covered by the plan to be available for certain uses such as housing. Immediately after land allocation, individual planning applications for that land are much more likely to be successful. It should be noted this does not prohibit individual planning applications being brought forward for land which has not been allocated, but it will be more difficult to gain consent.

In this case other material considerations must be identified and given sufficient weight in the balancing exercise undertaken by the local planning authority to allow permission to be granted. With the above explanations in mind, in order to maximize the chance of securing permission, it is clear that a land owner should in the first instance look to get his or her land

allocated in the relevant development plan for the use or uses wishes to undertake, thereby allowing it to be unlocked for future development.

2.4.3 Building permit Process

This is a pre-condition to be adhered by people who in one or another way need to develop formally acquired land. In any planned area, construction of buildings or any other structure requires a building permit to be offered from local authorities after scrutiny of drawings has been done.

The planning legislation also requires that a construction permit shall not be issued for development in the planning scheme for the area unless building codes and regulations are thoroughly done.

However, the process of issuing building permits has been blamed to be too bureaucratic and not time sensitive as (Kalabamu 1988, in Kapange 2006) states:

“From the whole process that is, from detailed layout, designing to issuing permit involves over 15 steps and more than 20 Government departments and agencies

Despite that Tanzania has an institutional framework including laws, regulations and by laws to regulate processing and issuance of construction permits, yet the process is bureaucratic and complicated in almost all Local Government Authorities.(*TPSF ,2014*)

2.4 Urban Land Development from a Global context

(a) Urban Land Development Control in Sri Lanka

Colombo city in Sri Lanka has 51% of its population living in improvised or substandard residential units as Cullingworth (1979) argues. It has an area of 3733 hectares with the population of 615,000 (CMC, 1987).

Urban Land Development control

Development control forms an integral part of the planning practice. It is basic means by which the state intervenes to regulate the use and development of land in order to implement local and national planning policies. (*Dissanayake, 1987*).

In the city of Colombo, Sri Lanka development control was launched with the view of achieving such issues as safety and better health, it was imposed to create an enhanced environment for the benefit of the community. (*Ibid*)

Unless development control takes into account the social, political and economic context of its area of operation, it is doomed to failure and the effectiveness of the city of Colombo development plan will be assessed in relation to this criterion (*Alder, 1979*).

Furthermore, development control was implemented so as to minimize the unwelcome effects of urban growth, to check the menace of the market forces and ensure social equity, additionally so as to support economic growth (*Litchfield & Darin-Drabkin, 1980*).

Development control is a tool, sometimes used to achieve its original objectives of safety and better health; sometimes to implement planning strategies. Land development control is thus used to implement planning policies which are regularly reflected in the planning legislation and physical development plans.

Should machinery of development control be effective, efficient and appropriate means of enforcement are essential, Yet if enforcement is lax, not only will objectives not be achieved, but the very principle of regulations will discriminate those who wish to adhere to and those who wish to flout them (*Cullingworth,1979*).

That is why *Koenigsberger (1975)*, *Rivkin (1978)* and *Mc Auslan (1985)* comment that development control practices are inappropriate, ineffective and inequitable in their operation in most third world cities.

Development control constitutes the major components of planning practice in Sri Lanka and has been inexistence since the introduction of Municipal council ordinance of 1865 and sanitary ordinance 1882.

Building by-laws were enacted for the first time in 1910 ,then came Housing and Town improvement ordinance in 1915,Town and country planning ordinance 1946 and Urban development of due priority in the Government in 1977.

Building standards and regulations

For standards to serve a purpose, they must not be beyond the reach of those who must achieve them, and they must also be capable of adapting to changing socio-economic factors. The fact that planning application on developments were not in compliance to social, economic and environmental context of a particular city or locality where about 50 % were rejected in 1984 (Gunaratna, 1985).

Development control system lacked community support and necessary resources that to a great deal contributed to the rejection that transpired due to minimal mass support.

Standards for planning and building regulations are vital in guiding development, yet they must be affordable and relevant to particular context in which they are applied.

Therefore, inappropriateness of standards embodied in the UDA planning and Building regulations have hindered the implementation of the city of Colombo Development plan.

In order to make development control effective and efficient, Sri Lanka has resorted to streamlined procedures for construction permits, introduction of electronic systems to make easier procedures for scrutiny and paying taxes at the same time there is a considerable reduction of fees for construction permits.

2.5 Experiences from Sub-Saharan Africa countries

2.5.1 Urban Land Development Control in Rwanda

Rwanda is a small country with a gross area of 25,300 km² and net useable area (excluding lakes, national parks) of 20,635 km². With a total of 9.9 million this gives an average population of 479 persons /km² across the country-one of the highest in Africa.

Rwanda is the most densely populated country in the African continent with 90% of the population involved in rural agricultural production (*Huggins (2012)*). Limited land area and a rapidly growing population have resulted in almost all areas of land in the country outside of the conserved areas and national parks being cultivated. (Sagasha, 2008).

Land delivery system

The land, though highly productive in many areas has become fragmented into small holdings. Nationally land parcel sizes vary with population density. In the west and north-west high population areas, average parcel size is .035 ha.(National Land Tenure Reform Programme, NLTRP Statistics 2007).Households usually hold more than one parcel in different locations and grow a variety of crops.

Rapid population growth and successive waves of social unrest culminating in the 1994 genocide had weakened traditional land allocation systems. Tenure insecurity has been compounded by increasing scarcity and marketisation of land and, in some areas rapid development driven by a State led expropriation process. (*Sagashya, 2007*).

In Eastern District government has engaged in a land sharing and reallocation programme to settle returning refugees and landless people. This has resulted in smaller land holdings in Eastern district as subdivision continues. All of these processes have accelerated in recent years. (*Ibid*)

Existing systems of land administration and planning under the old laws are no longer enough to meet these challenges in which old colonial laws left a legacy of inequality between urban and rural lands with an outdated land administration system.

Legal framework

In National Land Policy of 2004 altogether with Organic Land Law (OLL) in 2005 were used to improve tenure security through land registration and thus facilitated development of equitable land market in Rwanda and as a result promoted sustainable use of land (NLTP, 2007).

Land tenure in Rwanda has historically been based in part on customary law and in part on statutory law of the civil law tradition. Customary law in this regard recognized collective ownership of land; however land became state owned in 1992.

The National Land Policy of 204 adopted after a Rwandan constitution referendum in 2003 spearheaded for Rwandans to enjoy more secure form of land tenure and bring about proper (appropriate) land utilization, efficient land management and administration. (NLTP, 2007).

Land categorization

Having formulated land policies and legislations in 2004 and 2005 respectively, Rwanda had categorized land into three major classes namely:

- Private land
- Land vested in the state (State-owned land)
- Land vested in the Local Government Authorities

Registration of title to land was made compulsory under (Article 30, sections IV) where lands are freely transmissible upon death and transferable by sale or gift, and land may be leased, rented out, encumbered or mortgaged in accordance with the civil code (Article 33 & 34, sections X.)

Management system

Rwanda is amongst countries whose land management is characterized by strong governance where organized state apparatus extend through effective chain of responsibility down to local levels. (*Huggins, 2012*).

With time, at last Rwanda concluded a national wide programme of land registration during which every parcel of land in the country was registered (Ali , 2011).In lieu of Rwanda being aid-dependent, yet it has proved to have an efficient government in a technical and administrative sense to reduce significantly conditionalities attached to aid.

The fact that building permit processes contribute significantly towards land development control, Rwanda has streamlined procedures, reduced fees and introduced of online services towards promoting efficient and effective issuance of construction permits (World Bank,2014).

Institutional framework

Rwanda has established a One-Stop Centre for dealing with the processing of Construction permits which is an integral part of development control, in this decision only qualified professionals preferably Architects or Engineers are allowed to file or submit application to the City Authority with the focus of reducing bureaucratic steps one has to undertake prior to being issued with a construction permit (*TPSF, 2014*).

Resource Mobilization

Rwanda though a small country, yet it has been able to solicit funds aimed at creating an effective urban land development control with well-organized financial management.

2.5.2 Urban Land Development Control in Botswana

Botswana is a country with an area of 581,780 km² and has a population estimated to be 1.8 millions in 2000 suggesting a population density of 3.37 persons per km². The country is thus having low population densities (*Nkambwe, 2007*). However, up to 87% of the country's population lives along a narrow strip of land about 75 to 100 km wide along the eastern border along the railway line joining Harare and Johannesburg.

Land delivery system

70% of land in Botswana is tribal owned, 25% state-owned, whilst the remaining 5% is privately owned and freehold land (ROB, 2002). All citizens are eligible for two services plots in urban areas of the country, whether for residential, commercial or industrial use (Adams et al, 2003; ROB, 2002; COHRE, 2004).

Regulatory Framework for urban development control

In Botswana, land use regulatory zones categorization have been introduced so as to assure orderly and use of land national wide. Development Control Code (DCC) so established is meant to exercise this jurisdiction.

Regulatory zoning was introduced to perform several duties *inter alia*:

- Conflict resolution
- Protection of basic property rights
- Buffer management and maintenance (River/stream buffers e.g. wetlands and flood plains shall be managed to enhance and maximize the unique value of these resources

Legal Framework

Botswana's legal framework governing range land provides incentives to privatize and fence communal grazing land through development of leasehold ranches. Thus the remaining land is prone to overuse and land degradation.

Increasing urban population puts ever large pressure on the country's natural resources through increasing demand for food, land and fuel.

Regular reviews on Botswana's land and natural resource legislations and policies and its practice of governing through comprehensive year plan have kept a focus on land issues and resulted in some of the more progressive land legislation in Sub Saharan Africa (*Taylor, 2006*).

Land legislations in Botswana support rights of women and marginalized groups; however revision and reviews of land laws have been done in a bid to:

- Promote more equitable land distribution
- Address land conflicts
- Strengthen systems and institutions for land management as per National Development plan (2010-2016)

A mix of formal and customary laws in Botswana constitute the legal framework operating in the country with much of the formal law reflecting longstanding principles of customary laws.

There are six (06) pieces of formal legislation comprising of:

- The state land Act,1966
- The tribal land Act,1968
- The tribal Grazing Land policy,1975 (*Adams et al ,2003;Taylor ,2007*)
- The Town and Country planning Act,1977
- The National Agricultural Development policy,1991;and
- The sectional Titles Act,1999 (*Adams et al,2003;ROB ,2008a;Taylor,2007 and ROB,2010b*)

Institutional framework

The ministry of Lands and Housing is responsible for the management of land and delivery of housing throughout the country where in urban areas, land is recorded in the state Land Integrated Management System-(**LIMS**). (*Kalabamu, 2006*).

National Development Plan 2010 thus outlined four (04) programs so as to have an efficient and effective land development control in urban areas namely:

- Land acquisition and allocation
- Land information management that creates comprehensive database for land resource
- Spatial Information Management whose duty is to map the entire country and surveying of plots

- Land management used for preparation of settlement development plans by local authorities

Therefore, land policy in Botswana has been hailed as a model (prototype) in the continent as it makes land accessible to all segments of the society including the urban poor (*Ibid*)

In a view to establish an elaborated planning for sustainable development, the Government of Botswana introduced Land Information System (LIS) aimed at integrating land data for having organized information in land management. Yet, the Government has identified major weaknesses in organization of information that prompted the introduction of a comprehensive information system code-named BLIS (Botswana Land Information Systems) Nkambwe, (1995).

Regularization and Formalization Programs

Botswana introduced regularization and formalization programs in attempt to effectively control high urbanizing towns as done in the Upper Naledi Program where there was a high urbanizing trends of Naledi Village which was later regularized and formalized to a New Naledi town (Nostrand, 1982). According to the World Bank (2014), Botswana has done considerable attempts in order to promote issuance of permits for construction purposes by adopting risk-based approaches, streamlined procedures which in turn has greatly reduced time for processing permit applications.

2.5.3 Urban Land Development control in Zimbabwe

Development of Urban centres in Zimbabwe started with the advent of colonial rule where most of urban centres evolved as settlement for European settlers (*Chipungu, 2011*). Strict zoning regulations were introduced with the view of separation of various land uses where development control machineries had to check the nature of land developments in which stringent requirements of planning system was to be adhered to. Having attained independence in the 1990s, there happened tremendous changes in land administration system where laxity in the planning system prevailed. (*Ibid*). Despite of the Zimbabwean Government efforts to try to maintain its modernist perspective in planning, yet its implementation lacked Government backing with many breach of critical statutory clauses.

Management system

In this regard the Government of Zimbabwe failed to embrace a planned land redistribution programme aimed at allocating more land to the citizens due to power centralization. Thus, land development control through physical planning tool was implemented in support of the Zimbabwean government's Operation Murambatsviva Restore Order (*Thomson, 2000*). Modernist perspective of physical planning in Zimbabwe was a guiding tool for the former colonial cities in urban development which ceased to operational no sooner had independence been achieved.

However, in the year 2000, the Government of Zimbabwe launched a controversial Fast Track land Reform where key informants were within the central government. Rakodi (2006:47) in precise portrays post colonial cities (especially that in Sub-Sahara Africa) as being in crisis and which in itself is characterized by fast population growth, governance failure, severe infrastructure and social breakdown and service deficiencies and inadequate land administration. Development of planning system in Zimbabwe has been a result of remodeling of former colonial power, i.e. Britain in which planning concepts, principles and legislations to a great extend are being reflected by the current urban areas (Davison, 2002:187, Wekwete, 1988)

Legal framework

Town Planning Act of 1933, Regional Town and County Planning Act as revised in 1996 altogether were meant to give power local and urban authorities to guide and control land use and development (Davison, 2002).

Sectoral ministries were charged with the duty of spearheading policy formulation and legislations from the national level, regional level down to local level with the focus of making sustainable land use and developments in urban areas.

Allied legislations (Land and Deeds Registry Acts) were introduced to supplement the existing legislations, yet the impact of such legislations on the whole planning system though vital is peripheral in the sense that they only come in the limelight when development issues are initiated as per requirements of the main legislations.

An efficient planning system is reliant upon effective development control mechanisms which are meant to ensure that those involved in land development adhere to the proposals and requirements of the general development plans.

Development control is an administrative mechanism that cuts across urban planning and urban management with the view of ensuring that proper and recommended development to be undertaken, however, this process is not static as it calls for negotiation and public participation process to achieve public interest (Prior,2000;Thompson,2000).

Resource Mobilization

Rapid population growth in urban areas in the late 1980s saw Zimbabwe strained from her capacities of both central and local spheres of government to provide housing and basic urban services for the urban poor, so did it for the land development control in urban areas as there were observed persistent of non-compliance of legislations.

In 1990s Structural Adjustment Programme-(SAP) was inevitable in Zimbabwe due to economic shambles that prevailed; it had to bow to the conditionalities imposed by external donors. Financial mismanagement and the Fast Track Land Reform Programme in 2000 contributed to a great deal service delivery in urban areas to suffer significantly.

Slums and squatter settlements were proliferating countrywide where in 2000 the situation got aggravated when Zimbabwe war veterans supported by the ordinary populace invaded peri-urban large scale commercial farms for residential purposes.

In 2000 development control instruments were abused by virtue of succumbing to the dictates of party politics where the planning system in 2005 got thrown.

Institutional framework

Development control must operate within an environment where central-local relations are cordial for it to be effective (Local interests should not take precedence over national interests) (Masiwa, 2004).

Therefore City, Municipal and District Directors have to contain emerging developments in the planning fraternity with regard to urban spaces just as has been the case for Chinese cities (*Ibid*).

Zimbabwe has a long journey towards improving ways to administer land so that urban land development is tamed.

2.5.4 Urban Land Development Control in Tanzania

The Regulatory framework

Tanzania adopted British legislation in addressing urban land development control and gradually became changed to suit the prevailing environment and circumstances. Urban land use in Tanzania has been regulated for almost a century.

Much effort was put into setting-up and enforcing the land regulatory framework after World War II, particularly as Tanzania started living in towns as workers in government establishments, manufacturing and transport industries, and in private trade activities.

The early towns in Tanzania started off and grew, partly as Administrative Towns. The towns shortly became centres of small scale manufacturing, commerce, transport and communication. Towns grew slowly, until recently, and many remained too small to require settlement-planning interventions.

Legal framework

Ndunguru (2006) suggested lack of tools for development control such as Town Planning drawings and specific policies towards promoting urban land development found a fast uncoordinated spatial growth of urbanizing towns. This incentivized introduction of legislations that were meant to tame urban land development control.

Urban planning Act of 2007 part IV on planning process, sections (a)-(d) and Part V (b) explains how the process should be done in a view to enhance effective urban land development. The Land Use Planning Act No 6 of 2007 section II on policy framework section 4 (a)-(e) promotes the need for land use planning towards spearheading controlled land development in urban areas.

Furthermore, the Local Government (Urban Authorities) Act of 2004 Cap 288 part VI regarding obstruction and nuisances in street section 75-77 and part VII section 124-141 on building plans and notices are included with the focus of managing land developments taking places in urban areas.

Land Management system

Several policies have been enacted with the focus of regulating urban land development in the country. The National Human Settlements Development Policy section 4 (1)-(4) explain such issues as of land availability and access, planning and building regulations, infrastructure and social service development all of which are geared at enhancing effective and efficient land development control. Moreover, sections 4.3 (4.3.1, 4.3.4 and 4.3.9) on Urban development issues and policies all are focused on establishing an optimal land development in urban centres.

The National Land Policy of 2007 suggests that land policy would govern land tenure, land management and administration as stipulated in sections 1 (i),(ii),(v) and (vii), section 2 (2.1,2.5 and 2.8) and in section 4(4.2.7) it is stated that big parcels of land are being allocated to individuals, private firms including foreign investors regardless of their proven ability to develop them as a result large areas of land remain undeveloped or held for speculative purposes for several years.

Section 4(2.1) on the other hand suggests that absence of boldly defined institutional hierarchy for land administration has resulted in multiple land allocations which in turn lead to complicated land disputes. In support of this, Ndunguru (2006) suggests that there is urgent need for intersectoral and institutional coordination so as to put “teeth” into laws for effective land development control.

Urban land development control in unplanned areas (Informal human settlements)

The fact that not all urban centres in Tanzania have their land surveyed and planned, yet there are strategies which are employed so as to attain somewhat orderly land developments in informal human settlements. Adams (1932) suggests that no urban centre is actually unplanned, for all are responsive to some form of artificial directions; albeit most urban centres are misplanned for lack of conscious design meant to secure superbly coordinated social and economic results. Human settlements in informal areas in general lack formal legal titles and they may exhibit irregular development patterns, lack of essential public services such as sanitation and occur on environmentally susceptible or public land (Fernandes,2011).Three methods are applied to alleviate human habitation conditions in informally occupied areas, i.e. Upgrading, regularization and formalization.

Whist upgrading refers to an incremental approach to unplanned settlements where permanent tenure security is sought and rehabilitation of unsuitable land is hinged on meaningful community participation (Huchzermeyer,2011).On the other hand land formalization gives priority on construction of new housing where people are often involuntarily relocated to make space for formal housing developments (de Wet, 2013; Marealle, 2011).

Regularization of informal settlements refers to legal security of tenure using a set of socio-spatially integrated interventions that merge land tenure legalization with upgrading of public services, urban planning and related socio-economic policies as Hagga (2000) contends.

In Tanzania deliberate efforts were employed to curb high rates of informality growth in urban areas by upgrading, regularizing and formalizing and inception of plot projects as a counterfeit measure against fast growing level of informalities, such projects as Hanna Nassif project, Tandale Community Infrastructure and urban planning,2000 plots project in Dar,5000 plots project in Mbeya city,2000 plots projects in Tabora municipality are some immediate responses aimed at establishing controlled urban land developments in urbanizing centres in Tanzania.

Emerging issues

In a study done by the Tanzania Private Sector Foundation,(2006),it has been established that there is no any urban council hitherto in the country that has taken initiatives to use ICT in the processing and issuance of construction permits from which considerable reduction of days may be registered as recorded in such countries as Kenya, Rwanda and Singapore when embarked on the use of ICT.It has been established that regularization and formalization programs have been used as tools towards effective urban land development control in areas where human settlements grew at a rate higher than the local government authorities can provide serviced and surveyed plots for various land developments. Furthermore the discussion on literature review from the global level to local level leads to selection of relevant theories and conceptual framework which portrays the variables for the study.

CHAPTER THREE

THEORETICAL AND CONCEPTUAL FRAMEWORK

3.1 Introduction

This chapter presents a brief review of theories that are relevant to the subject matter in the research. It also provides a conceptual framework from which variables of the study are briefly described.

3.2 Theories

Theories are analytical tools which are part of the scientific process of explaining, understanding and making predictions about a given subject matter (Corbetta, 2003). The word 'theory' is used in a broad manner and enhances several related terms such as conceptual framework, paradigm, typology and model (McCray & Weber, 1991). Theories play a catalyst role in many research projects. Theory is a system in which a number of concepts and propositions have been ordered systematically. Propositions are the basis of the researcher's attempts to understand explain, predict and propose measures that relate to the phenomena being investigated, Nachmias (1996). A theoretical framework is a collection of interrelated ideas based on theories. A theoretical framework accounts for or explains the phenomena, Kombo and Tromp (2006). Theories are useful in conceptualizing how the variables are interlinked so as to achieve the intended purpose. One approach or concept and two theories are here under reviewed

3.2.1 Bottom up Development Approach

This is a development strategy which emphasizes the participation of the grass root actors in development initiatives in order to set their own goals and the means of achieving them. This approach encourages a process of local participation. Bottom up Development Approach is coupled with four principles which make it acceptable and effective namely: (*LEADER Magazine, 1998*).

- *Involvement of the community*
- *Draw out ideas and generate initiatives from the grass root level*
- *Sense of building consensus*
- *Principle of delegating decision-making powers*

Bottom-Up approach reinforces community ownership, commitment and accountability to the development project as it seeks development from below. It is a recent strategy developed on

the basis of the reflection of changing ideas on the nature and purpose of development it considers that development to be reliant upon maximal mobilization and use of locally available resources, which are, human, natural, and institutional with the primary objective being satisfaction of the basic needs of the inhabitants, Stohr and Taylor (1981).

According to Kyessi (2002), bottom-up approach is aimed at serving the poor who are the majority and must be directly oriented towards the poverty problem and motivated and controlled from the bottom, it targets mostly the poor people in light of most introduced projects sideline involvement of people with low incomes, instead favour non poor groups. Backed with this approach, land development control issues may be easily managed because people at local levels where land developments regularly take place will be able to establish any violation that one individual or a community in their locus develops land without adhering to laid down by laws, regulations and legislations.

3.2.2 Scientific Management Theory

This is the first significant movement to attempt to produce guidance for management. It was pioneered by Frederick W. Taylor whose goal was to achieve efficient cooperation. The theory calls for a careful and minute analysis of each task through time and motion study. (Taylor, 1998). The purpose main aim of this goal was to unleash ‘*the one best way*’ of completing each component of the work. The Scientific Management Theory has emphasis on job efficiency through development of technical skills. (Bovee et al, 1993).

Scientific Management Theory also is comprised of a system for supervising employees, improving work methods and providing incentives to employees so as to raise their work morale through piece rate system. In most cases civil servants work at *Laissez Faire* having recognized the weakness of Government management system as a result low productivity is registered in almost every sector. (Hartman, 1998).

The rationale for Management Theory is to enhance efficiency of tasks assigned to every individual so that time, money and scope of work are done to meet the goals set. Thus Management Theory is of great significance in effective urban land development control as it promotes the following aspects: (Gilbert et al, 2000).

- *Provides a stable focus for understanding what we experience by putting forth criteria to determine what is relevant*

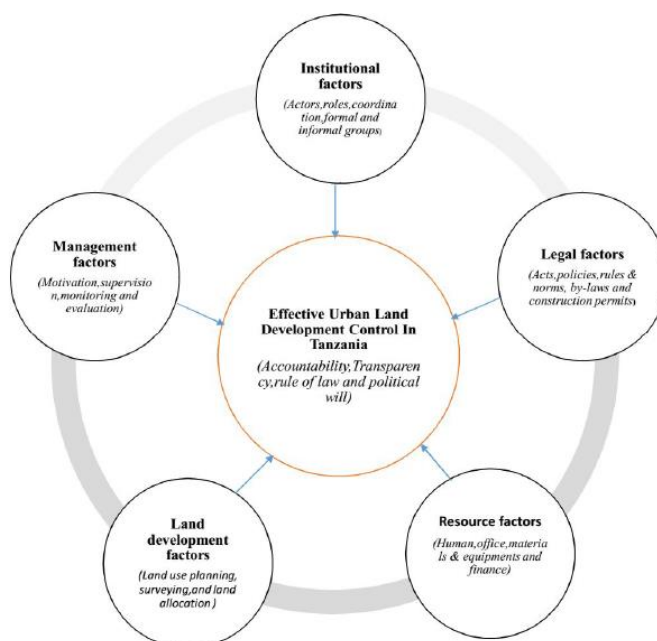
- *Facilitates efficient communication and thus more complex relationships with people is registered*
- *Keeping abreast learning about what is happening in the world.*

3.3 Conceptualizing Urban Development Control

Conceptual framework is the system of concepts, assumptions, expectations, beliefs and theories that supports and informs one's research and is a key part of research design, Miles & Huberman (1994); Robson (2011). Miles & Huberman (1994) further defined conceptual framework as a visual or written product, one that "explains, either graphically or in narrative form, the main things to be studied the key factors, concepts, or variables and presumed relationships among them. A conceptual framework is therefore primarily a model that guides researchers to plan for the expected study and what prevail in the sphere of research influence (Reason & Rigor, 2011).

With this regard, a conceptual framework bubble diagram is created to show the relationship of variable inter linkages with the view of examining the best way to administer these variables so as effective land development control in urban areas is achieved.

Figure 3.1 Conceptual Framework for Land development control in urban areas



Source: *Author's own Construct (2015)*

In this study, five variables are identified to reinforce assessment of the problem identified.

3.3.1 Institutional factors

An institutional framework is generally understood to mean the systems of formal law as, regulations, and procedures, and informed conventions, customs and norms that broaden, mould and restrain socio-economic activity and behavior, Trevor (2012).

In this aspect components like organizational set up, coordination of actors and their roles are described. The manner in which these indicators are linked dictated the extent to which stakeholders, formal and informal institutional arrangements were either strong or weak.

Organizational set up

In order to establish whether the institutional framework works perfectly, an aspect of organizational set has to be thorough studied to unleash the link between one level to another and how effective are they to enable implementation of land development control in urban areas.

Roles

Having observed the organizational set up established with the focus of controlling land developments in urban areas of Tanzania, it is important as well to establish the coordination between departments if is healthier enough to timely contain high demand of land for development against the fast growing population.

Actors

Accountability is a key issue in making each department and individual all deliver duties as assigned, it is important to assign each member roles she/he has to perform so that if it happens that there is laxity from one personnel it easy to make her/him accountable.

Therefore grassroots, *mitaa* and ward leaders have to be responsible in facilitating transparency, trust and efficiency in promoting effective urban land development control in Tanzania.

3.3.2 Regulatory factors

Legal framework include legislations, Building by laws, policies-(Land policy) Acts-(Land Act, Town planning Act, Urban planning Act and building and development control

regulations that are collectively used to see to it that land is developed strictly as per guiding principles.

Policies

These are Government official documents on land related introduced with the view of promoting and ensuring secure land tenure system at the same time sensitize optimal use of land resources spearheading a broad-based social and economic development without endangering the ecological balance of the environment.

There several policy documents have to be read in attempt to have broadened knowledge of the research issue so that appropriate recommendations may be suggested after field data have been processed.

Legislations

Acts are legal documents which have been established for the orderly and sustainable development of land in urban areas, to preserve and improve amenities; to provide for grant of consent to develop land and powers of control over the use of land and to provide for other related matter.

They play a role of indicators in determining the effectiveness of legal framework towards effective urban land development control.

Regulations and By-Laws

Building regulations and by laws subjected to area of jurisdiction have been used to assess the gaps that may have prompted weaknesses in managing land developments in urban areas. These documents are relevant in regulating harmonious land development in urban areas.

3.3.3 Resource factors

The fact that development control is a process which regularly seeks to monitor and regulate land development in urban areas; it needs availability of such resources as finance, human, office space and materials-(equipments) that support implementation of management of the entire process of controlling land development.

Finance

Financial support set aside by the Government of Tanzania is scarce and is not timely reimbursed to respective local authorities to effect implementation of land management in urban areas as a result demand for a fast growing population outpace the finances available.

In some circumstances, it is observed that there are no strict financial accounting systems related to monies set aside for urban development control to the extent fraud and embezzlement of funds has become the order of the day.

Human resources

This study has assessed the availability of human resources (personnel) who are involved in managing and controlling land development in urban areas as one of key indicator to determine the efficiency and effectiveness of the process.

Materials and Equipments

Equipments and materials are of great significance in ensuring an effective land development control in urban areas, short of which causes the high chances of making the process ineffective, thus TP drawings, Computers, Software's, Fieldwork equipments are vital to substantiate availability of material resources.(e.g. Transport and ICT facilities).

3.3.4 Land development factors***Land acquisition and allocation***

Land has to be acquired be formally or informally prior to any development is done, this is an indicator that assess the appropriateness of land delivery system in the country amidst high land requests to respective land owners and guardians as vested by present legislations.

Construction permits issuance

Appropriate functioning construction permits and inspections are key recipe towards improving public safety, yet procedures are complicated and costly whose outcomes trigger many builders to proceed without a permit. (*World Bank, 2014*).

Land development

Having acquired land and request for construction permit offered, it has to be developed in compliance to the governing and prevailing legislations. Violation of this requirement has

long lasting effects on land development and adherence to urban planning Act. For appropriate and effective land delivery system it has to be conformed as stipulated to provide a leeway in instituting development controls aspects.

3.3.5 Management factors

Supervision

One of the management aspects is supervision, it is important to establish whether there exists routine supervision of the planned activities towards enhancing a sustainable and efficient urban land development control.

Reporting

Giving feedbacks on agreed action plans is of great significance in monitoring the extent to which management responsibilities are assessed, therefore while in the field an evaluation of modalities of reporting will be documented.

Motivation

In order to raise morale for workers/actors involved in urban development control, motivation approach is inevitable where people who achieve their goals within timeframe are given incentives.

Emerging issues

In this chapter, two theories and one approach have been discussed with the focus of finding solutions for untamed urban land developments.

These tools are of great significance in establishing various indicators in proposed variables. Whilst bottom-up approach reveals the role of people in accepting any development projects should they become fully engaged in proposing appropriate solutions for every prevalent problem in their locality.

Theories chosen in this study have been vital in establishing relevant variables in a conceptual framework that are focused towards effective urban land development in Tanzania.

Equally so, a conceptual framework has been developed with explicit variables that would ease formulation of the research design, choosing data collection techniques and choice of the research strategy that has been presented in an elaborate manner in the next chapter.

CHAPTER FOUR

RESEARCH METHODOLOGY

4.1 Introduction

This section gives a description of the general logical steps a researcher has adopted in studying the research issue identified. It thus presents an overview of how the research has been done instituting various steps such as research strategy, research design and the processes towards achieving the main goal, choice of a study area. Choices of unit of analysis, validity and reliability of data, data collection techniques and ultimately data analysis aspects have been discussed in-depth.

4.2 Research strategy

Singh (2006) has defined research strategy as a generalized plan for a problem which includes structure, desired solution in terms of objectives of research and an outline of planned devices necessary to implement the strategy. (Singh, 2006). This study will employ a case study strategy basing on the nature of the research issue. Case study approach in this case is appropriate towards giving valid and reliable data for analysis whose findings may be replicated to other areas having similar urban land development control problems.

4.3 Research design and process

Research design refers to the arrangement of conditions for collection and analysis of data in a manner that aims at combining relevance to the research purpose with economy in procedure. (Selltiz et al, 1962). Thus research design takes into account designing decisions in an explicit way such as; what is the study all about? Why is the study being done? Where will the study area be conducted? What type of data is needed? (Kothari, 2012). In order to prepare a research design, three distinctive features have to be explained namely:

- A plan that expounds the sources and types of information relevant to the research problem.
- A strategy describing the approach that will be adopted for collecting and analyzing data.
- Time and cost conscious so as to smoothly do the expected research (Ibid)

Research design is of great significance as it helps in a thorough sailing of different research operations, hence making research as efficient as may deem possible towards giving optimal

information with less expenditure of effort, time and money. This research therefore has been designed so that it fulfills the characteristic features of a research design where a case study strategy has been adopted to enable collection of relevant data within the shortest time possible. The research process on the other hand has been organized by first skimming literature review, establishing the research issue and setting out research objectives. Theoretical and conceptual framework is thus developed to guide the entire process of conducting research where key variables with associated indicators are explained towards achieving the main goal of the research problem. Research methodology is another component in the research process which includes research design, strategy, case study selection; data collection and analysis are administered prior to presenting concluding remarks, recommendations and policy implication with regard to the research problem.

It has to be known that research process is a backward and forward process in the sense that in some cases I had to go back to literature review, research questions, research objectives so as to come up with fine tuned results presenting solutions to the problem at hand. An illustration table below gives a summarized research process of the explanations presented above.

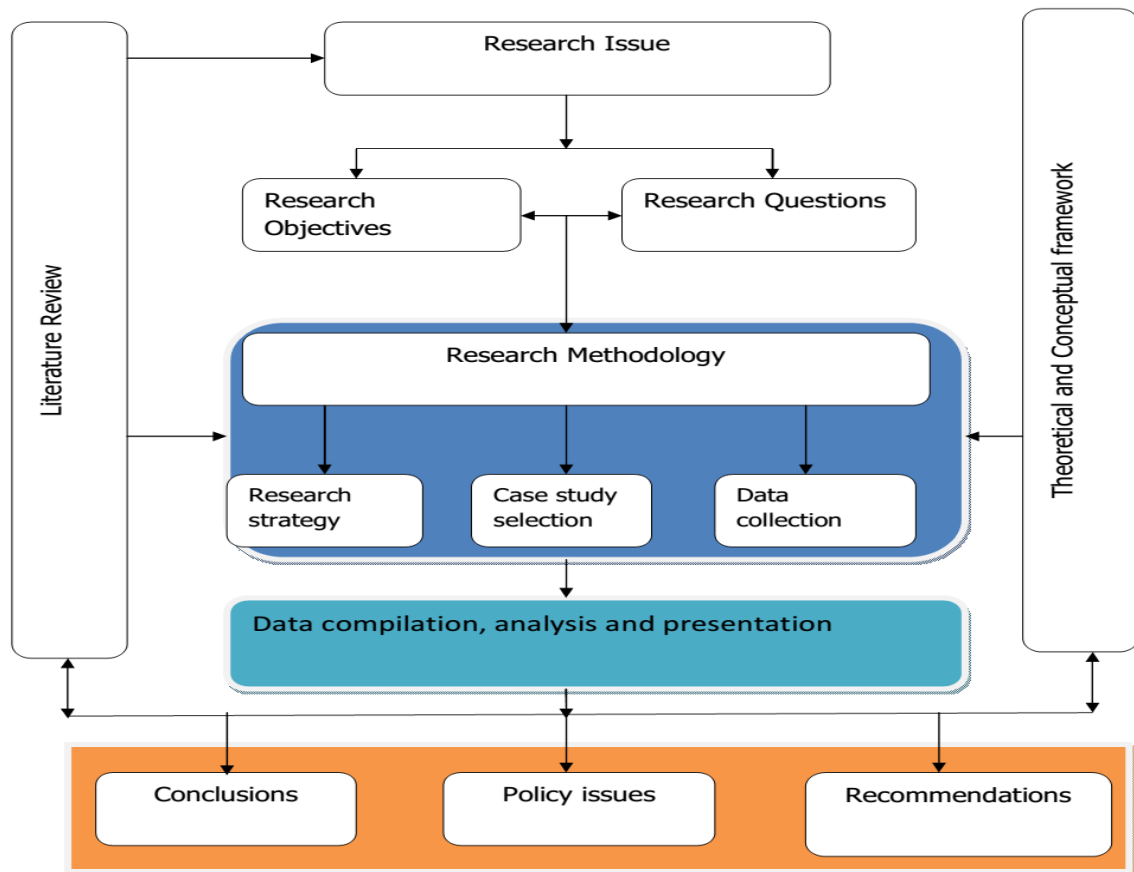


Figure 4.1 Research process

Source: Author's own construct (2015)

4.4 Study area and why?

Mbeya city is a newly fast developing city given its geographical location attracting several industrial investments within its premises thus calling for timely actions on how land developments are taking place amidst increasing population.

Mbeya has a population of 2,707,410 people with about 33.2% living in urban areas which suggests that there is a high rate of urban land development in Mbeya city. Moreover 53% of the population in Mbeya is the working class aged between 15-64 years. (NBS, 2013)

It has 35.7 % of the Youth group aged between 15-35 years of age, this group is very mobile and can influence a great deal of urban land development upon their decisions to choose residential location choices.

In studies of population migration in African cities, Dar es Salaam in particular it has been suggested the people aged between 25-35 years of age are the mobile group in the sense that they have not settled and thus the groups stand a high chance of intra urban migration that can

in one way or another contribute significantly towards urban land developments for them to secure hired accommodation or develop their own settlements (*Lumumba, 2010*).

4.5 Case study selection methods

Case study method is one of the most popular form of qualitative analysis which involves careful and complete observation of a social unit, be that of a person, a family, an institution, a cultural group or the entire community. Therefore it is a study approach whose scope is broad which gives due weight on the full analysis of limited number of events or conditions and their inter relationships. (*Kothari, 2012*). Furthermore, case study method is a technique by which individual factor whether it be an institution or just an episode in the life of an individual or a group is analyzed in its relationship to other in the group. (*Odum, 1929*). Having been appropriately chosen, case study method has a high prediction value, objective method and finally presents a detailed knowledge about a phenomenon in question, in this case effectiveness of urban land development in Mbeya City narrowing down to a block of plots, open spaces, parks and houses. (*Singh, 2006*). The case study should have a 'case' which is the object of the study with three characteristic features namely ; (*Johansson, 2003*).

- *Be a complex functioning unit, investigated in its natural context with multitude of methods, and being contemporary*

In this method different methods are fused with the view of illuminating a case from different angles.

It has been suggested that case study analysis focuses on a small number of cases that are expected to provide insight into a casual relationship across a larger population of cases. Case studies are extensively used to conduct in-depth investigation of complex issues such as urban land development done either formally or informally. (*Gerring, 1998*).

Selection of cases may be done by randomization or other approaches only that they have to be representative of a broader set of cases.

There are six types of case study approach namely;

- *A group or community case study, casual comparative study, activity Analysis, content or document analysis, a follow-up study and trend studies (Ibid)*

In this scope, a group or community case study has been adopted to study urban land development in Mbeya city by identifying formal and informal human settlements as unit of analysis of the research problem.

Case selection will be on the basis of elimination in which several planned and unplanned areas are earmarked and later eliminated so that 2 or 3 units are left for in-depth analysis after meeting three criteria which are widely expounded by Flyvbjerg's (1998) and Patton (1978) in Mwageni (2009) as explained hereunder:

Information rich

This study assesses how effective land developments in urban areas, considers Mbeya city as one of the vulnerable to unguided land developments due to the emerging uncoordinated spatial growth due to rapid influx of people within the area, relevant information is worthwhile being registered in this locality.

Reasonable accessibility

The choice of Mbeya city is backed by virtue of its location within the proximity to Tanzania-Zambia highway road, railway networks heading to Zambia and the newly established Songwe Airport qualifies it for a reasonable accessibility.

Pragmatic cases

These are cases whose features are related to a research issue in question in the sense that there is a fast trend of land developments in Mbeya city ever since it was promoted to a city status, a number of people have been attracted to flock in and several investments initiated in land property and other land uses that alert for a harmonized land use versus the high demands of people.

Patton (1987:17) further states that:

“Case study becomes particular useful when one seeks to understand some specific problem or situation in great depth and where one can identify cases rich in information in the sense that, a great deal can be learned from few examples on the phenomenon in question”

Therefore, Mbeya city is one of the rapid urbanizing cities in Tanzania that possesses rich information regarding land development control in urban areas, a representative sample for the southern highlands zone.

4.6 Smallest Unit of Analysis

The type of a study dictates unit of analysis to be wisely chosen so as to have an appropriately evaluated final report on the research issue in question. Lupala (2002) in Mwageni (2009) expounds that the key factor in selecting and making decisions about appropriate unit of analysis is to decide what it is one wants to be able to say at the end of evaluation. The main objective of this study was to assess effectiveness of urban land development control in Mbeya and therefore the smallest unit of analysis was a neighbourhood with the focus of exploring the extent to which inhabitants have complied to rules and norms backed with regulations, by laws and policies in spearheading urban land developments within its jurisdiction.

4.7 Sample selection

4.7.1 Sampling

Njiku (2006) defines sampling as the process by which a representation portion of the population is selected for analysis. A representative sample is assumed to reflect the prevailing condition within the entire study population.

4.7.2 Sampling techniques

There are three major sampling techniques which are regularly applied in the choice of a sample unit in a given case study namely:

(a) Random sampling

This is a sampling technique which involves the haphazard selection of at least 10% of the element of the study population that will be analysed. The selection process is not on a specific order or pattern.

(b) Systematic sampling

This is a sampling technique which is used where the phenomenon under study is largely and evenly distributed.

(c) *Stratified sampling*

This involves the selection of the study samples on the basis of elements of the population being studied for analysis. (*Ibid*)

In this study a sample of 3 neighbourhood (two planned and one unplanned) were purposefully selected based on the selection criteria matrix to represent the entire population from which a research was conducted. Given the scope of my study and the time frame a 50 sample unit was enough and sufficient to give results reflecting the reality on the ground which may be replicated for the entire study area and other area with similar settings.

4.7.3 Neighbourhood selection criteria

In order to select a best suited unit of analysis in this case a neighbourhood, several neighbourhoods were identified and later eliminated on the basis of whether they are planned or unplanned and ultimately criteria for inclusion was applied in the detailed study using a selection criteria matrix as illustrated in the table:

Table 4.1 Selection criteria Matrix

S/NO	Neighbourhood	Criteria						
		Score						
		Reliability of data	Information richness	Traceability of records	Accessibility	Conformity to scope	Extent of development	Total score
1	Mwakibete	2	3	1	3	1	4	14
2	Sokomatola	2	4	2	3	1	4	16
3	Iwambi	4	3	5	4	4	3	23
4	Sisitila	1	2	4	3	1	2	13
5	Itezi	3	4	5	3	3	3	21
6	Mwanjelwa	3	4	1	2	1	4	15
7	Uyole	2	3	1	2	2	3	13
LEGEND			5 Excellent	4 V.Good	3 Good	2 Fair	1 Poor	

Source: Own's construct (May, 2015)

Iwambi and Itezi neighbourhoods scored high in this table, and in depth study were thoroughly done in these areas with parallel study of unplanned iwambi area which is in the proximity of study area.

4.8 Validity and reliability of data

Data reliability is the extent to which a test or procedure produces similar result under constant conditions, it entails the degree of consistency with which instances are assigned to the same category by different observers on different occasions (Bell 1993:64; Hammersley, 1992a:67).

This study shows that in the event of further researches, adopting the same research design and process being conducted on the same case study all over again, they should arrive at the same findings and conclusion (Patton, 1987). Thus in this study, formal and informal discussions were used to guide data collection including interviews, questionnaires and observation. Systematic documentation supported with tools like tables, figures and charts were employed to ensure data reliability and authenticity.

Data validity is achieved through the triangulation process where various methods of data collection are collectively used to be able to give valid in response to a research being done; these include observations: (household interviews, discussions with key informants, observation and photographing.). Ultimately results were triangulated with the view of validating possible discrepancies.

Furthermore, data documentations in notebooks and voice recorders have been observed so as whenever there exists a hesitation they may be scrutinized in a confidential way lest they violate a declaration made in advance with regard to privacy and high degree of confidentiality to key informants.

4.9 Data collection and analysis

This part describes how data were gathered from different sources and how are ultimately analyzed towards giving an overview of what has transpired in the course of data collections and consolidating research findings for academic and social economic development.

Methods of data collection had been appropriately selected in consideration of the following aspects :(*Kothari, 2012*).

- *Nature, scope, and object of enquiry, availability of funds and time factor.*

In light of the above aspects, the researcher has adopted methods that will meet the criteria above.

Source of data

There are two main types of data sources namely; primary and secondary data from which their validity and reliability may be established after data collection. In this case, they are collected in the field using such tools as personal interviews, discussion and structured questionnaires.

Primary data sources

Primary data are the ones collected afresh and for the first time and therefore they are original sources from which other data sources may be derived.

Moreover, another best tool in the search of primary data source entails physical observation where a respondent is used to give out first hand information on the aspect in question.

Secondary data sources

These are the ones which have been collected by someone else and undergone statistical process.

In the course of this study secondary data sources such as files, journals, books and other publications with relevancy to the study were regularly visited to complement with primary data sources to consolidate a very elaborate final report write up.

Primary data collection technique

This section elaborates various techniques that were used in data collection taking into account such considerations as respondent's level of education, nature of the study, sample size and efficiency level required.

Interviews

This is a data collection technique which involves presentation of oral-verbal stimuli and reply in terms of oral verbal responses; sometimes telephone interview to key informants may be opted if face to face interview is hard to achieve. (*Ibid*).

Interview can be either personal or focused, whilst person interview requires an interviewer to ask questions face-to-face to an interview where in some circumstances an interviewee may ask questions seeking clarity and the interviewer has to respond to; on the other hand focused interview is aimed at drawing attention on the given experience of respondents (key informants) and its effects, in this case the interviewer is flexible to coordinate his/her questions.

This study employed all types of Interviews interchangeably with the focus of collecting data from Municipality officials, plot owners and other key informants at the same time ensure that questions set are appropriately responded to so as to optimize reliability index of the data collected.

Questionnaires

A questionnaire comprises printed or typed in a definite order on a form or set of forms of a number of questions. Structured questionnaires are simple to administer and relatively inexpensive to analyse. (*Ibid*)

Questions were prepared in a logical sequence in order for them to be effective. The design of questionnaire is intimately related to the general plan of the survey for which the overall objective of the survey has to absolutely clear before the design of the same is attempted.

A mixed grill of questions have been compiled focusing on giving feedback on research questions i.e. closed and open ended questions.

Whilst closed end questions tested understanding of the whole phenomenon in the research issue, on the other hand open ended questions were provided flexibly to accommodate various opinions on urban land development control.

Field observations

This is the most regularly used method in data collection in particular when behavioural science studies are done, however this method becomes scientific when it serves a formulated research purpose, is a systematically planned and recorded and subjected to checks and controls on validity and reliability. (Kothari, 2012).

In this method a researcher observed directly without seeking information from key informants whereby subjective bias is to a great extent minimized when the exercise is done correctly.

This technique was done where an individual or individuals gathered initial original data on either set of programs, processes or behaviours under study.

It provided assessors with an opportunity to collect data on a wide spectrum of characteristics so as to extract a great deal of different interactions at the same time fully explore the research topic in question.

Secondary data collection techniques

This is a data collection technique where thorough reading is done from a collection of secondary data such as published and unpublished data sources.

These data have already been collected and documented by others which are helpful towards seeking a solution for the research problem at hand.

Electronic sources

These sources include: internet uploads videos, online data bases and CD-ROMs. In the course of doing this research, secondary data were given due weight to give the insight of what is being researched.

Most of these data were in soft copy format which can be accessed via internet search and others kept in CD-ROMS for reference purposes.

In this study therefore electronic sources were significantly used to enrich the understanding of the research issue.

Paper based sources

In this case, journals, periodicals, abstracts, indexes, books, research reports and market reports. Moreover other secondary data are annual reports, internal records of organization, news paper and magazines. These will be used to enrich the study in consolidating data which are reliable.

Data used must adequately give sufficient information in an attempt to solve the research problem if not offering broader understanding of the issue at hand.

4.10 Data analysis and presentation

This section elaborates explicitly the way how data have been analysed and presented to give an understanding to the reader in view of solving an established research issue.

4.10.1 Data analysis

Data analysis provides a brief description of some of the equipments available for data analysis, and makes some general proposals about the organization of the work of analysis. Data analysis can either be qualitative or quantitative or both subjected to the research issue on question. (*Cherry & Burton, 1970*).

Data analysis involves the following steps:

- Primary computation of the value of individual returns such as calculations of ratios
- Coding of the results so that are in the form suitable for analysis
- Punching of cards
- Count and totals
- Preparation of summary tables from counts and totals, including adjustment for supplementary information and weighting not yet carried out.
- Calculations of sampling errors
- Critical analysis

In view of analyzing data, descriptive, qualitative and quantitative methods were employed in parallel to give an analysis of data collected.

Furthermore identified variables i.e. legal frame work, institutional frame works, land allocation system and resources were thoroughly analyzed.

In order to enrich presentation of results, analytical process will be shown as a precondition towards a well analyzed research report.

4.10.2 Data presentation

Having analysed data collected, data were presented either quantitatively or qualitatively based on the information worthy being revealed to the readers.

Different data presentation techniques have been used to present findings of the research in a manner that will be understood by the stakeholders and other readers on Urban Land development controls.

Use of graphical and illustrative representations such as charts, tables, maps, photographs, graphs and texts have been used to address an issue relevant to a method chosen.

4.11 Limitations of the study

This study was limited by the time frame in which it was to be done, it is a 6 months programme that required a student to have completed research component, thus choice of the study area had to be carefully done so that the findings obtained would represent the entire population.

Financial component was another decisive factor on the extent the research had to be done, given limited budget few study areas were visited for research purpose in lieu of covering an extensive area.

CHAPTER FIVE

LAND DEVELOPMENT CONTROL IN MBEYA CITY

5.1 Introduction

This chapter presents history of urbanization and planning of Mbeya city in which several aspects have been discussed; these include location, population growth, spatial growth, regulatory measures, resource allocation, and use of ICT, issuance of construction permits, land acquisition system, potentials and constraints towards achieving effective urban land development in Mbeya city.

5.1.1 Location

Mbeya city is situated in the south western part of Tanzania along the Tanzania Zambia (TANZAM) highway and the Tanzania Zambia Railway line (TAZARA). It lies between latitudes $8^{\circ}5'$ and $8^{\circ}57'$ south of the equator and between longitudes $33^{\circ}30'$ and $35^{\circ}35'$ East of the Greenwich meridian covering a total land area of 214 square kilometres and borders Mbeya District council on all sides. (*Mbeya city Environmental Profile, 2007*).

Mbeya is strategically situated in a valley between two high mountains ranges namely: Mbeya peak (**Loleza**) and Uporoto mountains.

5.1.2 Accessibility

Mbeya is accessible to the neighbouring country of Zambia by TANZAM Highway and the famous TAZARA railway and to Malawi and Zimbabwe by road through the Tanzania-Malawi boarder (Kasumulo) about 109 kilometres and Democratic republic of Congo (DRC) through Sumbawanga town in Rukwa Region (Ibid)

5.1.3 Climate

Mbeya city experiences long rainy season as a result of its strategically positioned altitudes between Mid-November and May with the mean annual rainfall of about 1200mm within an average span of estimated 109 days (Ibid).

It has a mean temperature range between 13°C to 26°C from April to October respectively with the mean annual city temperature of about 17.6°C (Mbeya Airport Meteorological Station, 2012).

Furthermore the city experiences Monsoon winds (South Easterly and North Easterly) in August and September respectively

5.1.4 Historical background of expansion of Mbeya city

Mbeya history dates back to 1935 when the British Colonial Masters designated Mbeya as a Township for European settlement and agriculture. At this time Mbeya township covered a small area with a population of about 6,932. Twenty years later, in 1955 Mbeya township expanded substantially with an annual population growth rate of 4.5% due to colonial Government decision to shift the southern zone province Headquarters from Iringa to Mbeya. The name 'Mbeya' in fact originated from a local word '*IMBEJE*' which was regularly used by the indigenous people during barter transactions to mean 'SALT'. The foreigner traders were unable to pronounce it correctly 'IMBEJE' instead called the product 'MBEYA' to mean the same. As years passed by so did the then Mbeya township centre grow to a Municipality status to the extent that in 1980 the township of Mbeya was promoted to a Municipal where the population had grown to the tune of 78,111 having an average annual growth rate of 18.5% with its administrative boundaries expanded due to increased population-cum spatial demands of the people to develop land for their accommodation.

Mbeya Municipality was elevated to a city status in 2005 following rapid developments in terms of land development, growth of economic activities and sprawling land patterns contributed a great deal to the influx of people with different backgrounds that led to increased demand for housing for the people. The population of Mbeya municipality at the time of its promotion to the city status was estimated to be 266,422 with its administrative area extended as illustrated spatial growth map of Mbeya. (*National Population Census, 2002*).

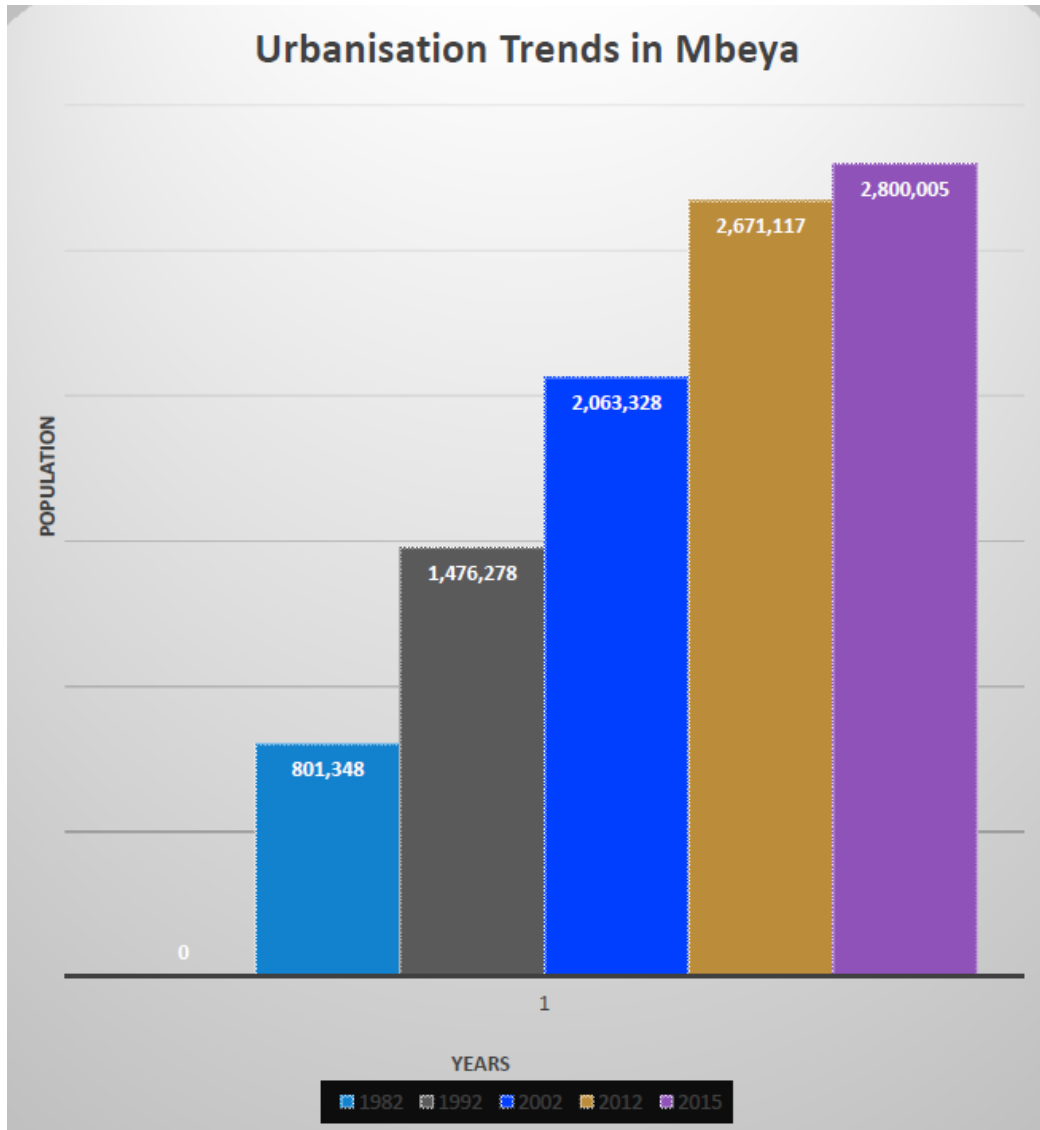


Figure 5.1 Trends of Mbeya population growth

Source: National population census (1982-2012)

5.1.5 Mbeya city spatial growth

Land development has grown due to increased demand for land for development activities to the extent that human settlements developed formally and informally owing to the snail pace of development of TP drawings from which people could get surveyed plots to establish their settlements as a result the city started sprawling south west and Eastwards to Mbalizi and Uyole respectively.

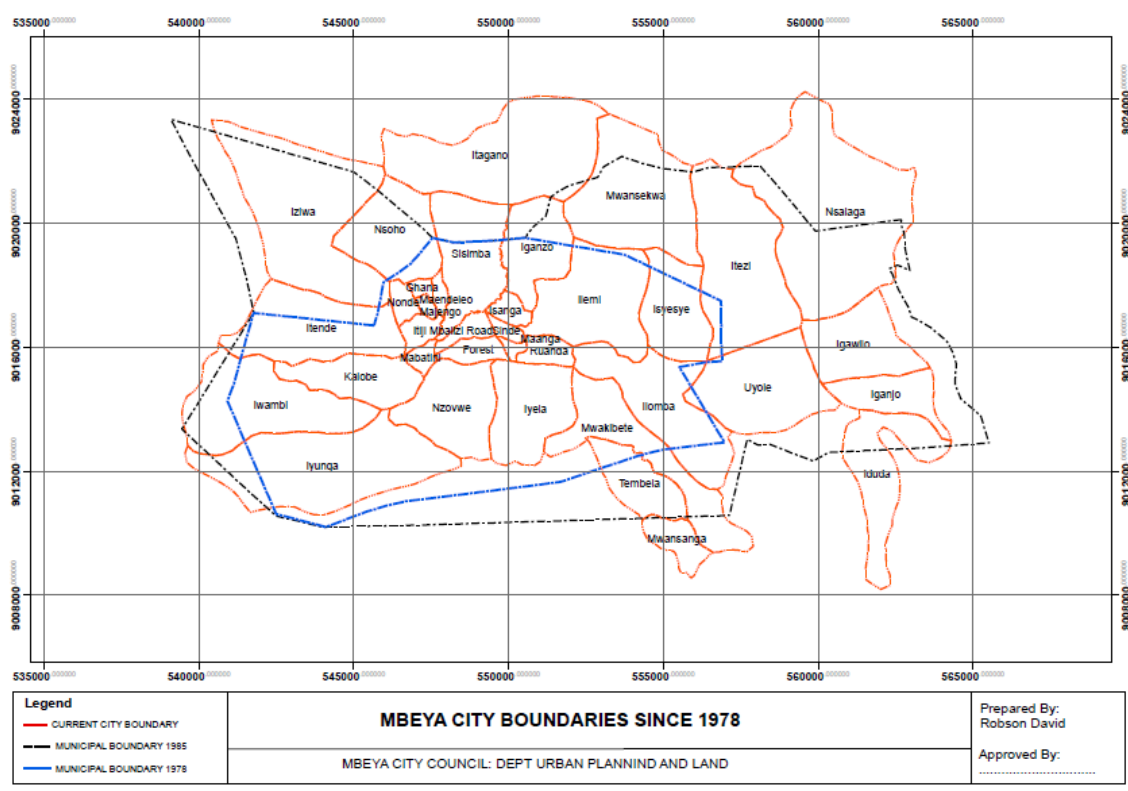


Figure 5.2 A map showing Mbeya city spatial growth

Source: Mbeya City Council-GIS Department, (2015)

5.2 Regulatory Measures

The institutional arrangement for development control in Mbeya city has been coupled with key issues which are focused on achieving of environmental quality, this exercise calls for strong inter sectoral as well as institutional coordination in which creative partnership is evident. (Kyessi, A & Ndunguru, S, 2006).

In order to have a sustainable urban development control in Mbeya city, the following regulatory measures are briefly elaborated

5.2.1 Legislations

Legislations are legal binding documents that need to be adhered to in order to sustainably manage urban land developments; they guide people in the construction activities in urban areas. Therefore enacted regulations, by laws and policies to suit the locality are made. These legislations have national setting and local settings.

The city of Mbeya introduced by laws having involved different stakeholders in view of making sure that there is a controlled urban land development within the jurisdiction area of the city.

Some issues which are addressed in this legal document are:

- *Prime areas, urban agriculture, fine imposition and encroachment of planned areas*

Policies

However, it has been established that these regulatory documents from which stern measures may be imposed on those people who do not comply with building guidelines are very weak and need urgent review to make them user friendly. Other studies also have proved so as it is contended by Kyessi (2009) that some regulatory policies are enforceable for instance Environmental Legislation, Land use regulations that enhance squatting. UNCHS (2010) suggested that urban development and planning regulations employed in third world countries in particular Africa have proved a failure in providing organized and sustainable urban development whose ultimatum is rapid emergency of squatter developments and informal sector developments in lieu of officially approved urban development plans.

Hence despite strong will to improve policies and legislations in Tanzania spearheaded towards urban developments, yet the implementations became abortive due to the following reasons: (Kyessi, 1994).

- *Unprecedented urbanization trends (urban sprawl), lack of basic infrastructure services, fast growth of small scale enterprises to sustain livelihoods and high incidences of poverty level*

Research findings on the level of compliance to legal framework showed that 44% of the respondents who responded to the question that asked to what extent legislations in place are complied, illustration below gives an overview.

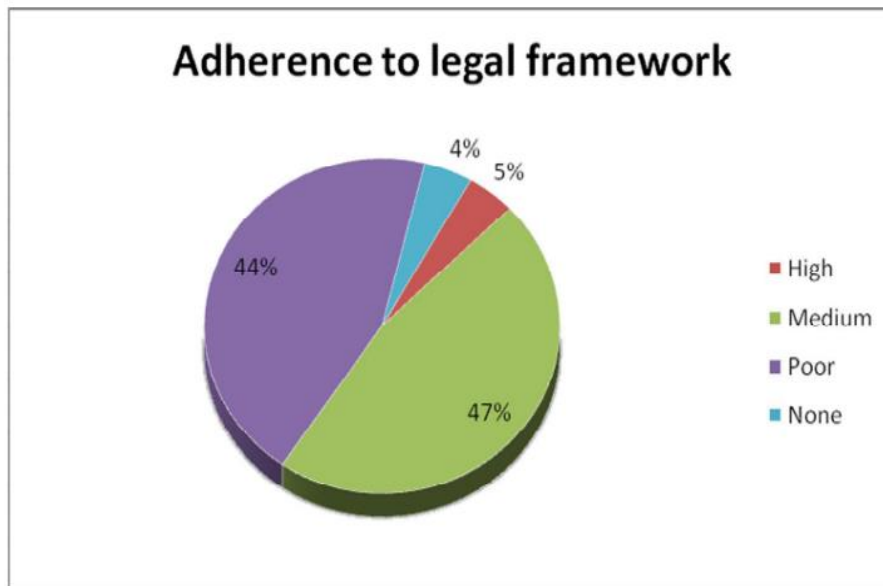


Figure 5.3 Adherence to legal framework

Source: Field study (May, 2015)

Another component on this issue was the level of compliance to laws by various stake holders as illustrated below. The study shows that city officials and professionals who are closely linked to development control issues are highly ranked in the level of adherence to laws as opposed to citizens who are least ranked. This suggests that there must be deliberate efforts to create awareness of the regulations that promote compliance to legislation to attaining sustainable urban development.

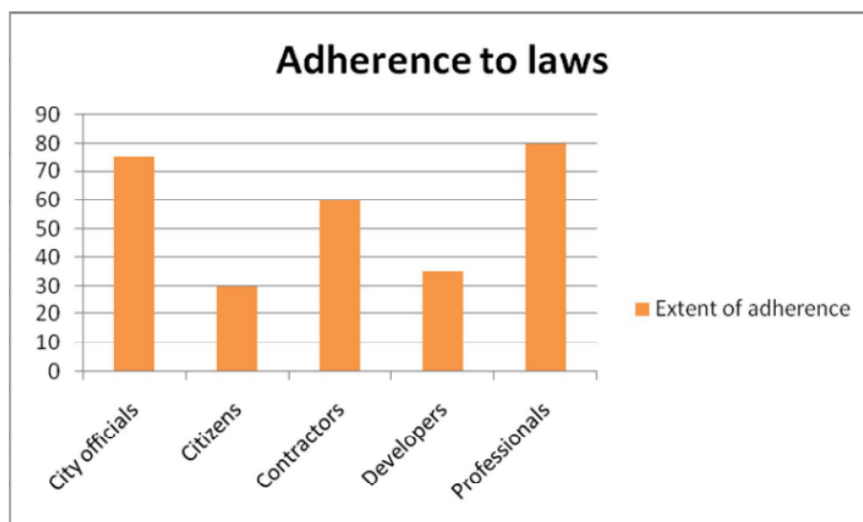


Figure 5.4 Stakeholders compliance to laws

Source: Fieldwork (May, 2015)

5.2.2 Issuance of building permits

Effective urban land development control must be deep rooted on compliance of protocols in place, if done appropriately issuance of construction permits plays a major role in the success of this issue. In order to keep the urban growth in an orderly manner, guidelines provided by respective local governments have to be adhered to. Just like in other urban areas in Tanzania, Mbeya city council requires developers to request for construction permits prior to initiating construction activities within the jurisdiction of the city; this condition is put in place in order that all urban land developments can be easily managed with the view of having a safe, panoramic view, serviced areas and free from hazardous conditions.

In this study, it was observed that there are several steps followed in processing a construction permit as illustrated in the table below: The steps involved in this process are said to be too long for an applicant to wait in such a manner that many applicants requesting for construction permits decide to start construction activities before they are issued with the same. Findings from this research establishes that 81% (27 out of 33 respondents) asked on the average timeframe taken for receipt of approved construction permit, said about three (6) months or more whilst 11% the respondents said it was between 2 to 3 months and 5% of the respondents said construction permit can be obtained within a month, on the other hand 3% of the respondents were not certain on the exact time.

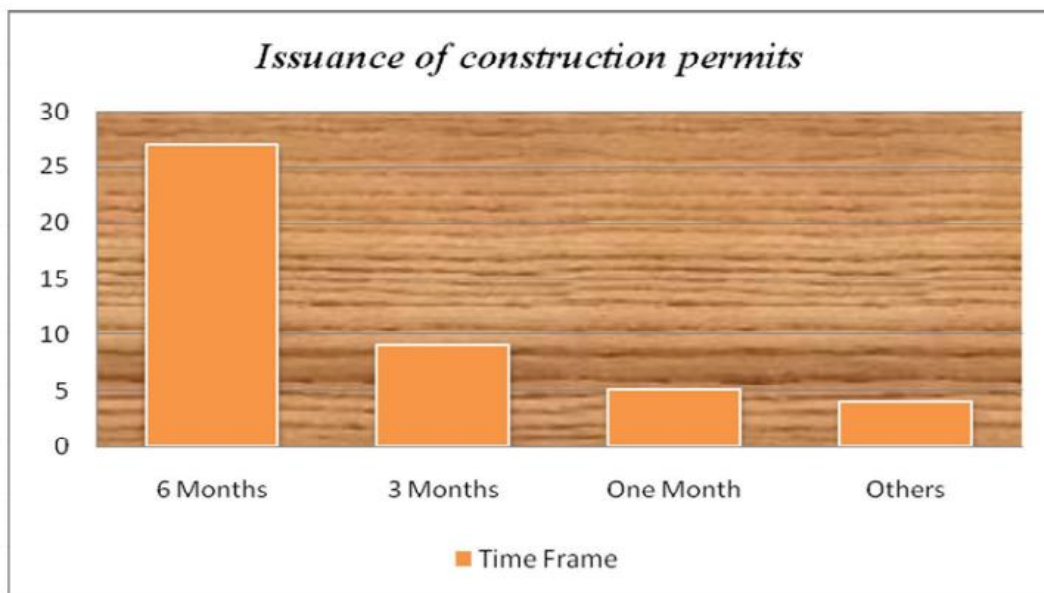


Figure 5.5 Average time for issuance of building permits

Source: Fieldwork (May, 2015)

Furthermore, it was established in this study that there are several problems that impede the process of issuing construction permits to the needy people to the extent that other applicants resort to other alternatives lest they misuse the readily available funds for other uses. These problems include the following key issues:

- *Bureaucratic process corrupt practices, committee for scrutiny is convened every 3 months, un-streamlined scrutiny procedures, use of manual filing system and political motivations on some decisions*

Therefore, inappropriate methods leading to delayed receipt of construction permits has led to many plot owners to develop without compliance to the governing regulations and thus contribute to the emerging informal human settlements in urban Mbeya and the peri-urban areas.

World Bank (2014) in its research findings regarding the understanding of regulations for small and medium size enterprises contends that introduction of online filing system and payment systems, use of risk based building approvals, streamlined procedures in issuance of construction permits and reduced time for processing permit applications are part and parcel towards effective urban development control. Research results showed that Rwanda has been ranked best country in East Africa in minimizing time for processing permit applications due to heavy investment in the use of ICT (*ibid*). Equally so it has been reported that appropriate functioning construction permits and inspection systems are key recipe spearheading public safety, however procedures are complicated and costly whose outcomes trigger many builders to proceed without a permit (*ibid*); streamlined processes and implementing risk based approval systems are some peculiar features proposed in construction permit issuance where less complex buildings which are less risky are subjected to fewer inspections than complicated ones which would otherwise require routine inspections at different stages of construction. (World Bank, 2014).

A study done by World Bank (2013) reported that, issuance of construction permits in Tanzania takes an average of 206 days, an estimate of nearly 7 months, this is a too long time for developers and builders to wait. The timeframe of getting construction permits seems to be part of a broader problem associated with deficits in urban land management, poor governance, ineffective regulatory framework and slow pace to the application of ICT. TPSF (2014), however in its study on delivery of construction permits in Tanzania, results show

adoption of online application for construction permits may significantly reduce the long time of waiting for approval of requested construction permits as it has been the case in Kenya where online application systems have been developed, hardly a week or so is of recent the timeframe for getting construction permits approved.

Whereas other countries which have employed use of ICT in administering various issues, In Tanzania, Mwanza city council and Ilala Municipality council based in Mwanza and Dar es Salaam regions respectively have started using ICT in urban land development control which includes processing and issuance of construction permits, in other urban areas like Mbeya there is low priority given to ICT both in terms of acquisition of appropriate tools and capacity building. (TPSF, 2014).

5.2.3 Plot Inspection of surveyed and unsurveyed plot developments

Urban land management systems requires that regular inspections are done in both surveyed and unsurveyed areas with the focus of making reliable and orderly manner in development control. Having used construction permits for people to develop lands in urban areas, it is important to closely supervise and inspect all construction activities; a city official has to satisfy himself/herself whether all construction activities on progress are compliant to the governing regulations. Research findings in this study show that, with the exception of public buildings which are regularly visited and inspected, on the other hand other construction activities are seldom visited, supervised and inspected based on various reasons, e.g. shortage of staff (manpower), absence of transport facilities to enhance mobility to respective sites and budgetary constraints.

This contentation is supported by Mr. Patson Isote, a Managing Director of SAPA Construction firm based in Mbeya who said this statement in realization of the prevalent situation in Mbeya city:

“I have been working as a contractor for the past 12 years, our firm is largely involved in construction services ranging from residential, offices, shopping malls and other complex buildings, and we managed to win bids for constructing both government buildings and private owned buildings, my observations are that having complied with requirements for Contractors Registration Board (CRB), site supervision and inspection are highly observed in government buildings unlike other privately owned building developments where site supervision and inspection is done intermittently as a result

some contractors and developers are tempted to construct structures as they wish, despite being given conditions to adhere to”

At this juncture, it shows how difficult an exercise for attaining good urban land management it is, another experienced *fundi* (with synonym identification) admitted that routine supervision and inspection of construction activities are conducted on government buildings but rarely done on other building types which to some extent make the essence of issuance of construction permits which stay unchecked abortive.

Ineffectiveness of regular supervision and inspection activities in urban areas in Mbeya has rendered poor buildings structures and misallocation of setting out process. This situation is recorded in New Iwambi area where one building was mistakenly built on a different plot as illustrated in the figure below.



Plate 5.1 Lack of regular supervision and inspection

Source: Fieldwork (May, 2015)

5.2.4 Case rulings on violation of urban land developments

Construction of urban land without approved permits is illegal, so is the construction with permits with non compliance of the governing tools; Developers who violate the governing

regulations are sometimes sued to the district land and housing tribunal for being penalized when found guilty.

In Mbeya city, there has been snail pace in case hearing and rulings petitioned at the district land housing tribunal, this situation makes other people to continue violating urban area guidelines since no immediate remedial actions are seen by the community and other stakeholders.

For the purpose of this study, it assessed the trends of case hearing and rulings from the year 2012 to 2015 and the way issues remained unattended giving a lee way for culprits to see insensitivity of the Mbeya city council on addressing cases lodged on non compliance issues, from which legal framework in courts seemed to have weaknesses.

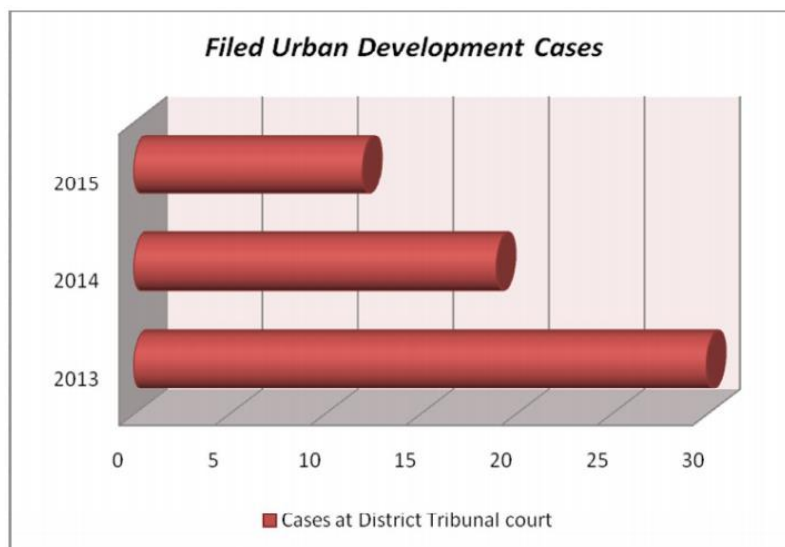


Figure 5.6 Cases on non compliance filed to the District Tribunal court

Source: Fieldwork (May, 2015)

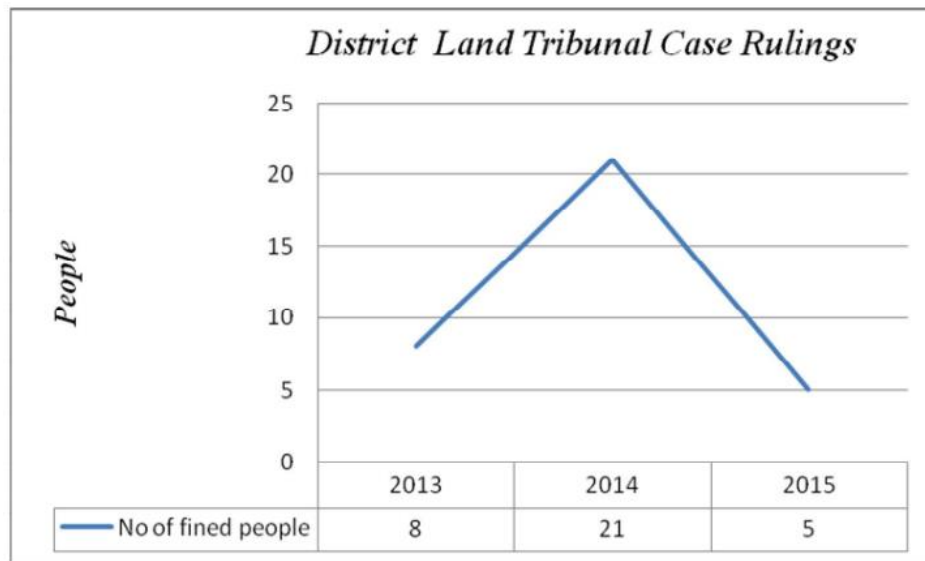


Figure 5.7 Fine impositions on non compliance to legislations

Source: Fieldwork (May, 2015)

Due to low penalties imposed on people who build contrary to the prevailing regulations and laws, most of them pay penalty fees outright when they are caught by city inspectors who represent the office of the city solicitor in matters pertaining to non compliance to development control protocols and regulations.

5.2.5 Land allocation system in Mbeya city

Urban land development in Mbeya city requires that development is done pursuant to the prevailing urban planning regulations, however, land has to be allocated to individuals or developers for them to own and ultimately develop in compliance to the zone where such development is carried out.

Urban land allocation in Mbeya is done using two major ways:

Formal land allocation

In this category land is formally allocated by the urban authority or through partnership with registered professional agencies. In each case applicants have to lodge their applications through an identified office where applications are received and then await scrutiny processes.

(a) Local authorities

Local authorities through the department of planning are source of surveyed plots to different developers and other activities

(b) Licensed brokers

These are licensed to allocate plots with cooperation with the local government, they are legally registered to undertake these activities in the area of jurisdiction, and they help significantly in securing surveyed plots working as the agent of the government.

(c) Public Private Partnership (PPP)

In this case public agencies enter into partnership with the view of hastening process for allocation surveyed plots to the needy where the local government at the particular area can not fully deliver to her people.

Informal land allocation

Allocation of land in this category includes all land which is not surveyed and planned, customary land and farms which are not registered with the urban authority but are found within its area of jurisdiction. Location of these land parcels are not recorded in the land register books and therefore contributes significantly towards development of informal human settlements. In this study there were three major means through which unplanned urban land may be allocated.

(a) Brokers

These are people who operate without the formal recognition from the local government, they are not registered and formally known to local governments, yet they do this business as a livelihood opportunity following a strong social capital they have with the community in which they live.

They always use posters, adverts written on trees, house walling and other strategically positioned locations where they can be easily seen. They are most involved in locating where there is land for sale, rooms and houses for rent. When a person is in need of land for development specifies the location, size and type of land to be located, a broker is responsible

to take the client to land owners for negotiations. A broker is paid a certain percentage by the buyer after an agreement for purchase is completed and signed between the two parties.

The following figure elaborates the strategy which is used to keep people informed of the availability of plots for sale, room/houses for rents and farms for either sale or rental purposes.



Plate 5.2 Brokers adverts

Source: Field observation (May, 2015)

(b) Tribal leaders

Despite the abolishment of chiefdom systems in Tanzania, still in some parts of Tanzania in particular Mbeya, use of Chiefs (*Mwenes*) are very important in land allocation issues as one of old man (Yotham Mwaholi) says:

Safwa chiefs (Mwenes) are important in the process of securing customary owned land in such parts as Itende, Iwambi, Mbeya peak, Nsoho, Itezi, Mt James and Nsalaga, they are tribal leaders who may allow some areas for developments and others strictly for conducting ritual worships. Therefore land can be obtained under the consent of the chief in charge of a given particular area where there is Safwa dominance. A go

between person may be used in situations where the person who requires land is not a Safwa. Mtaa leaders may be involved in agreement signing which involves the seller and the buyer.

(c) Personal contact

In this category, personal contact between land owner and buyer may be used in the course of securing urban land for development. The land owner may be having financial constraints to carry out his/her daily livelihood activities, given that he/she owns pieces of land, he/she may inform people of his/her plan to sell part or whole land parcels. Having agreed payment terms are done, then urban land can start being developed informally.

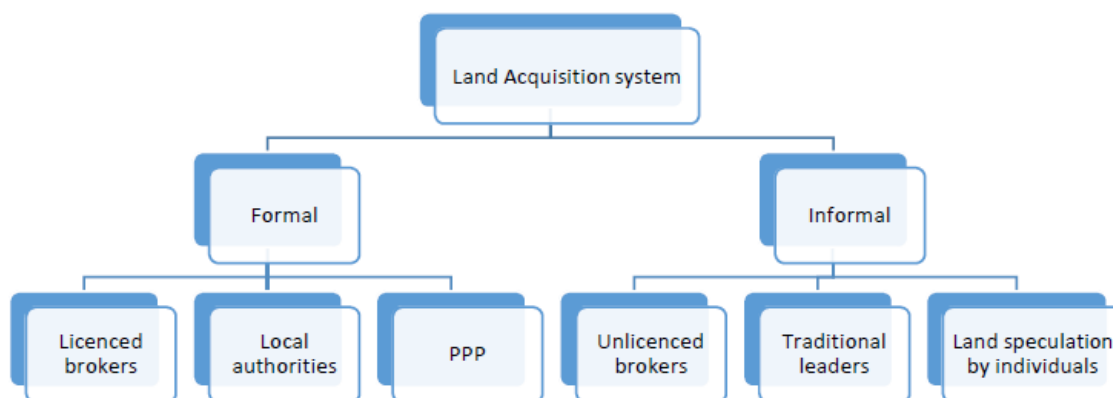


Figure 5.8 Land allocation system in Mbeya

Source: Own construct (May, 2015)

5.3 Institutional arrangement in Mbeya City

Every urban authority has an existing institutional framework in which various institutions/stakeholders are legally arranged and coordinated in order to foresee various tasks related to development control.

Table 5.1 Actors in Urban land development control in Mbeya city

SNO.	Actor/Stakeholder	Responsibilities	Remarks
1.	Central Government	Formulate policies, law enactment and overall supervisor on all urban land developments	Snail pace in housing policy enactment
2.	Urban authority	Implements policies and legislation, formulate by laws involving all stakeholders legitimate overall supervisor of the area in question	Poor institutional coordination
3.	Professional Boards (AQRB,CRB,ERB&TPRB)	Observe professionalism, ethics compliance and career development for her members	Have to promote best practices that spearhead effective and efficient urban land development
4.	NGOs (FBOs,CBOs,CSOs)	Community sensitization, advocacy for orderly built environments in urbanizing areas and sometimes solicit funds to implement projects	Remarkable work has so far been done by NGOs, need for strengthening their capacity is inevitable
5.	Mtaa leaders	Law enforcers from the grass roots where construction activities take place Rally campaigns to people towards adherence to governing regulations	Some are alleged to be involved in corrupt practices
6.	Legal system (Land and Housing Tribunal)	Attend cases for violation of prevalent laws Fine imposition to all culprits	Case rulings take too long Very low fines are imposed on the culprits

7.	Media (TV, Magazines & Radio)	Information dissemination Creation of awareness campaigns Reports any issue that impede urban land development Platform to criticize all ill-mannered undertakings aimed at sabotaging efforts to achieve an effective urban land development control	
8.	Residents	Adhere to legal frameworks in doing any developments Participate in planning projects and key recipe for urban land administration and management	

Source: Author's own construct (2015)

5.4 Resource Allocation for Development Control

Development control in Mbeya city calls for allocation of various resources to make its implementation a success, based on the scope of this study five resources have been assessed within the framework of processes involved in towards an efficient and effective urban land development in Tanzania. These resources include finance, personnel, office spaces, transport facilities and high tech equipments, results from field observations, responses from key informants and answered questionnaires are presented below in every resource type.

5.4.1 Finance

Finance has been cited to one of the significant though not sufficient resource that plays a key recipe role to make plans a reality in fuelling effective urban land developments, A study findings from key informants (City officials), respondents and other professionals suggest that budgetary constraints from the ministry responsible for Lands, Housing and Human Settlements Development together with funds from respective local government authorities has made it difficult to appropriate plan, implement, supervise and inspect all logistics related to thorough urban land management.

For instance the 2015/2016 set aside Tshs **83,043,343,000/=** of which only Tshs **13,458,996,000/=** (about 16%) is for development projects this is budget with a great deficit to make all planned plot projects timely implemented. (*Budget speech, 2015/16*)

Field research findings show that 80% (24 respondents out of 30 government officials) (civil servants) interviewed with regard to funds availability to sustain urban development control said meager funds are set aside to implement plot projects to the extent that in some cases some projects have been suspended pending funds soliciting logistics in progress.

Furthermore exclusive interviews made to city land officer revealed that, they would be 1400 plots project at Sisitila area did not continue due to financial constraints in making compensations to the indigenous people whose lands were acquired by the city council.

Similar findings were revealed from the Surveying department in which scarcity for funds have led these professionals to unable to go afar for surveying activities because there was no fund released for their upkeep in the course of the exercise thus make urban development control a hard nut to crack; On the other hand exclusive interview with the AQRB Regional focal person Reg. Architect Ramadhan Abdallah had the following to say with regard to financial matters:

“I thank you very much for a nice question related to financial matters and fate of urban development control, first of all let me inform you that I am one of the vital stakeholders in supervision and inspection of construction activities taking place in the Southern Highland region which comprises Iringa, Njombe, Mbeya, Rukwa and Ruvuma, we are three staffs and one of staff is attending Masters degree in Dar es Salaam so our office is under staffed in recognition of the rapid urban land developments in these five regions, had it been for AQRB to have enough funds at least one focal person would be employed in every region to start with and have one regional coordinator to make follow ups, so Mr. Interviewer with this staff shortage it demands a lot of money (funds) to make us mobile in executing our daily routine of inspecting and supervising role to see to it that all constructions comply with the present regulations”

Unless there are good plans to solicit funds aimed at enhancing effective urban development control in Tanzania, and Mbeya in particular chances are that regulations and by laws will

continue being violated due to absence of funds suffice to render effective and sufficient services towards urban development control.

5.4.2 Personnel

Another resource for making urban development control viable in Tanzania is presence of committed personnel who are ready to work hard in return of monthly salaries but with yet high level of performance.

The city solicitor's office is charged of inspecting on progress building activities on level of compliance and suing culprits who are involved in violating building regulations, given the locus of the city council it requires at least 20 or so civil servants recruited in this department for exclusive making sure that development control is achieved.

This study establishes that there is a high shortage of manpower in this department so that a number of plots are routinely inspected and supervised so as to attain an orderly layout of human settlements and other plots meant for other uses as open spaces, industrial areas, botanical gardens, parking areas etc

An employee in this department name withheld said the following statement when suggesting on a question posed regarding whether the staffs are enough to execute the required duties or not:

*“Mbombo ngafu, Nyakyusa words with literal meaning, **our work is too tough** to attain the duties assigned to us, we used to be 20 people in the past three years (way back in 2012), but 11 employee got retrenched, therefore we are nine (09) employees in this department charging with inspection of ongoing construction activities, supervision and suing people who go against prevailing building conditions, we therefore divide ourselves, some go to district lands and housing tribunal, others go in places where inspection of construction is needed and the rest go to supervise developers who are starting construction activities to see if they are compliant to the urban development control guidelines in place; Common senses may prompt you do decide whether this number is enough or not”.*

It is thus important for the city council authority to recruit more personnel to accommodate this deficit otherwise effective urban land development control will never be easily achieved amidst shortage of committed civil servants to ease the tasks attached to this undertaking.

5.4.3 Office spaces

Mbeya city council has shown more efforts in view of providing more offices to keep equipments and accommodate staffs while executing their office duties, most of surveying staffs are in a pool office which are partitioned with transparent glass panels so as to minimize corrupt practices at the same time appraising the performance level of every employee, yet these offices are not connected with local access network (LAN) to enable office to office communication without necessarily requiring physical mobility of personnel.

It was observed that there are three buildings from which related offices are situated, this condition makes service delivery processes move in a snail pace as a result impede effectiveness of all issues pertaining to development control.

The head of surveying department Mr. Mahungo had these sentiments on location of office spaces at different localities:

“The location of office spaces in different premises would have been effective, had they been networked, one can easily retrieve information from another office and minimize time spent in view of resolving an issue which would require more than one office space; despite of renovating these offices you observe but demand for office spaces is high, just look at some of equipments are stored along corridors and are susceptible to theft and damage”

Therefore shortage of office spaces in the city for office use and storage purpose retard the other logistics related to making the entire system effective and reliable.

5.4.4 Transport facilities

In order to reach all prime areas prone to fast development, it is important to have transport facilities ranging from motor bikes to heavy duty trucks to ease mobility of the people responsible for site visitation, supervision, inspection and monitoring the overall urban growth trends in urban areas like Mbeya city requires procurement of sufficient transport facilities.

This study reveals that there is shortage of transport facilities to spearhead efforts to improve development control mechanisms, the available vehicles and motor bikes are regularly shared based on the priority of the day and activities which may resurface. Transport officer of Mbeya city having been exclusively interviewed on this matter suggested that:

“Were it you, I suppose these outcry stories would be opportunities to improve transport facilities to be able to catch up with the growing demands, in fact these vehicles you see are out of order, there are four vehicles for outreach purposes, 10 motor bikes and one 2 trucks one for solid waste collection and the other for site works, the remaining vehicles need high level of repair; Given the budgetary constraints, you know what next?”

These transport facilities whose reports are reported above are the ones in the pool, they can be used by any department when need arises, in some cases Donor Funded Project vehicles are used in special tasks upon request from higher authorities. Medical department by its nature requires a number of vehicles to cater for distribution of medicines, ferrying of sick and pregnant women from focal medical stations.

Hence, it is evident that effective urban land development has been impaired by this bottleneck, the central government and local government authorities may opt for purchase of many vehicles at lower costs than purchasing very few items at higher prices.



Plate 5.3 Transport facilities at Mbeya city council

Source: Field Photo (May,2015)

A study by TPSF (2014) on delivery of construction permits in Tanzania backs the introduction of adequate office spaces for staff habitation during office hours at the same time being able to accommodate ICT facilities, issuing of construction permits is an integral part towards enhanced urban development control in Tanzania.

5.4.5 Hi Tech Equipments

Following technological advancement in the world, it is thus of great significance to have Hi tech equipments in order to save time consumption, increase level of preciseness and quality of work delivered by local government authorities. In this study it was noted that there are very few highly sophisticated equipments to suffice in the delivery of development control services.

Results show that 70% (14 out of 20 respondents) who commented on the availability of equipments in the city of Mbeya, said that with the exception of a GIS special unit, other equipments are of old age and use low technology which calls for deliberate efforts to procure Hi Tech equipments to make the entire urban land development mechanisms effective.



Plate 5.4 Hi Tech equipments in GIS Unit

Source: Field photo (May, 2015)

Other research findings also have proved beyond reasonable doubt that shortage of equipments and inadequate resource allocation to the land department in local governments in Tanzania account for 91.7% of the respondents who supported that scarcity of equipments contributes a great deal to the ineffectiveness of urban land development control in the country. (*Kamuzora et al, 2009*).

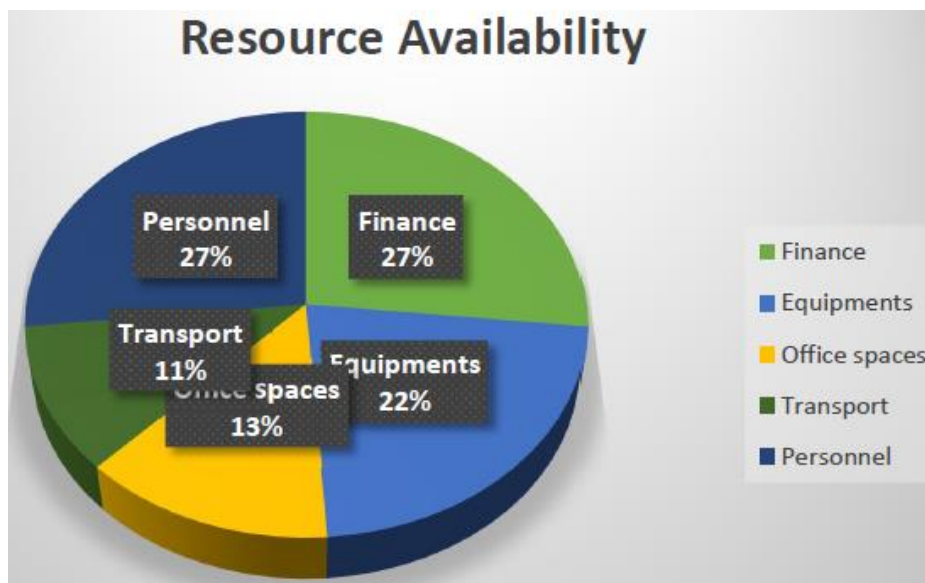


Figure 5.9 Resource Availability towards institutionalization of development control.
Source: Fieldwork (May, 2005)

5.5 Use of ICT in Development Control

Use of ICT in integration of related activities has been successful in many countries, where advanced technology in file management system has been improved. Online services in Rwanda and Singapore has substantially reduced time for processing requests for plot application, tax payment and issuance of construction permits by which high performance index is attained. (World Bank, 2014)

However, in Mbeya city efforts to the use of ICT in development control has been introduced only that specific offices for GIS and Plot project program are served with electronic equipments which have not been networked; this means one have to move from one office to a distantly located office for scrutiny processes. Use of manual filing system outweighs the use of ICT in which too much time is wasted in tracking a file dating five years ago.

Despite introduction of GIS department and ICT in some offices, yet they are still not able to access information from other remotely positioned offices for hastening file management at the same time offering superb services to customers.



Plate 5.5 Filing systems at land registry office

Source: Field photo (May, 2015)

One stakeholder (who preferred synonymy) whom I held exclusive interview with regard to widespread use of ICT, she said, *“I happened to visit two hospitals in Dar es Salaam where two of my relatives were attending medical attention, I was surprised to note with keen interest thorough application of ICT in all their stages from reception, laboratory services, consultation rooms, operations rooms, ward station offices and theatre offices where use of Medical Information Systems aimed at delivering superb medical services, having heard this information, I had to ask her which were these hospitals?, She responded, Hubert Kairuki Hospital and Amana Hospitals, then I was anxious to visit these two hospitals to satisfy myself on the ICT performance level, upon return from field work in Mbeya I arranged two visits to the two hospitals as a field observant, thank God I managed to see light in the tunnel for the pioneering entities to invest more funds towards the installation of ICT and make use of computerized system a reality”*

Given this experience, the study suggests that it is possible to inaugurate application of ICT in our local government authorities to prepare infrastructure systems for the use of computerized systems in response to delivering excellent urban land management services in the country. The fact that there pioneers in instituting well organized, efficient and effective means to solve the existing lengthy procedures.

Therefore, the City council has to set aside funds in long term plans with the focus of strengthening use of ICT in urban land development control and other inter sectoral issues so

that services delivery are effective and efficient. In Tanzania effective and reliable use of ICT has been developed in Medical service provision at Kairuki Teaching Hospital and Amana Referral Hospital based in Dar es Salaam to hasten queue and streamline services to local connected and networked offices where a client's problem may be communicated online to another office without necessarily the person to go in person.

5.6 Potentials and Constraints

(a) Potentials

Integrated utility planning has started being helpful in provision of important services to the people, since 2014 urban land planning has involved utility service providers such as TANESCO, MBEWASA and TANROADS to timely offer services as soon as plot projects are completed. The 1046 Plots project at Iwambi (2012) and 1400 Plots projects at Itezi (2010) are examples of readiness in offering such services as water and electricity from public utilities.

It is also revealed in the study that recent planned areas are complying with the legal framework in place with the exception of few cases that are the result of poor supervision and inspection mechanisms in the city.

The level of informalities in urban land developments is meager in recently established human settlements such as Iwambi and Itezi areas.

(b) Constraints

There are poor prioritization decisions which leave sensitive issues unattended whilst such opportunities could be used to create sustainable urban land developments.

Laxity of Government officials in executing their duties calls for urgent remedial measures in ensuring that civil servants are compliant to job descriptions and that the spirit of patriotism be enhanced amongst them with the focus of improving performance levels.

Resource deficits (*people, finance, equipments and office spaces*) have led to delay in implementing scheduled plans within the timeframe recommended.

5.7 Emerging Issues-Summary of findings

(a)Fast urban sprawl

Visual observations reveal that there is rapid urban sprawling in Mbeya city in particular along Chunya road, Uyole area, Nsoho area, areas near hills (Mbeya peak and other hilly areas) and Mbalizi area located in the proximity to the newly established Songwe International Airport. This situation reflects the failure in the land delivery systems which trigger people to search for cheap land to undertake construction activities.

(b) Compliance to regulations

Apart from the Central Business District (CBD), the two newly established Itezi and Iwambi neighbourhoods have shown high level of compliance to urban land development regulation as opposed to other surveyed neighbourhoods, but in other areas despite being surveyed and planned yet there are high of violation of building regulations.

(c)Emerging informal human settlements within the CBD

The study observed that there are a lot of informal human settlements within the Central Business District (CBD), this suggests there is weak law enforcement mechanisms which have allowed continued urban land developments that is contrary to the existing regulations. Some of informal settlements pockets include Itiji, Mabatini, Isanga, Mwanjelwa, Mwakibete, Ilomba, Nsoho, Iyunga and Nzovwe areas.

(d) Ineffective supervisory roles

The study established that Nzovwe area was surveyed and planned for medium sized plots, however ineffective supervisory roles coupled with people income level to acquire land, has left the area invaded to the extent one could think such area was unplanned. This situation points a finger to the city management to run their plans in a *Laissez Faire* Model where city official are seldom held accountable for failure to execute their routine responsibilities.

(e)Weak institutional coordination

Amidst of the existing stakeholders for urban land development control in Mbeya, yet it has been established that there is weak institutional integration and coordination as a result the entire process of controlling sustainably urban land development is halted.

(f) High trends of land speculation

The shortcoming in urban land administration systems in Mbeya city has led to few individuals speculate land at the expense of the other people eyeing for future sale at hiked prices. Corrupt system and lack of adherence to ethics have both enhanced for few individuals to be eligible for acquiring land.

(g) Lack of professional and work ethics

Whereas every civil servant and professional has ethics attached to comply to, yet it has been documented that professional ethics are highly ignored in place of bribery, laxity and lack of commitment of the same.

(h) Legal frame calls for urgent review

There are legislations, guidelines and by laws in place to govern the best way to develop urban land, yet there are contradictions and loopholes that impair the performance and enforcement. The study suggests that review be made to these legislations so that they are user and environmental friendly

CHAPTER SIX

OPERATIONALIZING LAND DEVELOPMENT CONTROL IN MBEYA CITY

6.1 Introduction

(a) *Land allocation in Mbeya city*

Allocation of formal land complies to legally laid down procedures before an applicant is allocated a plot on request. This compliance is a must in all urban local authorities focusing at establishing urban centres and towns with sustainable urban land management. The essence of allocating land to people is meant to spearhead effective and efficient urban land development control lest there emerges uncoordinated spatial growth in consideration of the population growth rate.

It is expected that all people in urban areas development land which has been surveyed, planned and ultimately allocated restricted to a certain user class, for instance, industrial areas be used to serve the purpose, residential plots, residential-cum commercial areas and open spaces to mention just a few be developed in compliance to the governing rules.

Kironde (1995) in his study on urban land delivery in Tanzania, noted that there are over 13 procedures (stages) coupled with 68 steps in acquiring, planning and finally allocating urban land for people to develop, apart from having lengthy logistics the land allocation process has been found not to be transparent and just.

The table below summarizes the procedures for acquiring, planning and allocating urban land.

Table 6.1 Procedures for acquiring, planning and allocating urban land

<i>SNO</i>	<i>STEPS</i>
<i>1.</i>	<i>Identification of a suitable area</i>
<i>2.</i>	<i>Declaration of the area to be planned and notification of the property owners</i>
<i>3.</i>	<i>Valuation of existing interests</i>
<i>4.</i>	<i>Effecting compensation payments</i>
<i>5.</i>	<i>Preparation and Approval of Detailed planning scheme</i>
<i>6.</i>	<i>Surveying the land</i>
<i>7.</i>	<i>Issuing letters of offer</i>

8.	<i>Acceptance of letter of offer</i>
9.	<i>Issuing of and registering a certificate of title</i>
10.	<i>Applicant hires a licensed Architect and presents his/her requirements to have a building design/plan to obtain a building (construction) permit</i>
11.	<i>Presentation of completed forms and required documentation</i>
12.	<i>Office inspection of the submitted plans and application</i>
13.	<i>Meeting for scrutiny of building permit application are to be held once in every 3 months (can be less in special cases)</i>

Source: Author (2015) with modifications from Kironde

Amidst the rapid urbanization trends in Mbeya city since its promotion from municipal status to city status, the urban local authority decided to introduce plots projects in order to accommodate the situation. This study briefs discusses three plots projects in Mbeya city incepted with the focus of harnessing the uncoordinated spatial growth and thus leading to a controlled urban land developments .The city authority had a vision to demarcate, survey and plan 5000 plots to lower the demand for surveyed plots.

Isyesye and Itezi Plots Project (2008-9)

Following the fast informal urban land developments at Isyesye area, the city authority had an inception to survey about 2300 plots so that urban land would be developed in compliance with the governing regulations. Delay of installation of utility services, poor accessibility to the project area and its remote location made these surveyed plots to take about three years (03) before they were completely finished unlike the case for Iwambi project area where applicants on the first day took all application forms, there was stiff competition in securing a plot in spite of all legibility criteria at hand.

The fact that there was already sort of squatting in Isyesye area even after the inception of plots project, therefore the city authority still needs to carry out deliberate in enhancing controlled urban land developments as illustrated in the satellite image below.

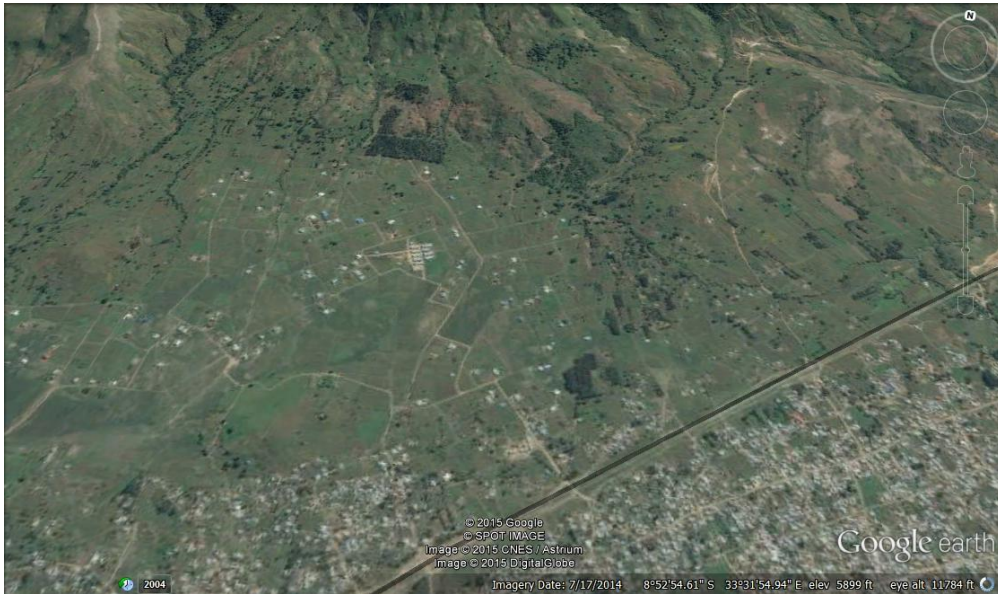


Plate 6.1 New urban land developments at Itezi area

Source: Google Earth (July, 2015)

Iwambi Plots Project

Backed with its strategical location, Iwambi neighbourhood was developed by surveying, planning and allocating about 1049 plots as a remedial measure to curb up the unprecedented population growth of Mbeya city. Applications for plots in the newly established human settlement outweighed the available surveyed plots and thus a number of applicants missed formal land, however during the process of plots allocation, many civil servants and politicians from the city authority were alleged to have speculated land so that they may sell them at escalated prices. Double allocation was also evident following high demand for the urban land set aside for developments.

On his visit to Mbeya recently, the Minister for Lands, Housing and Human Settlement development, Hon. William Lukuvi handed over five (05) city officials to the Prevention and combating Bureau (PCCB) for questioning due to abuse of power in accumulation of over 25 surveyed plots each. (TBC News Broadcast, 20:00 hours August 5th, 2015)

One of the tasks of the city authority is to make sure that plans for developing the city is pro poor, yet in the plot allocation process a number of lowly paid people were allocated plots whose development conditions are very strict to multi storey constructions to the extent that hitherto such neighborhood has remained undeveloped since 2012 whilst the demand for the people to have housing facilities is still unmet.



Plate 6.2 Recent developments at New Iwambi area.

Source: Fieldwork (May, 2015)

Sisitila Plots Project

The plots project at Sisitila started in the late 2013 with a goal of demarcating, surveying and ultimately planning 650 plots, however having surveyed only 284 plots there emerged a tug of war between the city authority and land owners due to financial constraints, land owners filed a suit before a district land and housing tribunal claiming for compensation payments to be delayed and valuation reports that did not reflect the value for land and other developments.

This project as a result was suspended pending case ruling from the district land and housing tribunal whose judgment is still in suspense. Institutional coordination and capacity are reported to stimuli for continued land conflicts which render effective urban land development unachieved.



Plate 6.3 Recent developments at Sisitila area.

Source: Fieldwork (May, 2015)

(c) Issuance of construction permits

Pursuant to NHSDP (2000:24) section 4.1.2(ii) and Mbeya city by laws, issuance of construction permit is a prerequisite for urban land development in Mbeya city which is aimed at creation of physical and social environment, which is conducive to health, sanitation, security, amenities and aesthetics.

Furthermore, issuance of construction permit is a tool for development control which prevents arbitrary developments and land conflicts whereby plans submitted must bear the prescribed specification including setbacks. (Kapange, 2006)

Yet, in Mbeya city the process of issuing construction permits is bureaucratic and takes an average of three (03) months or so to have all stages approved, this delay triggers continued breach of regulations and by laws which govern urban land developments. UNHSDP (2000) in its policy statement it stresses that: *“There are unnecessary delays in the issuance of construction permit thus forcing most developers to build illegally without such permits.....local authorities should be duty bound to issue permit within thirty days. In case of applicant does not get reply in time, he/she can appeal to the Minister responsible for town planning”*.

Therefore urban land administration is found to be ineffective. UN Habitat (1985) suggests that construction permits are vital for enforcement of regulations, but they are administered in a manner which makes them ineffective for safe orderly development. Hence construction permits are meant to guide the way which buildings are constructed and maintained according to the laid down building regulations.

Coordinated institutional arrangement, compliance to prevalent regulations, adherence to professional ethics (best practices) linked appropriately can promote effective urban land development in Mbeya city.



Figure 6.1 Tools for effective urban land developments.

Source: Author's own construct (May, 2015)

6.3 Major findings

6.3.1 Double plot allocation

Having conducted this field research on effectiveness of urban land development in Tanzania, The case of Mbeya city, it was observed that there is prevalent plot double allocations to plot seekers done either mistakenly or intentionally for the benefit of government officials who work in lands departments taking advantage of the illiterate level of the people, urgency need and in favour of people whom they know. Out of 20 respondents who responded on the level

of double plot allocation in the city, 13 (65%) of them said double plot allocation is done intentionally with such reasons as:

- *Corruption, favoritism, high demand of plot requests, low salary pay to employees, Abuse of power and search for a plot seeker who may offer high prices than the one who first secured the plot.*

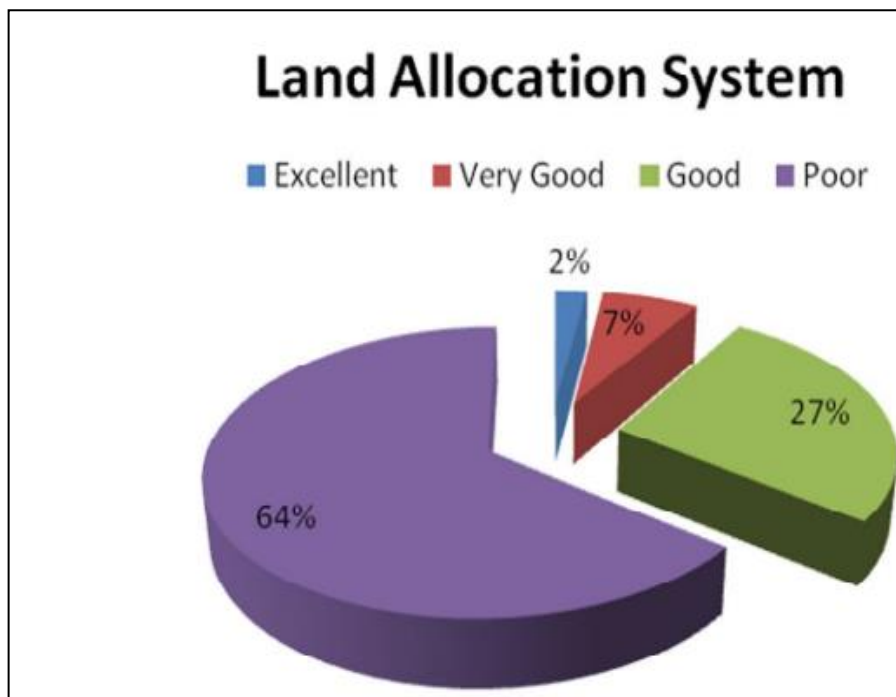


Figure 6.2 Land Allocation Systems

Source: Fieldwork (May, 2015)

These research findings have been supported by another research results done by Kamuzora et al (2009) in a report to the Prevention and Combating Corruption Bureau (**PCCB**) revealed that double allocation of plots accounted to 25% of the surveyed plots in selected regions in the country. Despite that it was not established by percentage yet, there were repetitions from questionnaire respondents who insisted existence of double allocation of surveyed plots to the people situation which aggravated land conflicts in urban areas.

The study findings showed that 54 % of the respondents (27/50) with regard to the way forward in minimizing double plots allocation suggested that a follow up mechanism should

be established (land audit committee), 28% of the respondents (14/50) proposed laws be imposed on the maximum number of plots one can be allocated in any plots project whereas 18% of the respondents (9/50) suggested that the culprits be sued to the court (face legal actions). The results have been illustrated in the figure below.

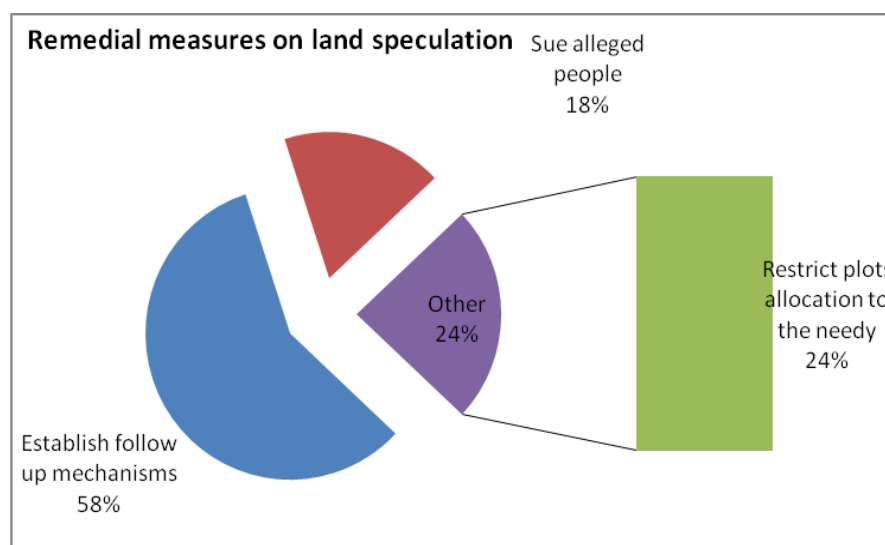


Figure 6.3 Remedial actions on land speculation

Source: Fieldwork (May, 2015)

6.3.2 Political interests hinder urban land management

To a great extent political patronage has led many of superb plot projects in urban areas abortive, in Mbeya City for instance, New Iwambi plot project 2008 has met many political hassles as a result hitherto one part of the project is not yet developed due to conflicts of interest between the politicians (legislators and ward councilors) and local authority officials who, upon seeing the Town Planning drawings elaborating user classes, residential (single/multi storeyed buildings), residential-cum-commercial buildings, open spaces, institutional areas, public buildings (church, office, hospital, schools) etc, whilst professionals adhere to the needs assessments that prompted the inaugural of the Iwambi plot project, on the other hand legislators and ward councilors seemed to rally the interests of their voters who can seldom afford to purchase plots designated for multi-storeyed buildings and later being able to start developing within the legal time frame of 36 months.

This situation is interpreted by politicians as a means to deny their *bonafide* voters to own surveyed and planned plots given their income levels, contrary to this misconception professional on the other hand consider guided urban growth in terms of building heights

(vertical expansion), skyscraper, housing densities, and at the same time accommodating the unprecedented urban sprawl in the outskirts of Mbeya city.

The implications brought about by misunderstanding between politicians and local authority officials have largely shown weakness of the legislations and other regulatory measures which may be easily overridden by politicians to serve their interests in place of the national interests. This situation should not be left unchecked; review of legislations is evident just as it has been supported by respondents who responded to the question which asked the suitability of the existing policies and legislations on urban land developments in Tanzania.

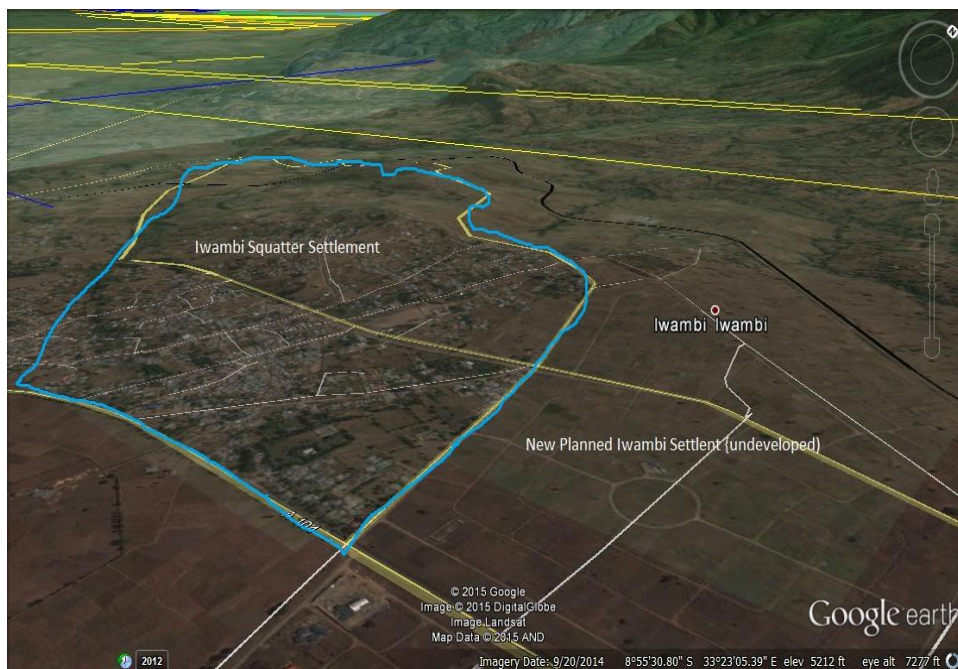


Plate 6.4 Undeveloped Iwambi Plot Project

Source: Google Earth (May, 2015)



Plate 6.5 Urban Sprawl in Mbeya city

Source: Fieldwork (May, 2015)

6.3.3 Levels of informal human settlements on increase

There is high emergency of informal human settlements in Mbeya city due to high urbanization trends. The old human settlements like Mabatini, Nzovwe area, Mbalizi, Uyole, Isyeye, Iyunga and Isanga are characterized by informal human settlements whose growth was left unchecked to the extent that only regularization project may rescue this situation.

Visual indicators show that in hilly areas, along arterial roads and near industrial and institutional areas there have been emerging informal human settlements. For instance near The Mbeya University of Science and Technology (MUST), Inyala, Ikuti and Iyunga settlements have been developed informally just as has been the case for Nsoho and Isanga areas that are located near hilly areas.

Unless stern remedial measures are timely taken, chances are that Mbeya will be the worst city after Dar es Salaam. The following Satellite images substantiate this field observations as observed in the field study appraisals.

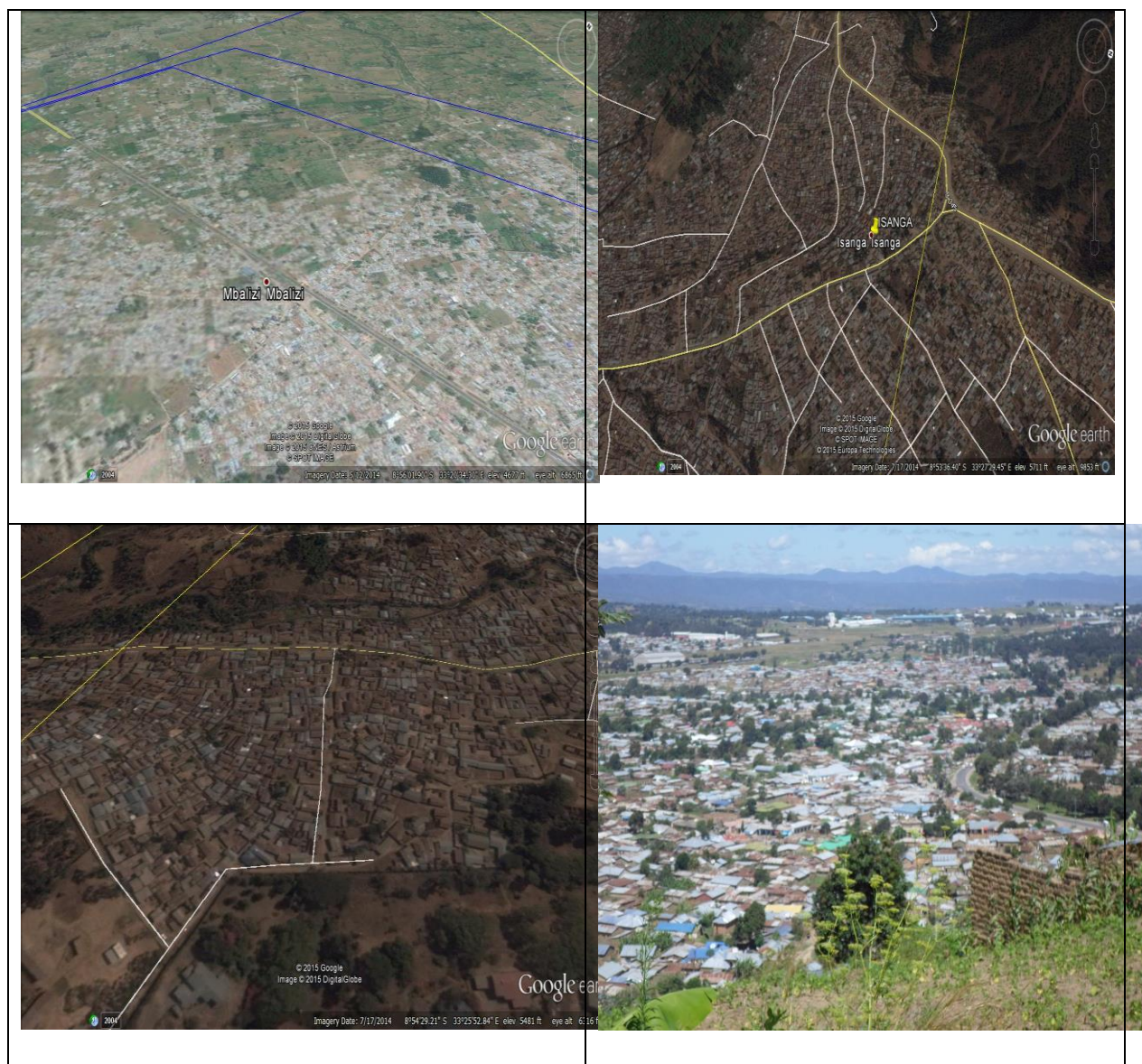


Plate 6.6 Squatter settlements

Source: Google Earth and Fieldwork (May, 2015)

6.3.4 Urban Agriculture

Mbeya city council provides that urban agriculture can be carried for short crops and that cultivation should not be done within the proximity of river banks, in this study it was observed that tall crops like maize, sunflower, sorghum are cultivated.

Equally so, people carry out gardening activities near riverbanks which causes river siltation and degradation of the soils. Cross questioning of the people involved in these activities showed that city officials rarely make follow ups of what takes place at that area.



Plate 6.7 Urban Agriculture and agricultural activities near protected areas

Source: Fieldwork (May, 2015)



Plate 6.8 Urban agricultural activities near Sisimba River

Source: Fieldwork (May, 2015)

6.3.5 Open spaces

Provision of open space in any neighbourhood is vital as it offers a buffer zone between other neighbourhoods, yet in Mbeya it is absurd to find that many open spaces have been hired to investors in return of hiring costs to the city which is against the prevailing legislations.

Many open spaces in the city have been misused with the exception of the one open space which is situated near Sokoine stadium where many people are found to be seeking refuge when they need to relax and do recreational activities. One of a Vetted Government official who wanted synonym from the city was quoted as saying:

'In Mbeya city, most of the urban open spaces within the Mbeya Central Business District (CBD) are to a great extent misused in the sense that, they have been hired to investors/business people to do business, Do you know Coffee Garden near Sokoine stadium? That was an open space but you find that it now operates as a business area for coffee, tea, meal and wedding meetings which are charged in lieu of leaving the space for recreational and public activities, you have another open space near the Regional Commission ensemble known as Weru Spring Garden, it has also been also hired to investors to offer such services as functional hall, food services, wedding meeting charged at escalated prices, as this is not enough, there is another open space near Sokomatola area where children and adults used to conduct recreational activities and physical activities, but as of recent it was hired to people who were involved in search for Maisha Plus regional nominees'.

This is one of the fully utilized Open spaces within the Central Business District (CBD) located just at the proximity of the Sokoine Stadium, in Mbeya city.



Plate 6.9 Operational Open space near Sokoine stadium

Source: Fieldwork (May, 2015)

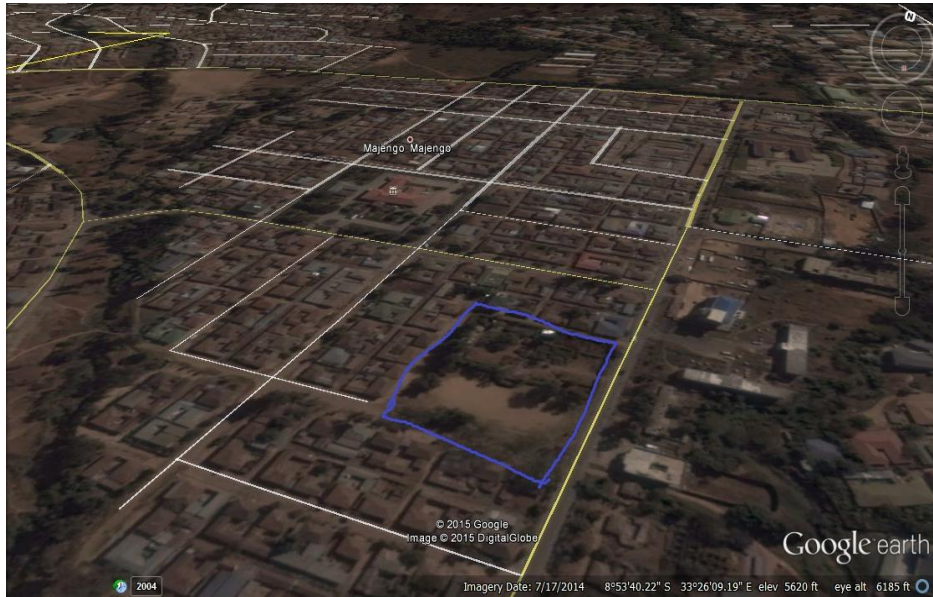


Plate 6.10 Maisha Club Hired Open Space

Source: Google Earth (May, 2015)



Plate 6.11 Coffee Garden Hired Open Space

Source: Google Earth and Fieldwork (May, 2015)

It was further observed that, many other open spaces outside the Central District Business (CBD) have remained useless because the City authority was unable to timely compensate to the previous owners who had customary rights to own them. Such observations are also

backed by the acting Town planner and land officer who admitted to have weak mechanisms to manage open spaces in the city during an exclusive interview I did with them.

Lack of enough funds to foot all costs when plot projects are launched is voted high to the extent that it has been hard to even set boundaries for other open spaces where land compensations are still not paid thus making the previous owners to develop the out of the planned scheme leading to emerging of informal human settlements in planned areas.

6.3.6 Lack of serviced lands

Pursuant to the Human Settlement Development Policy of 2000 section III stipulates that newly demarcated, surveyed and planned plots are entitled to have serviced land as a pre requisite for human habitation, yet in the research findings recorded it is observed that about 70% of the responded asked on service provision on newly established settlements in Mbeya city lack such services as electricity, all year long navigable roads, absence of drainage systems etc. These results are based on a 20 people sample whom 14 said there are no services provided in newly developed human settlements while 6 of them said there were services in place; this understanding contradicts to the compliance measure.

Figure 6.4 shows the percentage response from interviewed people with regard to the service provision in existing and newly developed plot projects in Mbeya.

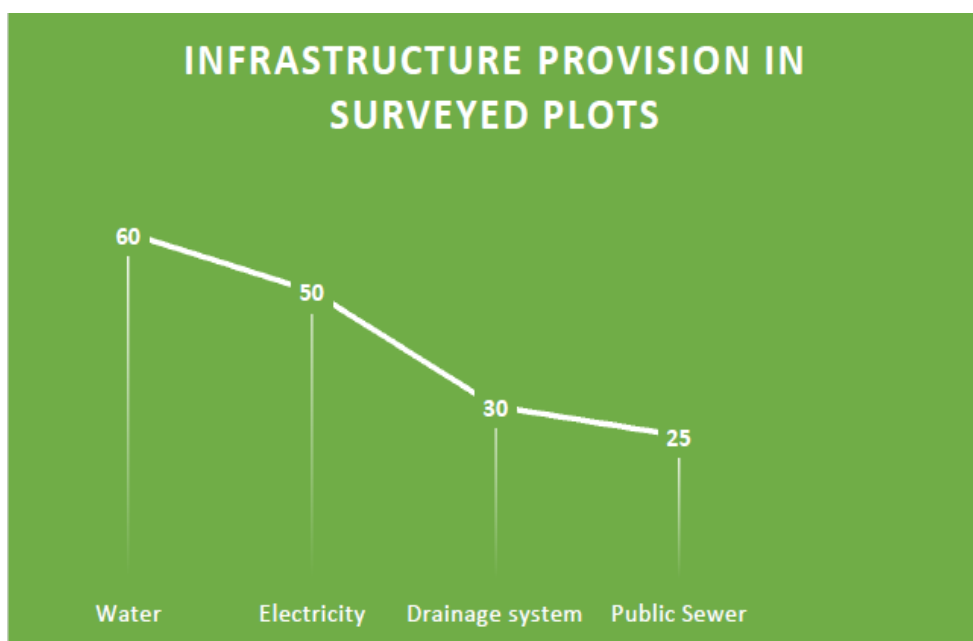


Figure 6.4 Surveyed plots versus infrastructure provision

Source: Fieldwork (May, 2015)

Based on an exclusive interview with Mr. Flavian Muhula in charge of GIS department at Mbeya city, he had this to say:

'Way back in 2010,our town planning unit worked independently when demarcating, surveying and planning plots for new developments, this situation led to many problems in getting the newly surveyed plots serviced with basic services such as water supply, roads, electricity and waste water drainage systems, however of recent (2013), there has been developed an integrated urban land management in which upon parceling plots, water authorities ,TANESCO, and other stake holders are introduced of the plots project so that they may come in immediately after surveying is completed, it has worked in the Itezi and Iwambi new Plot Projects where there are such services as water supply ,roads and electricity. The city authority therefore sets funds to foot costs for water authority to provide water, TANROADS to construct roads to the projects and TANESCO to put up infrastructures making it easy for people to acquire them when deemed necessary'

DILAPS (2006) study revealed that buildings in unplanned, un-surveyed and un-serviced areas account for the most new constructions in many urban areas in Tanzania, Mbeya is not an exceptional, this follows that the formal planning system cannot provide enough surveyed and serviced plots and it was estimated that nearly 70% of urban population live in informal human settlements registering an urban growth rate of 15 per annum.

6.3.7 Grand corruption in plot acquisition and issuance of construction permits

Another issue which surfaces most when analyzing data collected in assessing effectiveness of urban land development in Tanzania in particular Mbeya city is prevalent grand corruption in acquiring plots and issuance of building/construction permits.

Corrupt practices are coupled to the ineffectiveness of urban land management in Tanzania; one of the reasons being high number of plot applicants versus the readily available surveyed plots, this situation is taken as a loophole by Government officials to become involved in bribery and corrupt acts leading to plot allocations on the basis of indulging in corrupt acts.

Moreover, it has also been reported that due to red tape processes in issuance of construction permits, corruption exercises have been fuelled greatly as to impede the supervision role of officials who receive bribes at the same are accounted for the supervision and inspection of

urban land development in the city as is expressed in the illustration below where 20 out of 30 people (67%) who responded to guided questionnaires said that one of a stumbling blocks towards effective urban land development is grand corruption in plot acquisition and issuance of building /construction permits in Mbeya city.

Whilst holding an exclusive interview with the City land Officer, Mr Castory refuted all these allegations saying:

'We always allocate surveyed plots based on legibility and priority groups such as handicapped, institutional (church, mosque, schools and hospitals), women, people who reside in areas proximity to the newly established settlements, so when some miss plots screened out of this process, they generally allege city officials to have been involved in corruption practices, yet these allegations are rooted on groundless conceptions, and I strongly refute them, dealing with laymen is a hard undertaking to excel, they forget that there is higher demand of surveyed plots than our city council can deliver'

It was the task of this study to establish what prevails outside box (other side of the coin),I managed to interview one person who has lived in Mbeya for about 10 years, he presented a varied implication in relation to the city official utterance:

"Opposed to the City official statements, one of a resident based in Iwambi who preferred to have his name withheld contended that, bribery has been the order of the day in acquiring surveyed plots when he remembered one of the incidence he went to apply for the newly surveyed plots at Iwambi Area ,queued for almost for five hours only to find that application forms were finished, so people would get requested plots based on laid down legibility and scrutiny criteria. Having stayed at home for almost a week, he was tipped that plots would be secured on presentation of a bribery token, so he followed one city official to avail him a surveyed plot, discussions were made and he was given a plot by offering a bribery amounting to Tshs 500,000/= "

This is an epitome of corruption practices which are in existence as to render urban land developments ineffective in the country, it thus suffices to say even the process of issuance of construction permits is entwined with bribery features as a result, people tend to construct buildings irrespective of the governing regulations given that officials do not adhere to professional and job ethics, instead they are exposed to corrupt environments.

These research findings are also backed by other research results done by different authors, despite the government initiatives, the ministry of lands, housing and human settlements development still face problems in allocating and distribution of the surveyed plots due to corrupt practices among civil servants, (*Warioba Commission Report, 1996; URT, 2004*)

Leys (1965) also contended that bribery would be a final resort to cut short bureaucratic procedures if civil servants were in ineffective and adhered to lengthy logistics in issuance of construction permits to the applicants.

6.3.8 Land hoarding and speculation

This study has also revealed interesting results on land hoarding, many influential people, politicians, well -to -do personnel and land officials are alleged to have speculated land in consideration of the rapid escalating prices for surveyed plots so that they sell them at soaring costs. Despite refuting this information done by city officials, one person named Daniel Mteleke proved beyond reasonable doubts that this condition is increasing high to city officials as he was quoted saying in an exclusive interview streamlined to plot owners:

‘Unless stern measures are taken to revamp the growing trends for city officials to acquire more plots for their interests, people with low income will seldom afford to access surveyed plots, yesterday I met one city official who boasted to have 6 surveyed plots (2 plots at Itezi and 4 plots at Iwambi) after getting drunk, I approached him for securing a plot for my in law whose husband (my elder brother) died on car accident last year, he said openly he was able to give me even more plots as his work mates were also in search of customers to purchase these surveyed plots on a super profit gauge’

One of the reason why city officials have resorted to corrupt practices is lack of motivation which is an indicator emphasized with regard to good governance, equally so it was suggested that civil servants are lowly paid in relation to the sensitivity of the position they hold thus giving them a lee way to involve themselves in corruption/bribery practices. A study on ethical issues in urban land administration in Tanzania, revealed that low salaries and poor working conditions accounted for 97% for enticing government officials in corrupt practices, Kamuzora *et al* (2009)

Whist research results suggest so, one article that was featured in the daily magazine gave a statement on little compliance of city planning regulations and laws to be based on bribery

and ineffective urban land management system in place which needs to have substantial reforms to operate successfully. (*Daily News, March 21, 2015*)

6.3.9 Regular supervision and inspection of Public construction projects

In this study it has been observed that supervision and inspection activities are biased, whereas routine inspection and supervision of government buildings is fairly done, on the other hand it is reported such exercises are rarely done on other constructions which are not public as a result it promotes many urban developers to constantly violate guiding building regulations based on the habitual altitudes of responsible people to sideline inspection and supervision of privately owned construction activities to a doomed destiny christened as ‘*Squatter settlements*’ which don’t conform to the standards so established.

One of experienced *fundis* Mwambenja Mengo when asked the frequency of government officials to monitor the fast growing construction activities in Mbeya City had this to say:

‘My young brother, I have been in Mbeya for 15 years, for the last ten (10) years I was being engaged as a local fundi to construct various buildings, when there is likelihood of getting monies to construction sites for instance in unplanned areas, such construction must be a multi storeyed building which requires compliance to many professionals, otherwise normal residential houses are rarely supervised and inspected prior to occupancy as the law requires, however, it is absurd to note that all government buildings are closely supervised and inspected in every stage as though other private owned buildings are not subjected to the conformity of the building regulations; they claim to be understaffed to be able to meet the requirements’

6.3.10 Low efficiency in service delivery

The research findings have shown snail pace in service delivery related to urban land development due to red tape procedures, laxity of the civil servants who lack accountability and transparency in implementing development plans.

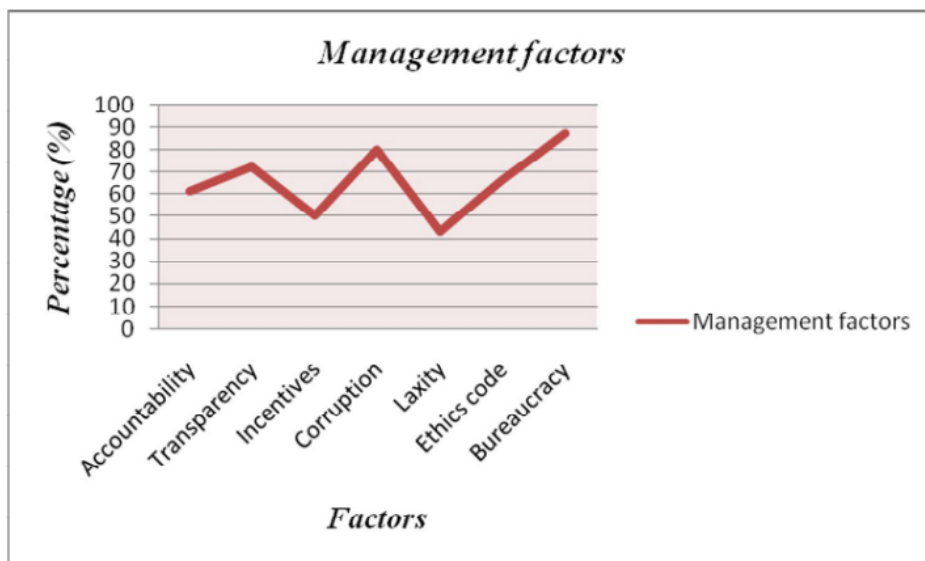


Figure 6.5 Factors affecting service delivery in Mbeya city

Source: Fieldwork (May, 2015)

6.3.11 Sand and stone mining activities

This study established that adherence to regulatory measures are seldom followed, on the other hand due to low level knowledge of the people whereas on other side laxity of civil servants charged with supervising inspecting construction activities on progress.

Sand mining activities near river banks are restricted pursuant to by laws and other legislations, but these people were found doing mining activities without any hesitation, this situation signals that there is weakness in law enforcement that prevents stone and sand mining activities near river banks. These activities violate Mbeya city by laws Cap 288 Section 89 part II 1(f) which states that: *“The city council authority will set aside areas for such activities as sand, aggregate and stone mining activities subject to approved licence”*, but field observation found that people were doing such activities without any legal permit.



Plate 6.12 Sand mining near river banks

Source: Fieldwork (May, 2015)

6.2.12 Institutional coordination

Another observation which is evident in urban development control is uncoordinated institutional frameworks to the extent they fail to orderly maintain the ongoing construction activities in Mbeya. This argument is supported by the responses from respondents who answered the question that asked them to rate the coordination level of institutions dealing with urban development control in Mbeya city.

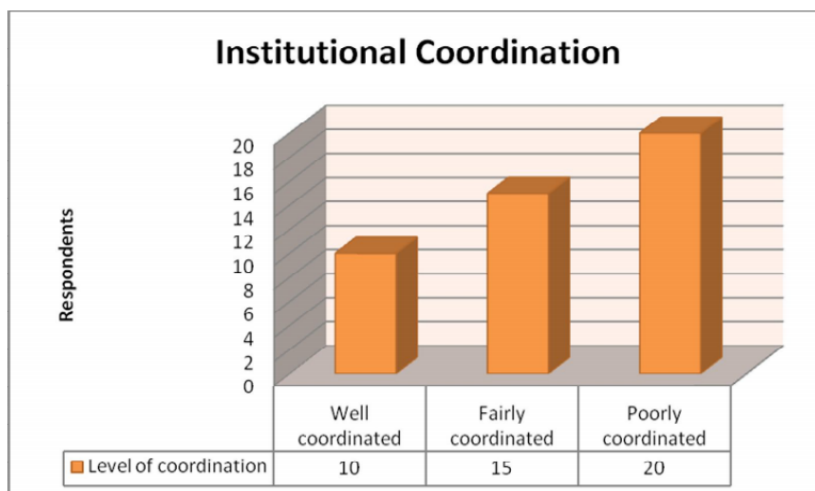


Figure 6.6 Institutional coordination

Source: Fieldwork (May, 2015)

6.2.13 Road encroachment

The study has established that a number of people have developed their human settlements within road reserves which suggest that they have low literacy level on urban land development conditions.

This situation has led to destruction of housing and other commercial activities which encroached road reserves as illustrated hereunder:



Plate 6.13 Road encroachment

Source: Fieldwork (May, 2015)

6.2.14 Location of informal settlements

Field observations have revealed that nearly all informal human settlements are strategically positioned in the proximity to the following aspects:

- *Along major arterial roads, along Industrial complexes, Near planned residential areas, Peri-urban interface, Near construction services and Near institutions*

Kyessi & Ndunguru (2006) support these results based on their paper on urban development control in Tanzania, a paper presented to the National Town Planners Conference held in Mbeya.

This explanation can best be illustrated in the figure below.



Figure 6.7 Possible locations of Informal human settlements in Mbeya city

Source: Fieldwork (May, 2015)

CHAPTER SEVEN

CONCLUSIONS, POLICY ISSUES AND RECOMMENDATIONS

7.1 Introduction

This chapter presents an integrated chapter on conclusion, policy implications and recommendation parts based on the substantial field findings as reflections of respondents' answers, field observation and exclusive interviews done to key informants.

7.2 Conclusions

Most of research questions have been answered with further study in need to be carried out on land allocation systems which are prevalent in Mbeya city.

Theories which have been applied in this study have contributed significantly towards establishing variables that contribute towards effective urban land development control through there may be other variables that may make the study an in-depth approach in solving the problem at hand.

Research findings and analysis suggest that results of this study can be generalized to other urbanizing towns in Tanzania.

Three major concluding remarks are briefly explained below:

7.2.1 National Housing Policy

Hitherto, there is no legally backed National Housing Policy in the country a situation which hinders some of socio-economic decisive role because such a document has not been enacted. The fact that urban land development control is meant to guide orderly and well organized human settlements in all local government authorities, yet all efforts seem to lack legal grounds following the delay of enactment of the national housing policy in the country.

7.2.2 Variable Assessments

The fact that most of the variables for the conceptual framework towards an effective urban land development in Mbeya are rated low, i.e. below 45% then it can be concluded that there is ineffective urban land development control in Mbeya city that calls for deliberate efforts to be taken in account to spearhead towards sustainable urban land management where awareness level of people to comply with guidelines for urban growth is raised.

7.2.3 Simple language

Language simplicity is another issue that resurfaced after interviewing several respondents who averagely knew English; they said policy documents have to be written in simple language to enable all stakeholders to understand keys issues addressed.

The fact that land is an important asset to human survival, livelihood activities and power, the government has to give due weight the enactment of National Housing Policy so that it gives a prerequisite precedence towards efforts to establish other housing legislations that will a helping hand in effective urban land development in Tanzania.

7.3 Policy issues for effective development control

7.3.1 Non use of Kiswahili in preparation of land and housing policies

Research results have shown that legislations and policies on land and housing issues have written in English without focusing on what extent the stakeholders will be able to understand; this presents a language barrier to the most vital actors as a result the level of ignorance in land related issues is considerable high.

This study requests the authorities responsible in enactment, review and reformation of laws in the country to team up with BAKITA, TUKI and other Kiswahili bodies to translate these important documents in Kiswahili so that a considerable number of people understand what it entails in urban land development in the country. In this study, out of 6 contractors involved in land development in Mbeya city only 2 of them were conversant with English language, this situation impairs greatly their compliance level to the governing regulations. The situation is even worse to land owners who had a very big language barrier to the extent that questionnaires were reviewed to a Swahili version so that they would respond positively to set questions which ultimately enriched substantially the author on understanding the competence and proficiency levels of most land owners.

7.3.2 Inadequacy application of ICT in land related issues

Use of ICT in urban land development has been implemented to a lesser extent suggesting that negligence in implementing housing policy overweighs the importance of using ICT.

When ICT application is operationalized, time for issuance of construction permits will be shortened, corruption minimized with increased efficiency.

Some cities like Mwanza and Dar es Salaam have started using ICT in land related issues and in the near future online application will be effected.

7.3.3 Absence of streamlined on stop centre

In Tanzania there are no stop centres to deal with land development issues, therefore it is vital to legally introduce these centres aimed at improving efficiency.

7.3.4 Sidelining roles of Range cadres

In this study absence of range cadres who used to be legally recognized in the past and then omitted calls for a housing policy that will consider re-introduction of this cadre to effectively attain urban land development control.

7.3.5 Absence of routine review of land legal framework

It was observed that most of land legal framework are not frequently reviewed to the extent that they contradict with other legal documents and government will in attaining an effective urban land development in Tanzania

7.3.6 Minimal commitment in resource provision

Most of programs and projects which were introduced in promoting effective urban land development control fail due to meagre funds and lack of Government in provision of required resources, the housing policy must clearly state the accountability of various local authorities to provide money where a need raises.

7.3.7 Uncontrolled price caps for surveyed plots

The housing policy should routinely provide price caps for selling surveyed plots since absence of this has tremendously led to informal human settlements. It should be stated in the policy regular control of price caps for selling surveyed plots.

7.3.8 Absence of flexible building standards

In Tanzania land values vary from one area to another, however building standards remain fixed, housing policy should incorporate this element so that building standards are flexible depending on the location. For instance in Mbeya adobe bricks are very strong in some cases outweigh burnt bricks but urban land development regulations require any developer to use either cement blocks or burnt bricks for walling activities in planned areas.

7.3.9 Inadequacy sensitization campaigns on land issues

Study findings have revealed that there is low literacy level on people who were either interviewed or responded to set of questions in questionnaires given to them, therefore the housing policy has to prioritize awareness campaigns to the people and other stakeholders lest they continue violate urban land development conditions and by laws.

7.3.10 Inadequacy plans for introduction of satellite towns

Lack of newly planned satellite towns in high urbanizing towns has led to increased rate of informalities, thus in order to create an effective urban land development control it is high time for the policy to state boldly introduction of satellite towns in high urbanizing towns so that people and other land developers are not given loopholes to seek for other unplanned areas for their residence and investment activities respectively.

7.3.11 Heavy tax imposition on building materials

It is evident that there is high tax imposition on building materials in the country to the extent that people with low income can seldom afford to build settlements in urban areas, in lieu they resort to search land afar from urban where they can build and settle with the locally available materials. The housing policy therefore should state provision tax relief on all building materials so as to enable many people to afford purchasing them and ultimately development in urban areas with considerable costs.

7.4 Recommendations

7.4.1 Application of ICT in land issues

Having observed the filing system in handling land related issues to be ineffective, it is thus important to prioritize use of ICT in all land related issues so that bureaucracy and laxity of the Government vetted officials start being monitored. This suggests all surveyed and developed plots are incorporated in Land Management System in response to the delay which emanating from un-streamlined filing system which give loopholes Government officials to get involved in abuse of power.

The Minister of Lands, Housing and Human settlements his Excellency William Lukuvi admitted to experience laxity, bureaucracy in land related issues due to poor filing system and has promised to supervise introduction of computerized system in all matters pertaining to land (surveyed plots, plot application, offer request, scrutiny process, issuance of construction permits) as broadcasted live *Kumepambazuka Radio One* (July 17th, 2015)

7.4.2 Introduction of a streamlined one stop centre

Based on literature reviews visited, it has been established that countries which have introduced one stop office in dealing with issuance of construction permits have excelled very much to the extent that time for acquiring construction permit has been reduced from 3 months to 2 weeks in Rwanda, 4months to 1month in Botswana (World Bank, 2013 & 2014 pp 25)

Launch of streamlined one stop office will have all land related issues integrated together (plot application, rent payment, scrutiny process and issuance of construction permits) unlike the prevailing situations in all almost all local Government authorities where offices are scarce and distantly located such as offices for City Engineer, City Architect, City Town planner, Fire and OSHA Departments, Environmental Engineer and Health officer.

7.4.3 Re-introduction of a new cadre known as Rangers

The study has established that, urban land development control has become ineffective due to being understaffed in particular making follow ups, inspection and monitoring the trend of rapid urban land development. The office of city solicitor which is charged with supervising, inspecting and monitoring land developments had shortage of staff at the same time; the available staffs have background knowledge in law and are supposed to be acquainted with reading and interpreting construction drawings.

7.4.4 Review of legal land frameworks

The existing policies, regulations and legislations have loopholes that enhance uncontrolled urban development, therefore it has been suggested that policy reviews be timely made to accommodate the problems embraced in land delivery process and regularization of squatter human settlements. It has to be stated in legislations reviewed to impose stringent measures to civil servants who may be involved in violating regulations and by laws so established to strengthen development control mechanisms.

7.4.5 Develop robust building standards

It is noted in this study that building standards are too high for the urban poor to adhere to, thus many opt to violate them in response to the housing deficit at hand; Regulations provide that no adobe blocks/bricks should be used for construction purposes in urban planned areas with reasons that they are not durable to withstand weather conditions of a given locality,

however, in Mbeya most of adobe blocks/bricks are even stronger than burnt bricks observed to have life span of over 25 years.

It is therefore to develop flexible buildings standards to suit a given area in lieu of having generalized regulations that hinder utilization of locational opportunities to build houses that are relatively cheaper for many low income earners to afford.

7.4.6 Sensitization campaigns in land related issues

The study findings show that people with knowledge on legal framework regarding urban land development are about 40 % of the total population of randomly sampled 50 sample units which indicates that in every 10 people at a given human settlement, 4 of them have an exposure of general understanding on legal issues backing urban land development whilst the remaining 6 are not informed well on these matters. This is an alarming situation; unless remedial measures are timely taken chances are high to see most urban areas with ineffective development control mechanisms.

Reflecting way back in 1974-75 where there was Villagellization program, at least people were informed and led in an orderly layout of their houses leaving spaces for street roads, infrastructure provision and safety precautions against fire outbreaks for closely spaced and constructed housing facilities. People were highly motivated to become part of the program so that they feel the sense of opinion ownership, hence the Government efforts to sensitize her people on the prevailed land related regulations have to be given due weight.

7.4.7 Set aside funds for land use planning and plot allocations

Research results show that financial resource has been a contributing factor in Mbeya city and other local Government authorities in accommodation the pace at which the population grows against the demand of surveyed plots for the people to develop construction activities.

In Mbeya for instance, the 1,500 plots project at Sisitila became suspended following shortage of funds to demarcate, survey, compensate and ultimately allocate surveyed plots to the needy people leading to the sprawling trend in the outskirts of the township centres. Therefore in order to have efficient and effective urban land development control mechanisms, the central government and all local government have to devise a sustainable approach aimed at accumulating funds enough to hasten planning new neighbourhoods which will offer surveyed plots for them to reside in orderly arranged plots.

7.4.8 Plot price affordability

Given the poverty level of most Tanzanians, it is high time to revisit prevailing unit area prices for surveyed plots whose costs are too high for low income earners to afford buy these plots in planned areas, instead they resort other alternatives to purchase customary or informal land for them to construct accommodation facilities based on the money they are able to raise.

The Minister for Lands, Housing and Human settlement development, Mr. William Lukuvi is hailed by many Tanzanians for his visionary focus to halve the unit cost per square metre starting from the 2015/2015 financial years, he cannot attain this on his own, it is my call to all other government officials and other stakeholders to support his efforts so that they become a reality. He was quoted saying this on June 1st, 2015. It is high time to the government to subsidize plot prices to the extent that a number of people can afford to purchase plots in planned areas for house developments.

7.4.9 Offer conducive environment to private sectors

Private sectors have shown interest in demarcating, surveying and developing plots, they have acted as a helping hand to the government in view of solving the scarcity of surveyed plots versus the influx of people in urbanizing centres and towns, yet there is no legal backing which has been put in place to create conducive environments for private sectors to equally compete with government agencies for the better services.

In realization of this need, the government has to team up with other private sectors to formulate partnerships to so that the snail pace of surveying plots due to financial constraints is resolved. Some projects which have been done with private firms to development new satellite towns include Mapinga Project in Bagamoyo, Pongwe project in Tanga and Ikwiriri project just to mention a few.

7.4.10 Team up with NHC efforts to construct housing facilities countrywide.

It is evident that the reviewed NHC Strategic Plan has led to the speedy construction of housing facilities from single house, semi detached house to multi-storeyed apartments nearly in every region in Tanzania in attempt to accommodate the housing stock deficit in the country. Other stakeholders have to team with NHC to extend housing services to district levels.

The National Housing Corporation (NHC) has further more promoted use of appropriate building material technology by use of Hydro form bricks and Brick making machines whose technology is being disseminated to youth groups other disadvantaged groups such as women, handicapped and drug addicts to solve socio economic problems at the same time creating social entrepreneurship activities to tame the prevailing problems.

7.4.11 Consideration on tax imposition on building materials

The study results have revealed that construction costs have skyrocketed high making it hard for low income earners to afford to construct quality housing facilities for their residence. Given the low purchasing power of most urban poor amidst increasing poverty index, the study recommends that taxes imposed on all building materials (*roofing materials, walling materials, cement, lime, flooring materials, finish materials, nails, bolts, screws, reinforcements, paints*) are subsequently reviewed to reflect the real situation of the majority urban poor who seldom afford to purchase them and end up establishing informal human settlements.

7.4.12 Timely land compensation logistics

It is suggested that fast compensation logistics are put in place in areas which are declared as planning areas, complaints were lodged by land owners (*Sisitila and Inyala areas in Mbeya city*) when field study was being done that the government has been taking too long to compensate for land acquired to the extent that value for land is retrospectively considered, i.e. when land is declared planning area, people are restricted to conduct the socio economic activities without being compensated as a result it creates many land disputes as the one at Kigamboni New proposed satellite city where the Minister responsible for land, housing and human settlements has been forced to intervene to rescue the land conflicts that would surface.

7.4.13 District Housing and Land Tribunals to hasten case hearing

In order to settle land disputes, the government established an institutional framework from village level to district level in attempt to resolve persistent land dispute/conflict cases, however the study has revealed that the pace at which land disputes are heard and case rulings made is not promising. Reference is made to the cases under the of city solicitor office which were forwarded to the District Housing and Land tribunal for hearing took over six months to have their ruling completed, this situation will fuel continued violation of urban land

developments as a result of people not feeling the pinch of violating legislations in place guiding the urban growth with the confines of the predetermined master plan, land use plans etc.

7.4.14 Immediate intervention hailed

The study results have seen some of government officials voted humane (accountable and integrity) for having timely intervened continued land disputes, for instance in Mbeya, upon arrival of the Regional Commissioner Abbas Kondoro, moved by spirit of accountability intervened land disputes amongst people living near the Mbeya University of Science and Technology (MUST) who had their lands declared planning for further expansion of the university, but with long silence pertaining their compensations in 2013.

Equally so, following cabinet reshuffle in March, 2015, President J.M. Kikwete nominated Mr William Lukuvi to head the ministry of Lands, Housing and Human settlement and within a short time he dedicated his time in finding solutions for prevalent land disputes, e.g Chasimba area at Tabata Kibaoni, Makongo Juu in Kawe ward, Arumeru west and Kigamboni. These are exemplary leaders who have to be imitated in attempt to nurture visionary and accountable leaders who work in the interest of the people.

7.4.15 Fast track Enactment of National Housing Policy

In the course of this study, it was established that despite efforts done by different stakeholders to emphasize on the enactment of National Housing Policy, yet the Government has been reluctant to make this milestone for the land and housing sector. Introduction of National Housing policy will later prompt the preparation of legal framework to guide house development in the country that will spearhead the formulation of the National Housing Act that has been amiss for a quite a number of years. The study findings thus recommend fast tracking the enactment of the bill for the better of the country.

7.4.16 Introduce lower cadre land courses

Following the shortage of personnel cited by many respondents in view of supervising and inspecting urban land development activities, it is recommended to introduce lower cadres (certificate and Diploma) in land related courses so that a number of land rangers, technicians who shall be deployed to supervise and inspect trends of urban development being made on daily basis so that continued illegal constructions are to a great extent minimized if not totally stopped.

The Government in support of Private and Public Institutions which will introduce these courses prepare modalities to absorb the graduates so that personal emoluments to accommodate the cluster are promptly developed in view of integrating them in the job vacancy needs assessment unlike the present situation where most land related courses are at degree levels.

7.4.17 Establishment of e-Government operation mechanisms

Urban land development control has been a very sensitive issue to effectively address because its operations are not appropriately coordinated, therefore the study findings suggest that inauguration of e-Government will reduce significantly red tape processes that stimulate other people to violate building regulations and bring about a lot of housing informalities within urban areas.

E-Government operation setting will enable various local authorities to be linked using internet services that will minimize time framework in securing plots, issuance of construction permits and payments of land rents and property rents that may be made online. This approach has shown success in Ghana where transparency has been enhanced in local authority administration at the same time hastened administrative processes for a faster pace of developments, (*Daily News, 05/01/2015*)

7.4.18 Regularization Projects

Regularization schemes should be introduced in settlements which are densely populated so that people living in these areas may easily access water supply, electricity, roads and waste disposal systems for them to be able to live in sound environments

7.4.19 Strengthen Coordination of Institutional arrangements

One of the observations on the emerging informal human settlements is poorly coordinated institutional framework which gives loopholes for Government vetted officials and other actors in promotion of controlled urban land developments to ineffectively deliver collective responsibilities; therefore this study recommends that institutional arrangements be strengthened in addressing the shortcomings at hand.

7.4.20 Introduction of GIS departments

In order to be able to effectively manage urban development control in urbanizing towns, it is suggested that GIS departments be introduced in every local government authorities which

will be able to manage various files with many domains integrated, for instance plot number, block, name of owner, rent payment status etc. The fact that the ministry is on progress to prepare and introduce Integrated Land Management Systems-(**ILMS**), pursuant to an exclusive interview aired via *Kumepambazuka*, Radio One (05/05/2015), Hon. Lukuvi revealed this arrangement aimed at reducing corruption, abuse of power, double location and promoting effective and sufficient urban land development control.

This project is hailed by many stakeholders in land management systems; however stress has been directed to introduction of this program not only at the ministry level but also to all local government authorities countrywide given the installation of the National Optical Fibre communication system.

7.4.21 Transport facilities

In order to make close follow ups for effective urban development control, it has been established that there is scarcity of transport facilities to enable local authority officials to routinely supervise, inspect and monitor construction activities with compliance to the prevailing legal frameworks (Legislations, by laws and regulations) as contended in (*TPSF, 2014; World bank, 2014; Kamuzora et al, 2009*)

7.4.22 Introduction of Satellite towns

The National Human Settlement Development policy (2000) was introduced to perform among other things, to enhance development of human settlements that are sustainable, it thus of great significance to establish satellite towns amidst high urban growth rate which has led to informal urban land development due to insufficient capacity of the government to provide building land and thereby implementing laws applicable for the development of planned settlement, Scholz (2008)

Recent operationalization of Mpiji Majohe city, New Mapinga, Pongwe and Songwe satellite towns in Dar es Salaam, Bagamoyo, Tanga and Mbeya respectively has lowered pressure from the influx of people in search of land for developments in saturated areas instead people opt for acquire plots in newly established satellite towns.(www.utt.pid.org) accessed on 25/06/2015

Research results also show decreasing trend in human settlement informalities in areas where there are established surveyed plot projects to address deficit in land delivery services.

7.4.23 Public private partnership

It is high time for the government to engage urban land development control in partnership with other private sectors, since there are number of successful projects for surveyed plots, surveying and regularization scheme which have been established in a short time.

Therefore the fact planning requires a big amount of money; this study thus suggested that public private partnership undertaking be employed.

7.4.24 Introduce land audit machinery

Following prevalent double plots allocation and land speculation in Mbeya, the study suggests that there should be a follow up mechanism to monitor the rapid growing trends of people to have many plots allocated them whilst a number go missing, sale of plots to more than one applicant thus creating land disputes. Influential people speculating land leads to escalation of plots demand in the city. It is thus suggested that be established city land audit committee in view of monitoring all land transactions on monthly routine.

7.5 Areas for further research

This study has unveiled several areas that need further studies in reinforcing efforts to an effective urban land development control in Mbeya city:

- Regularization and formalization programs in improving urban land development control in areas with informalities (squatter areas)
- Infrastructure planning versus spatial expansion in the area
- Informal land allocation systems and its effects on urban land development control

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APPENDICES
APPENDIX I

QUESTIONNAIRE

FIELD STUDY ON EFFECTIVENESS OF URBAN LAND DEVELOPMENT CONTROL IN TANZANIA-(The Case of Mbeya City)

This questionnaire is for academic purpose only; feel free to provide the required information. Your information will be treated with high level of confidentiality

Interviewee name (optional).....Sex (Male/Female).....

Age..... Area of residence.....Plot

No.....Block.....

Date of interview.....

Education level Primary/Secondary/College/University.....

Name of Interviewer.....

PART I-(Ministry)

1. How do you describe the land development control in urban areas of Tanzania?

.....

2. What are the processes involved in planning land for future development in urban areas?

i).....

3. What policy framework is there to guide urban land development in Tanzania?

.....

4. Are there any legal frameworks instituted by the Government to spearhead sustainable land development in urban areas? **Yes/No**.....

5. If **Yes** in Q.4 above, please mention them.....

6. What are shortcomings of policy and legal frameworks in enhancing environmental and user friendly urban development?

.....

7. Why has there been delay in enactment of housing policy despite efforts made by stakeholders to request a bill to be tabled in the parliament?

.....

8. How many institutions are involved in the process of urban land planning?

.....

9. Are the institutions in **Q.8** above legally backed to coordinate an efficient and appropriate land development system in urban areas? **Yes/No**.....

10. Explain your optional answer in Q.9

.....

10. Which resources are of great significance in support of land development in urban areas?.....

11. Does the Government of Tanzania set aside resources enough to suit the entire process of controlling land development in urban areas? **Yes/No**.....

12. If your answer in Q11. is **Yes**, how are these resources managed and monitored in a bid to comply with the prevailing system of use of Government funds?

.....

13. Land development in urban areas has been outpaced by the rapidly increasing population, are there any efforts by the government to review the existing land legislations to suit with this demand? **Yes/No**.....

14. If **Yes** in Q.13, What are priority areas for improvements in the would be reviews?.....

15. If **No** in Q.14, How prepared is the Government to curb uncoordinated spatial growth in urban areas?.....

PART II-(Urban Authorities)

1. How do you assess the performance of land development control in Mbeya city?
i).....
2. How do you do so as to ensure all land developments in the city is effectively controlled?.....
3. What departments are involved in administering land management in the city?
.....
4. Are these departments mentioned in Q.3 closely coordinated to the extent that there always two ways traffic communication? **Yes/No**.....
5. If **Yes** in Q.4 above, illustrate the line of command
.....
6. If **No** in Q.4 above, what are your suggestions in attempt to have streamlined inter-departmental system?.....
5. What challenges do you face in your daily routines that impede the implementation of urban development control strategies?
.....
-6. For how long do you process applications lodged for land development within your area of jurisdiction?.....
7. What filing system does your office use for consolidating applications for **Q.6** above? (Online/computerized/manual)
8. What are challenges/benefits in the use of the filing system above?
(a) Challenges:
- (b) Benefits:.....
9. How many planned areas, open spaces, reserved areas and informal settlements are there in the city? Fill in the tabular form below

S/No	Planned	Unplanned	Open spaces	Reserved

10. Are there any regulations and by laws made by your authority with the focus of making sure that land is developed as per Town planning(TP) drawings?
Yes/No.....

11. If Yes in Q.10, Mention them.....

12. Who are the stakeholders whom you involve when you designate an area to be a planning area?.....

13. What are roles of *mtaa leaders* at grassroots level in managing controlled land development in urban areas?

14. Do people always request for construction permit when they want to develop a plot in planned area? **Yes/No**.....

15. If your answer in **Q.14** is **Yes**, what percentage?.....

16. If your answer in **Q.14** is **No**, what would be the reasons?

17. What measures have been taken to people who have violated these legally binding agreements?.....

18. Does your office inspect all construction stages in planned areas after construction/building permits have been offered?
Yes/No.....

19. If **Yes** in **Q.17**, Why do unplanned settlements emerge significantly in the city?

20. If **No** in **Q.17**, Suggest reasons?

21. How do you compensate people when your office declares their formally customarily owned land to be a planning area?

.....

22. Despite of the city authority planning and making plots for the people to sustainably develop land, Yet some new settlements like Iwambi, Isyesye, and Itezi are not fully developed, What are reasons behind this snail pace of land development?.....

PART III-(Land owners/Developers/Investors)

1. Is your land parcel (plot) **formally** or **informally** acquired?.....

2. If **Q.1** is formal land acquisition, how long did the process take?

.....

3. If **Q.1** is informal land acquisition, give reasons

.....

4. What challenges did you meet in the process of acquiring land?

.....

5. How long did it take you to start development of this plot or land parcel?

.....

6. What are regulations, by laws or legislations you ought to comply in order to achieve controlled land development?

.....

7. Did you apply for construction/building permit from respective authority?
Yes/No.....

8. If **Q.7** is **Yes**, how long did it take you to get approval for construction?.....

9. If **Q.7** is **No**, give reasons.....

10. Whilst developing your land parcel/plot, did any official from the city/municipal authority come to inspect your site at different construction stages?
Yes/No.....

11. If **Q.10** is **Yes**, how often? And what did they advice you?.....

12. If **Q10** is **No**, how did you feel missing people entrusted to inspect the trend of growing settlements in a best coordinated way?
.....

13. Did your house design services come from professionals or *local fundis*?
.....

14. Give reasons for your answer in Q 13 above
.....

14. Why do you think urban land development must be controlled?
.....

15. What are reasons promoting many people to establish their homes in unplanned and fragile areas?
.....

PART IV-(Professionals i.e.Valuers, Planners, Architects, Engineers)

1. To what extent has the City authority managed to control land developments in planned areas?.....

2. Being a professional, how often have you been consulted with regard to urban land development in Mbeya city?.....

3. Are clients/developers you have met with know of the policies and legislations guiding urban land developments? **Yes/No**.....

4. If Yes in Q.3, Why are there unprecedented informal human settlements in the city?.....

5. If No in Q.3, what immediate measures have to be suggested to the city authorities?.....

6. What policies and legislations are you acquainted with that promote and spearhead sustainable land developments in urban areas?

(a)Policies.....

(b)Legislations.....

If Yes in Q.4 above, please mention them

.....

7. What are shortcomings of policy and legal frameworks in enhancing environmental and user friendly urban development?

.....

8. How many institutions are involved in the process of urban land planning?

.....

9. Are the institutions in Q.8 above legally backed to coordinate an efficient and appropriate land development system in urban areas? Yes/No.....

10. Explain your answer in Q.9.....

11. Which resources are of great significance in support of land development in urban areas?.....

12. Does the Government of Tanzania set aside resources enough to suit the entire process of controlling land development in urban areas? Yes/No.....

13. If your answer in Q12. Is Yes, how are these resources managed and monitored in a bid to comply with the prevailing system of use of Government funds?.....

PART V-(City Solicitor)

1. What legal frameworks does your office use in managing land development in your area of jurisdiction?.....

2. How effective are these legislations in Q.1 above in controlling urban land development?.....

3. Formal and Informal human settlements co exist in Mbeya City just as they do in other rapid urbanizing towns, how does your office flexibly impose legislations to govern the rapid growth trend of informal human settlements?
.....

4. How many people/institutions/NGOs/ FBOs have been sued for violating orderly urban land developments in your area in the specified years?

YEAR	CASES LODGED	REMARKS
2011		
2012		
2013		
2014		

5. Referring to Q.4 how many cases have been ruled out and not ruled out?

YEAR	CASES LODGED	RULED CASES	UNRULED CASES
2011			
2012			
2013			
2014			

6. What would be the reasons for the delay in ruling out cases which are related to violations of land development in the city?
.....

7. Are legislations and by laws effective in controlling land development in urban areas?

Yes/No.....

8. If the answer is **Yes** in Q.7 above, explain how?

.....

9. If the answer is **No** in Q.7 above, what should then be done?

.....

10. Do you have sufficient manpower to regularly supervise controlled land development in Mbeya City? **Yes/No**.....

11. If the answer is **Yes** in Q.10 above, why is illegal land development is on increase in the area?.....

12. If the answer is **No** in Q.10 above, what do you suggest?

.....

PART VI-(Director of Planning)

1. How do you describe the Urban land development control in Tanzania?

.....

2. What are your priority issues in addressing efficient, appropriate and effective land development control in urban areas?

.....

3. Are you aware of legal backed documents that address means by which urban areas can be sustainably controlled? **Yes/No**.....

4. If **Q.3** is **Yes**, List down any three legal documents

.....

5. If **Q.3** is **No**, suggest modalities for the people in urban areas to be conscioutised on these matters.....

6. What are the weaknesses/strengths of land development control system in urban areas of Tanzania?

(a) *Weaknesses?*:

(b) *Strengths?*:

7. In your views what are important stakeholders to be involved in overseeing controlled land development in urban areas?

PART VII-(Commissioner of Lands)

1. How does your esteemed office supervise urban land developments in the country?

.....

2. Why do illegal land developments prevail in almost all urban areas in the country?

.....

3. How does the Government manage Land developments in the country?

.....

4. To what extent have goals for land management been achieved?

.....

5. How does the institutional framework for urban development control work?

.....

6. What are the weaknesses/strengths of land development control system in urban areas of Tanzania?

(a) *Weaknesses?*:

(b) *Strengths?*:

7. In your views, in there any need to revise policies and legislations backing urban development control in Tanzania? **Yes/No**.....

8. If the answer is **Yes** in **Q.7**, Give reasons.....

PART VIII-(Director of Surveys and Mapping)

1. How many urban areas (Cities) have been surveyed in the country in response to the rapid population growth from the year 2011 to 2014?

YEAR	CITIES				
	DAR	MWANZA	MBEYA	ARUSHA	TANGA
2011					
2012					
2013					
2014					

2. Are Survey maps readily available to urban authorities for implementation?

Yes/No.....

3. If the answer in **Q.2** is **Yes**, how effective are these tools towards controlled urban land development?.....

4. If the answer in **Q.2** is **No**, what efforts are being done by your department to guarantee availability of survey maps to respective urban authorities?

.....

5. Why is the production of survey maps outpaced by the fast urbanization trend in the country?.....

7. What are the challenges that face your office in implementing planned tasks?

.....

8. Suggest ways that may help to timely have all declared planning areas surveyed and survey maps produced.....

9. To what extent are surveying activities participatory?.....

PART IX-(Permanent Secretary)

1. How do you describe the land development control in Mbeya city?

.....

2. What are your priority issues in addressing efficient, appropriate and effective land development control in urban areas?.....

3. Are aware of legal backed documents that address means by which urban areas can be sustainably controlled? **Yes/No**.....

4. If **Q.3** is **Yes**, List down any three legal documents.....

5. If **Q.3** is **No**, suggest modalities for the people in urban areas to be conscioutised on these matters.....

6. What are the weaknesses/strengths of land development control system in urban areas of Tanzania?

(a)*Weaknesses*?:.....

(b) *Strengths*:

7. In your views what are important stakeholders to be involved in overseeing controlled land development in urban areas?.....

APPENDIX II

Global city leaders call for use of resources in urban planning

From Page 1

with the private sector to implement such projects.

"There are some projects that cannot be implemented without support from the private sector, for ease and speedy implementation," he added.

The mayor noted that though there are laws on city planning, especially in settlements, there is little compliance, "we have to work hard especially in cities like Dar es Salaam where population is growing rapidly."

World Bank Tanzania Country Director Philippe Dongier said: "Dar es Salaam is one of the fastest growing cities in the world," adding: "As a city grows rapidly, it becomes essential to ensure a strong local tax base for municipal governments, to adjust governance arrangements to enable city-wide metropolitan planning and management, to implement zoning policies that facilitate growth of industries as well as good and safe living conditions and heritage conservation."

"It also becomes critical to enable competitiveness of enterprises to generate the large number of productive jobs that are needed by the booming urban labour force - including by focusing on skills, access to finance, and infrastructure," noted Dongier.

Ede Ijaz-Vasquez, World Bank Senior Director for the Social, Urban, Rural and Resilience Global Practice, said: "MetroLab is unique in the way cities at all stages of development are taking the lead to learn from each other. We hope this initiative will help cities find solutions, as they pursue inclusive and sustainable urban growth."

Also present at the event, Deputy Permanent Secretary - Prime Minister's Office-Regional Secretariat and Local Government, Zuberi Samataba said despite opportunities availed by the cities, the growing population in the cities normally doesn't correspond with the available resources.

He said for starters the cities should become more competitive and create more jobs.

He said there is a need to have livable and bankable cities in terms of attracting economic opportunities and managing the available cultural diversities while preserving the environment.

The government official said Tanzania has to redirect its cities to match with others and should also educate the community on the importance of city planning.

He was however optimistic that with committed and responsible authorities, Dar es Salaam can be properly planned.

He further said Tanzania has been a strong supporter of such initiatives and that is why the city of Dar es Salaam has participated fully in the 'Lab' since its inauguration in USA last year.

With Dar es Salaam as a 'laboratory for learning', participants will visit the city's rapid bus transit system, which is widely seen as a catalyst for metropolitan development.

They are also expected to discuss metropolitan perspectives of transport, land use and urban sprawl; managing metropolitan services including solid waste, water, and sewerage; housing; metropolitan finance; and other issues.

Lessons learned from the experiences of cities around the world at MetroLab will inform the World Bank's work with the Tanzanian government on a new urbanisation review diagnostic, to help Tanzanian cities become more competitive and create jobs.

Cities and municipalities represented at the historic event include Accra, Addis Ababa, Arusha, Colombo, Dar es Salaam, the three Dar es Salaam municipalities (Ilala, Kinondani and Tembeke), Kigali, Kisumu, Mbeya, Mombasa, Mwanza, Nairobi, New York, Paris, Karachi, Seoul, Rio de Janeiro, Singapore, Tanga and Zanzibar.

China declares its aid must not interfere in other nations' affairs

BEIJING

CHINA'S foreign aid programmes must not interfere in domestic affairs of countries it donates to, according to new rules from the Ministry of Commerce released yesterday.

The regulations underscore the no-strings-attached philosophy underlying China's aid.

links with oil-rich African states, including Sudan and Angola, have fuelled criticism as well that Beijing only cultivates relations to secure access to energy and raw materials to power its surging economy.

China said in July that more than half its foreign aid of over \$14 billion went to Africa.

growing military muscle for humanitarian causes as it works to win over international support, dispatching an elite People's Liberation Army team to West Africa to aid in the fight against the Ebola virus.

The rules also call for promoting

JAMHURI YA MUUNGANO WA TANZANIA

WIZARA YA ARDHI, NYUMBA NA MAENDELEO YA MAKAZI



TAARIFA KWA UMMA YA TARATIBU ZA MABADILIKO YA MATUMIZI ARDHI MIJINI

Katika siku za hivi karibuni tumeshuhudia kushamiri kwa ujenzi holela katika miji yetu. Ujenzi holela umekuwa ukifanyika katika maeneo yaliyopangwa na yale yasiyopangwa. Hii ikiwa ni pamoja na ubadilishaji wa matumizi ya viwanja pasipo kufuata taratibu zilizoainishwa kwa mujibu wa sheria zinazosimama uendelezaji wa miji ikiwemo sheria ya mipango miji na 8 ya mwaka 2007. Kwa mfano, viwanja vya makazi kuweka vilabu vya pombe, kumbi za muziki, nyumba za kulala wageni, maduka na biashara nyingine ambazo wakati mwingine husababisha usumbufu mkubwa kwa majirani. Aidha, umekuwepo pia uvamizi wa maeneo ya umma kama vile maeneo ya wazi, hifadhi za barabara, maeneo ya kujenga huduma za jamii kama vile zahanati, shule na masoko.

Uendelezaji au utumiaji wa ardhi ndani ya miji unatakiwa kuzingatia mpango wa uendelezaji uliopo ili kuleta uwiano mzuri wa maendeleo jirani au kwenye jamii na hivyo kuondoa mgongano wa matumizi ya ardhi. Ni kwa msingi huo, idhin ya uendelezaji wowote wa ardhi ni lazima ipatikane kutoka kwenye mamlaka ya upimaji kama vile Halmashauri ya Jiji, Manispaa, Wilaya na Miji. Hii ni kwa mujibu wa Mipango miji Na. 8 ya mwaka 2007 kifungu cha 29.

Kwa kuzingatia hilo, mnakumbushwa kwa taarifa hii kuwa:

- Hairuhusiwi kufanya uendelezaji wa aina yoyote mjini bila kuwa na kibali cha ujenzi kutoka kwenye mamlaka ya upimaji kama vile Halmashauri ya Jiji, Manispaa, Wilaya au Mji husika.
- Hairuhusiwi kubadili / kuongeza matumizi ya kiwanja chako kutoka matumizi ya awali yariyoruhusiwa kwenye hati / barua ya toleo bila kibali kutoka Halmashauri ya Jiji, Manispaa, Wilaya au Mji husika.
- Hairuhusiwi kugawanya kiwanja bila kibali cha mamlaka husika. Taarifa inatolewa pia kuwa, kabla ya kiwanja chochote kubadilishwa / kuongezwa matumizi mambo yafuatayo yanatakiwa kuzingatiwa:
- Kupeleka maombi ya maandishi kwa Mkurugenzi wa Halmashauri husika.

- Kuweka tangazo la kusudio la kubadili matumizi ya kiwanja / ardhi ili kwashirikisha majirani wa kiwanja hicho na wadau wengine ili kuwapa fursa ya kutoa maoni. Bango hilo linatakiwa kuonyesha jina, anuani ya mwombaji na sababu za kubadili matumizi hutakiwa kukaa kwenye eneo kwa muda usiopungua siku 30.

- Katika kipindi hicho wananchi huruhusiwa kuwasilisha maoni au pingamizi katika ofisi za Halmashauri kwa kipindi hicho, ili maoni hayo yazingatiwe wakati wa majadiliano kwenye vikao husika.

- Ombi kujadiliwa na kikao cha kamati husika ndani ya Halmashauri.

- Mapendekezo ya kikao huwasilishwa Wizara ya Ardhi kwa Mkurugenzi wa Mipangomiji na Vijiji kwa ajili ya kutolewa maamuzi kwa mujibu wa kifungu cha 6 (3) (k) cha sheria ya Mipango miji Na. 8 ya mwaka 2007.

Wananchi mnatakiwa kutoa taarifa kwa Halmashauri husika pale ambapo matumizi ya kiwanja cha jirani yako yanakuwa kero. Aidha, Halmashauri zinatakiwa kuchukua hatua muafaka sasa: ikiwa ni pamoja na kuwachukulia hatua wanaokiuka taratibu za ujenzi mjini, kuondoa ujenzi wote ambao hauna vibali vya ujenzi, pamoja na matumizi ya viwanja ambayo ni kinyume cha yale yaliyoruhusiwa.

A. BURRA

MKURUGENZI WA MIPANGOMIJI NA VIJJI

DESEMBA, 2011

WIZARA YA ARDHI NA MAENDELEO YA MAKAZI
 SHERIA YA ARDHI NA 4 (1999) KIFUNGU 179 NA KANUNI ZA UKADIRIAJI FIDIA GN 78 (2001)
UKAGUZI KWA AJILI YA UTHAMINI WA FIDIA

Kumb. Na Tarehe

MAHALI:

1. MIBILI:

- Mmiliki:
- Anuani:

2. Maelezo ya jumla ya mali:

3. Maelezo kuhusu jengo:

- Paa:
- Kuta:
- Danti:
- Madirisha:
- Milango:
- Sakafu:
- Vyumba:
- Nyumba ndogo:

Maelezo mengine (pamoja na hali ya jengo, huduma na Maendeleo mengine)

Malumizi: Makazi/Biashara

4. Mazao:

(a) Mazao:

Aina ya zao	Idadi/Ukubwa % ya ukuaji
1.
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.
13.
14.

(b) Ukubwa wa shamba (kadirio) ekari

Ushahidi:

Jina la mmiliki na saina:

Jina la kiongozi wa eneo na saina:

Jina la mthamini na saina yake:

Standards and regulations. In this case, crop, animal health aspects and Storage and Distribution aspects are...

WIZARA YA ARDHI NA MAENDELEO YA MAKAZI
 SHERIA YA ARDHI NA 4 (1999) KIFUNGU 179 NA KANUNI ZA UKADIRIAJI FIDIA GN 78 (2001)
UKAGUZI KWA AJILI YA UTHAMINI WA FIDIA

Kumb. Na Tarehe

MAHALI:

1. MIBILI:

- Mmiliki:
- Anuani:

2. Maelezo ya jumla ya mali:

3. Maelezo kuhusu jengo:

- Paa:
- Kuta:
- Danti:
- Madirisha:
- Milango:
- Sakafu:
- Vyumba:
- Nyumba ndogo:

Maelezo mengine (pamoja na hali ya jengo, huduma na Maendeleo mengine)

Malumizi: Makazi/Biashara

4. Mazao:

(a) Mazao:

Aina ya zao	Idadi/Ukubwa % ya ukuaji
1.
2.
3.
4.
5.
6.
6.
9.
10.
11.
12.
13.
14.

(b) Ukubwa wa shamba (kadirio) ekari

Ushahidi:

Jina la mmiliki na saina:

VAL FORM 1

**MBEYA CITY COUNCIL
GENERAL INSPECTION NOTICE
CATEGORY 'A' (SINGLE STOREY)**

The City Engineer:

Date:.....

File No.

Plan No.

Building Permit No.

Building work at:.....

- The: 1. Setting out
- 2. Foundation Excavation
- 3. Foundation concreting
- 4. Clockwork up to plinth level
- 5. Oversite concreting
- 6. Damp proof course
- 7. Block work to lintel level
- 8. Timber scantling an Roofing
- 9. Block work to window-sill level
- 10. Drains
- 11. External finishing

Is/are now read for inspection (delete as necessary)

Signed.....
Owner/Agent/Builder

NB: 48 hours notice prior to inspection

FOR OFFICIAL USE ONLY

Observation/Recommendations:.....
.....
.....
.....
.....

.....
(Name, Signature and Stamp of Officer)

UNITED REPUBLIC OF TANZANIA
PRIME MINISTER'S OFFICE
REGIONAL ADMINISTRATION & LOCAL GOVERNMENTS
MBEYA CITY COUNCIL

All correspondences be addressed to:
Phone: +255 25 2502372 (Direct Line)
+255 25 2502563 (General Line)
Facsimile: +255 25 2502488
website: <http://www.mbc.gov.tz>



CITY DIRECTOR
P.O BOX 149,
MBEYA
e-mail: jjimbeya2010@yahoo.com

Ref. No. _____ Date: _____

Dear Sir,

RE: FILE NO
PLAN NO.....

COMMENCEMENT NOTICE
(Rule 6 or the Township Building rules)

Building works at
.....
.....
s shown on the above numbered plan is commenced on Date.....


Yours faithfully
OWNER, AGNET, ARCHITECT OR BUILDER/CONTRACTOR

enty Four Hours notice is required before any building work is executed
e
ght in kg: and Height in meters


ARDHI UNIVERSITY INSTITUTE OF HUMAN SETTLEMENTS STUDIES		
Telephone: (020-822) - 277272, 277288, 277289,2 Fax: (020-822) - 277244, 277247 Telegrams: ARDHUN, 9032		P. O. Box 2079 Dar es Salaam e-mail: ardhun@ardhi.ac.tz website: http://www.ardhi.ac.tz
Ref No. ARDH/HRD/2793		2 nd March 2012
The City Director, Mbeya City Council, P.O. Box Dar es Salaam.		
RE: REQUEST FOR PERMISSION FOR MR. BENJAMIN MASHALLA JOHN TO UNDERTAKE RESEARCH ON THE EFFECTIVENESS OF LAND DEVELOPMENT CONTROL IN URBAN AREAS - THE CASE OF MBEYA CITY		
The heading above refers.		
The above mentioned person is an MSc student in the programme MSc. Planning at the Institute of Human Settlements Studies, Ardhi University. He is currently in the process of undertaking his dissertation work. Mr. Mashalla therefore needs to do some field studies to complement his work. He plans to carry out interviews in Mbeya City as well as collect information from the City Council during the month of March-April 2012.		
I am therefore writing to seek support from your office so that he can undertake his data collection.		
We thank you in advance for your cooperation and support.		
 Dr. Sam M. Lumbumba MR.Ch. TRAINING		

CSA

JAMHURI YA MUUNGANO WA
TANZANIA
OFISI YA WAZIRI MKUU TAWALA ZA MIKOA NA
SERIKALI ZA MITAA



SHERIA NDOGO
HAUMASHAURI YA JIJIMBEYA
MIWAKA 2011



1. SHERIA ZA KODI ZA MAJENGO-TANGAZO LA SERIKALI NA. 374/2011
2. SHERIA ZA USHURU WA MASOKO-TANGAZO LA SERIKALI NA. 375/2011
3. SHERIA ZA USHURU WA KITUO CHA MAGARI-TANGAZO LA SERIKALI NA. 376/2011
4. SHERIA ZA USHURU WA MABANCO NA MATANGAZO-TANGAZO LA SERIKALI NA. 377/2011
5. SHERIA ZA USAFI WA MAZINGIRA-TANGAZO LA SERIKALI NA. 378/2011
6. SHERIA ZA KODI YA HUDUMA-TANGAZO LA SERIKALI NA. 379/2011
7. SHERIA ZA HIFADHI YA MAZINGIRA-TANGAZO LA SERIKALI NA. 380/2011
8. SHERIA ZA ADA NA USHURU-TANGAZO LA SERIKALI NA. 381/2011

TANGAZO LA SERIKALI Na. 380 la tarehe 11/11/2011

SHERIA ZA SERIKALI ZA MITAA (MAMLAKA ZA MIJI),

(SURA YA 288)

SHERIA NDOGO

Zimetungwa chini ya kifungu cha 89

SHERIA NDOGO ZA (HIFADHI YA MAZINGIRA) ZA HALMASHAURI YA JIJI LA MBEYA
ZA MWAKA 2011

SEHEMU YA KWANZA

UTANGULIZI

Jina na
mwanzo wa
kutumika

1

Sheria Ndogo hizi zitajulikana kama Sheria Ndogo za (Hifadhi ya Mazingira) za Halmashauri ya Jiji la Mbeya, 2011 na zitaanza kutumika baada ya kutangazwa kwenye Gazeti la Serikali.

Eneo la
matumizi

2

Sheria Ndogo hizi zitatumika katika eneo lote la Mamlaka ya Halmashauri ya Jiji la Mbeya.

Tafsiri

3

Katika Sheria Ndogo hizi, isipokuwa tu kama itaelekezwa vingevyo:-

"Afisa Muidhiniwa" maana yake ni Afisa yeyote wa Halmashauri aliyeteuliwa kusimamia utekelezaji wa Sheria Ndogo hizi;

"Ardhi hatari" maana yake hi ardhi ambayo ikiendelezwa inaweza kuleta hatari katika maisha au kusababisha uharibifu wa mazingira katika ardhi hiyo;

"Ketele" ni kila uchafuzi usaosababishwa na sauti ambayo kwa asili inakataliwa au ile iwezayo kusababisha athari mbaya kwa afya ya binadamu na mazingira.

"Halmashauri" maana yake ni Halmashauri ya Jiji la Mbeya.

"Makazi" ni pamoja na nyumba, kiwanja na kila aina ya milki ikiwa ni pamoja na mashine, mitambo au gari litumikalo katika kazi yoyote ifanywayo katika makazi hayo.

- miti 5 (1) Itakuwa ni marufuku kwa mtu yeyote kukata mti au sehemu ya mti bila kibali cha Halmashauri.
- (2) Halmashauri itatenga maeneo ya misitu ambayo miti itaruhusiwa kukatwa kwa ajili ya matumizi mbali mbali baada ya kupata kibali.
- maji 6 Mtu yeyote atakayewasha moto au kufanya jambo ambalo litasababisha kuwaka moto katika maeneo ya misitu bila kibali cha Halmashauri atakuwa ametenda kosa.
- hatari 7 (1) Halmashauri inaainisha maeneo ya vyanzo vya maji, pembezoni mwa mito, visima vya maji, chemichemi za maji pamoja na miteremko ya milima kuwa ni maeneo ya ardhi hatari.
- (2) Itakuwa ni kosa kwa mtu yeyote kufanya shughuli zifuatazo katika maeneo yaliyoainishwa kama ardhi hatari bila kupata kibali cha Halmashauri:-
- (a) kuweka, kujenga, kurekebisha, kuondoa au kubomoa aina yoyote ya jengo;
 - (b) kuchimba au kulima kwa madhumuni yoyote yale;
 - (c) kupanda mmea au sehemu ya mmea uwe wa asili au usio wa asili;
 - (d) kuchepusha maji ya mto au mfereji kutoka katika mkondo wake.
- (3) Itakuwa ni marufuku kwa mtu yeyote kutumia ardhi kinyume na masharti ya matumizi ya kiwanja alichopewa.
- maji 8 (1) Itakuwa ni wajibu wa kila mtu kuhakikisha kwamba mifugo yote inafungiwa na kuhudumiwa ndani ya eneo lake bila kusababisha uharibifu wa rasilimali za mazingira na kwamba mifugo yake haizururi ovyo mitaani.
- (2) Endapo mifugo yoyote ikikutwa inazurura ovyo mitaani au kwenye eneo la hifadhi ya misitu itakamatwa na mwenye mifugo atatakiwa kulipa faini ya shilingi elfu ishirini kwa kila mfugo na endapo mfugo huo utaendelea kuhifadhiwa na Halmashauri, Mmiliki atatozwa kiasi hicho kwa kila siku na baada ya siku tatu mifugo hiyo itauzwa kwa mnada.

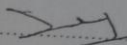
SEHEMU YA III

HIFADHI YA ARDHI NA SHUGHULI ZA KILIMO

- | | | |
|-------------------------------|----|--|
| Uchimbaji wa madini ya ujenzi | 9 | (1) Itakuwa ni marufuku kwa mtu yeyote kuchimba madini, mawe, udongo, mchanga na kokoto kwa ajili ya matumizi yoyote yale bila kibali cha Halmashauri. |
| | | (2) Mtu yeyote atakayepewa kibali cha kuchimba mawe, udongo, mchanga kokoto au kufyatua tofali au kuchoma tofali hizo ataruhusiwa kufanya shughuli iliyokusudiwa tu na kwa kiasi kilichoainishwa katika kibali husika na atatakiwa kulipa ada ya mwaka kama itakavyoainishwa na Halmashauri. |
| Kibali cha mazishi | 10 | (1) Shughuli zote za mazishi zitafanyika katika maeneo yaliyotengwa kwa ajili ya makaburi baada ya kuomba na kupata kibali cha Halmashauri na kufuata maelekezo yote yatakayotolewa na Afisa Muidhiniwa. |
| | | (2) Mtu yeyote atakayeendesha shughuli za mazishi katika makaburi yaliyofungwa au katika maeneo ya makazi au maeneo yasiyoruhusiwa kisheria atakuwa ametenda kosa. |
| Uharibifu wa barabara | 11 | Itakuwa ni marufuku kwa mtu yeyote; <ul style="list-style-type: none"> (a) kukata, kuweka matuta na vizuizi vingine katika eneo lolote la barabara bila kupata kibali cha Halmashauri na kulipa ada kama itakavyoainishwa na Halmashauri; (b) kuharibu taa, kalvati, kujitengenezea mifereji ya maji ya mvua au kujitengenezea barabara bila idhini ya Halmashauri |
| Shughuli za kilimo | 12 | Itakuwa ni marufuku kwa mtu yeyote kuendesha shughuli za kilimo cha mazao marefu ya zaidi ya futi tatu katika maeneo yote ya Halmashauri na kama itabidi ni baada ya kupata kibali cha Halmashauri. |
| Kamati ya mazingira | 13 | (1) Halmashauri inaanzisha Kamati ya Mazingira kwenye kila Kata na Mtaa itakayohusika na usimamizi wa mazingira kwenye Kata au Mtaa husika. |
| | | (2) Kamati katika kusimamia mazingira itashirikiana na askari mgambo kupita na kukagua usafi nyumba kwa nyumba na |

Sheria ndogo hizi zilipigwa Muhuri wa Halmashauri ya Jiji la Mbeya kufuatia maamuzi ya yaliyopitishwa na kikao cha Halmashauri kilichokutana tarehe mwezi Juni 2011.

Muhuri huo ulipigwa mbele ya;



J. A. R. IDDI

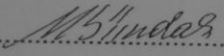
Mkurugenzi wa Jiji



A. S. KAPUNGA

Mstahiki Meya

NAKUBALI



MIZENGO P. PINDA (MB)

WAZIRI MKUU

Dodoma

Tarehe: 30/9/2011.

HALMASHAURI YA WILAYA YA MBEYA

TEL: 025 - 2502260
 Fax: 025 - 2500128
 Email: mbeyaded@yahoo.com



Mkurugenzi Mtendaji
 S.L.P 599
 MBEYA.

TANGAZO LA VIWANJA KATIKA ENEO LA SONGWE 'SATELITE TOWN' HALMASHAURI YA WILAYA YA MBEYA.

MKURUGENZI MTENDAJI WA HALMASHAURI YA WILAYA YA MBEYA ANAWATANGAZIA WANANCHI WOTE KUWA UUZWAJI WA VIWANJA KATIKA ENEO LA SONGWE UTAANZA TAREHE 27/02/2017 NA 28/02/2017. HIVYO WANANCHI WOTE WANAOHITAJI KUMILIKI VIWANJA KISHERIA WAPIKE OFISI YA ARDHI KUCHUKUA FOMU ZA MAOMBI.

GHARAMA YA FOMU ZA MAOMBI NI **TSHS. 20,000/= NA PEDHA HIZO HAZITAREJESHWA.**

GHARAMA ZA KIWANJA KIMOJA KWA MITA MRABA MOJA NI KAMA INAVYOONYESHWA KWENYE JEDWALI HAPA CHINI.

S/N	Matumizi ya Ardhi	Bei (Tshs) @ M ²
1	Makazi	11,500
2	Makazi/Bashara	15,000
3	Bashara	19,000
4	Maeneo ya Umma	19,000
5	Tasisi za Kidini	11,500
6	Maeneo ya Wazi	0
7	Zahanati	11,000
8	Makazi ya wengi (Housing Estate)	19,000
9	Hoteli/Mtaji	19,000
10	Shule za Awali - Nursery School	17,000
11	Shule za Mwingi	17,000
12	Kiwanda cha Huduma (Service Trade)	19,000
13	Viwanda	19,000
14	Makaburi	0
15	Vituo vya Mafuta	19,000
16	Vituo vya kJamii	17,000
17	Bustani ya Umma (Town Park)	19,000
18	Soko	0

Kwa wale watakaokutwa wamegawiwa viwanja hivyo watatakiwa kulipia 20% ya gharama ya kiwanja ndani ya siku 14 baada ya kupokea hati ya malipo na ndani ya siku 14 baada ya kukumilisha malipo ya awali.

Wananchi wote mnakaribishwa

(Signature)
 Amelchory Kulwizila
 Mkurugenzi Mtendaji,
 Halmashauri ya Wilaya ya Mbeya.

MKURUGENZI MTENDAJI
 HALMASHAURI YA WILAYA YA MBEYA

LIMETOLEWA TAREHE 22/02/2017