Improving and Facilitating Land Title Registration Processes in Tanzania

Dr. Francis W. DERBY. USA

Key words: Cadastre, land records management, land registration, land information system.

ABSTRACT

In 1991, the government of Tanzania began to move from its brand of socialism toward land market economy. This move necessitated a change in Tanzania's land policies as well as traditional notions about the value and ownership of land, which are different from western concepts of land ownership. Existing land laws in Tanzania may be summarized as follows:

- There is no absolute ownership of land.
- All the land belongs to the state.
- The President holds the land in trust for the people.
- Undeveloped land has no value and hence it is not a marketable commodity.

The move toward land-market economy underlies a recognition of the value, and therefore, marketability of land. According to the Presidential Commission on Land Reform (1991), existing land policies pose problems for the intensification of agriculture, equitable access to land and sound natural resource management. Arguing in favor of land policy reform, the commission stated among other things, that the benefits include:

- Ensuring recognition of existing customary rights by the state and thereby security in law.
- Ensuring rapid social and economic development by allocating land to its most productive use.
- Streamlining existing land management system and improving efficiency of land management.
- Making it easier to implement a sound land information management system.
- Facilitating protection of land resources from degradation by encouraging development of sustainable resources.

To support this move, it was important for land administrators to anticipate increased transactions involving sale, transfer and mortgage of land as well as increased land development by both public and private sectors. Above all, they have to provide the necessary infrastructure to expedite such transactions and monitor such activities effectively.

CONTACT

Frank Derby, PhD., Asst. Professor of Surveying and GIS
Bell Atlantic Center for Technology
The Pennsylvania State University
P. O. Box PSU
Lehman, PA 18627
USA
Tel. + 1 570 675 9222
Fax + 1 570 675 7713
E-mail: fwd3@psu.edu

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INTRODUCTION

In 1991, the government of Tanzania began to move from its brand of socialism toward land market economy. This move necessitated a change in Tanzania's land policies as well as traditional notions about the value and ownership of land, which are different from western concepts of land ownership. Existing land laws in Tanzania may be summarized as follows:

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PROBLEM IDENTIFICATION

It became necessary for Tanzania, while reforming its land policy, to address problems associated with existing land delivery process. It was necessary to identify problems associated with current land titling and registration practices and to define procedures to eliminate or minimize them. Problems associated with the processing of land title and the recording of such information had to be identified in order to develop databases to support land management operations as well as policy decisions which affect individual rights to land.

In the land market economy, critical activities for land administrators would be to monitor fluctuations in land prices, reveal behavior of property markets, indicate availability of land for development, identify land parcels for which development conditions have been violated, reveal areas of dereliction, and monitor environmental impact of any development. To support such activities, it would be necessary to organize the records in a manner that will ensure synergies of information between various divisions within the Ministry and the public. The approach was to create a Land Information System (LIS) from available land records by computerizing the records. However, this could be done only after the records had been cleaned by removing any duplication, inconsistencies and errors.

CURRENT LAND DELIVERY PROCESS

Land management and land delivery activities are conducted at the Ministry of Land, Housing and Urban Development. Divisions within the Ministry that deal directly with processing, allocating and registering land are Urban Development, Surveys and Mapping and Land Development.

The Urban Development Division is responsible for planning all the land in Tanzania. Activities of this Division include identifying and planning redevelopment areas, renewing blighted urban areas and monitoring development to ensure compliance with the development program in accordance with master plans of cities. The Surveys and Mapping Division provides land survey services to government agencies, maintains geodetic survey control networks, prepares and maintains cadastral and topographic maps for the entire country. The Director of Surveys is responsible for coordinating all public sector mapping activities and for maintaining records of all maps, plans and land surveys which are conducted by government agencies. The Land Development Division is responsible for preparing and issuing titles to land owners, registering titles, resolving disputes involving land ownership, and registering encumbrances. Other responsibilities of the Land Development Division are to evaluate and assess properties for tax purposes.

Land Delivery in Tanzania is done in two stages. The first stage, the land preparation process, involves subdividing the land, placing corner monuments at the parcel boundaries, and surveying the individual parcels. As illustrated in Figure 1, the process begins with a request from the Commissioner for Lands to the Urban Development Division concerning the designated land to be allocated. Subdivision plans are prepared by the Urban Development Division and passed to the Surveys and Mapping Division. The Surveys and Mapping division is responsible for demarcating, placing corner monuments and surveying the parcels. Copies of the subdivision plan are passed to the relevant offices including an allocation committee. Deed plans are also prepared at the Surveys and Mapping Division. Existing maps are then updated with the new subdivision information.

Figure 1. Land Delivery Process.

The second stage, land registration process, involves allocation of the parcels to successful applicants, preparing titles and registering the titles. It is the responsibility of the allocation committee to assign parcels to successful applicants. The Land Development Division is

responsible for preparing and registering the title. After allocation has been done, titles are prepared and sent to the Commissioner for Lands who appends his seal to the title and signs it. The title is finally registered by the Registrar of Titles. Copies of the registered documents are then given to the owners.

RECORD KEEPING AND MAINTENANCE

Land and title records in Tanzania have traditionally been maintained for legal and archival purposes. Each division maintains independent records as well as independent file referencing system for each parcel. Records are maintained in hard-bound registers, index cards and paper files. The Surveys and Mapping Division maintains records pertaining to each subdivision that has been surveyed. The country has been divided into six administrative zones for land surveying activities, however, quality control of survey projects is done by designated officers at the head office.

The title preparation office also maintains independent record keeping and indexing system. Here also, the country has been divided into six zones. The land registry in turn, has six zonal offices. This implies that for each parcel there are at least three independent parcel identifiers. Types of information that are recorded at the title office include location, the city, block number, and survey parcel identifier. In addition, the title office also records the owner's name and address, date of allocation, duration of the lease, start date, end date, land rent and land use.

Although the land registry and the title office are in the same division, the land registry maintains independent set of records for each parcel. Again, the information from the Surveys and Mapping and the Title office is duplicated at the land registry. Other types of information that are recorded by the registrar include an independent parcel identifier which is unique to the land registry, date and time of registration. The registrar's office records other information pertaining to liens, mortgages and other encumbrances. Six zonal registries have been created to handle documents. Current practice at the Land Registry and the Land Development Division is to receive all the documents that are submitted for processing whether they are complete or not. The problem with this practice has been that incomplete documents could not be processed until the missing details have been provided. One obvious problem with the current system is duplication of information.

Although each division assigned a different file identifier, identifiers from previous Divisions are also recorded. In a manual recording system, this procedure has a high potential for mistakes, and above all, makes it impossible to effectively update any record. The main reason for assigning different numbers is internal referencing. Many government offices are reluctant to share information, not even between offices within the same ministry. Lack of cooperation between government departments makes it laborious to generate reports and often hinders the ability to compile information for analysis. Considering the number of files that are maintained by each division, it is impossible to view the records globally and to derive any trend or intelligence from them. Although filing method followed an indexing system, there was no cross-referencing of files between divisional offices.

REORGANIZATION OF EXISTING RECORDS

An important criterion for implementing a functional Information System to support land administration activities is for the records to be complete. Whereas new records can be entered into the system at the processing stage, accuracy and consistency of existing records are equally important for completeness of the database. Some of the problems with the records were multiple ownership of the same plot (duplicate allocation), allocated but unregistered parcels, transfer of ownership without proper documentation and parcels with outdated ownership information such as the owner's address. It was necessary to identify problems associated with existing practices and to define procedures to eliminate or minimize them. It was necessary to simplify the data capture, maintenance, storage and retrieval processes without compromising accuracy or integrity of the data, and to organize the records in a manner that will ease flow of information between various divisions within the Ministry. A procedure for reorganizing and purging existing record of erroneous data is described below with reference to a diagram in Figure 2. The object was to reconcile the records in title office with those at the land registry. The procedure involved the conversion of the cadastral maps and the records at both offices into electronic format.

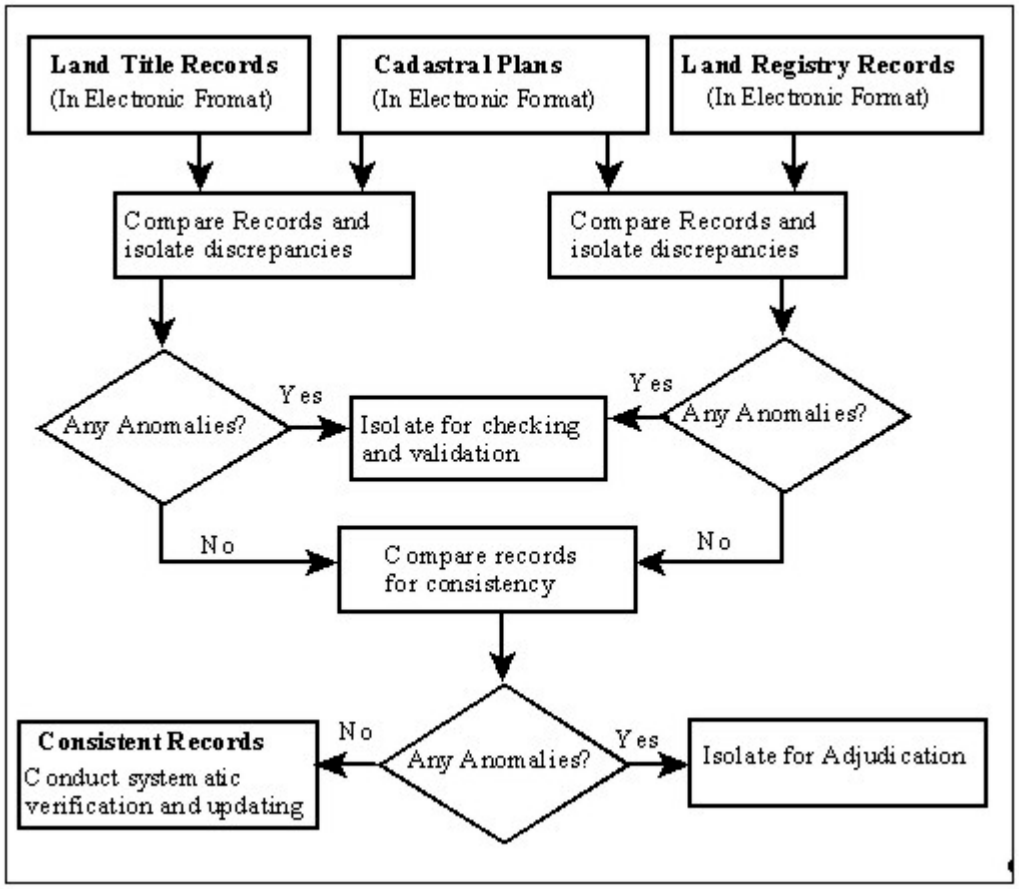

Figure 2. Procedure for Cleaning Existing Records.

i. Cadastral maps and plans should be converted into electronic format, ensuring that parcel identifiers were not duplicated.
ii. Convert records in the land registry into electronic format. Internal consistency should be maintained to ensure that errors are not introduced, especially multiple registration of the same parcel. The location, block number and parcel identifier must not be the same for any two parcels. Also, there should be a single owner for any parcel except homogeneous groups such as families or organizations. Any parcels with erroneous information must be isolated so that an adjudicating team may establish the legal owner.iii. Convert data from the Title office into electronic format, making sure that errors are not introduced into the records, ensuring that the same parcel had not been legally allocated to more than one person, family or organization. Any parcels that violate this condition were isolated so that the legal title could be established.
iv. Records from the Title office were reconciled with the electronic cadastral map. Two possible errors were expected from this comparison; unallocated parcels and titles without valid reference to the cadastral map. Since all parcels must be assigned by the allocation committee in accordance with the cadastral plan, it was possible that those parcels were not either allocated or allocated but were declined by applicants who failed to inform the committee. Titles that did not have valid ground reference indicated the possibility of fraud. Any discrepancies were isolated from the database and verified.
v. Records from the Land Registry database should be compared with those on the digital

cadastral map. Using the block number, location and the parcel identifier, discrepancies between the two records should be identified, removed from the database and corrected. Because titles to be registered are always referenced to the cadastral map before approval, deliberate errors may not occur within the two databases. One piece of information that may be obtained from this query is the number of parcels that have either not been allocated or not registered. The next stage isolates the parcels that have not been allocated form those that have not been registered.

vi. By comparing the results from steps (iv) and (v), the discrepancies showed parcels that had not been allocated. These were isolated for verification. The final result indicated purged and partially accurate information with respect to legality of the allocation uniqueness of the location and identifier and the identity of the owner. However, the records needed to be up-to-date in all respects. A schedule had to be drawn for systematic verifying the currency of the ownership information. Upon completion of this exercise, the existing records for the designated area can be regarded as complete and current. Appropriate action can be then taken to recover missing data for titled but unregistered plots.

RECORDS FROM NEW DOCUMENTS

In the past, the practice at the title office and the land registry has been to accept all documents that are presented for processing. Whenever a document was found to be incomplete, processing was stopped until the owner submitted the missing details. The improved land information system seeks to address some of the problems that were hindering the progress of the previous system. The objective was to streamline current processes by removing unnecessary procedures and ensuring efficiency.

At the reception counters, each document that was presented for processing was checked to ensure that the required supporting documents were included before it was accepted. Incomplete documents were immediately returned to the owner together with a list showing all the missing items. Documents submitted with all the supporting details were accepted and recorded into the computer. The entries were used to keep track of the movement of the files. Entries at the reception counter may be used to analyze the number of documents that were received in a day and the number that have been processed or dispatched over a specified period, the number of titles that have been issued per region per year, etc. The entries also provide an online status of every document that has been submitted for processing. Documents that had been processed were again catalogued into the computer before they were dispatched to respective owners.

DOCUMENT PROCESSING

Having identified the problems with the current procedures for receiving and titling documents, the next approach was to devise a procedure to remove unnecessary human interference, avoid duplication, and to ensure data integrity by introducing checks at critical stages of the process. For example, to avoid duplication of information, entries for location, block number, and the parcel identifier which were first made at the Surveys and Mapping division could be adopted at the Title and land registry offices. This would ensure that a unique identifier is used across divisions. Internal procedures for document processing were

also revised to ensure rapid processing, computerized documentation and easy tracking of documents. The process begins at the Surveys and Mapping division with the newly demarcated and surveyed cadastral plan. The cadastral plan is submitted for approval, together with field notes and all survey computations. A general scheme of approval process is indicated in Figure 3.

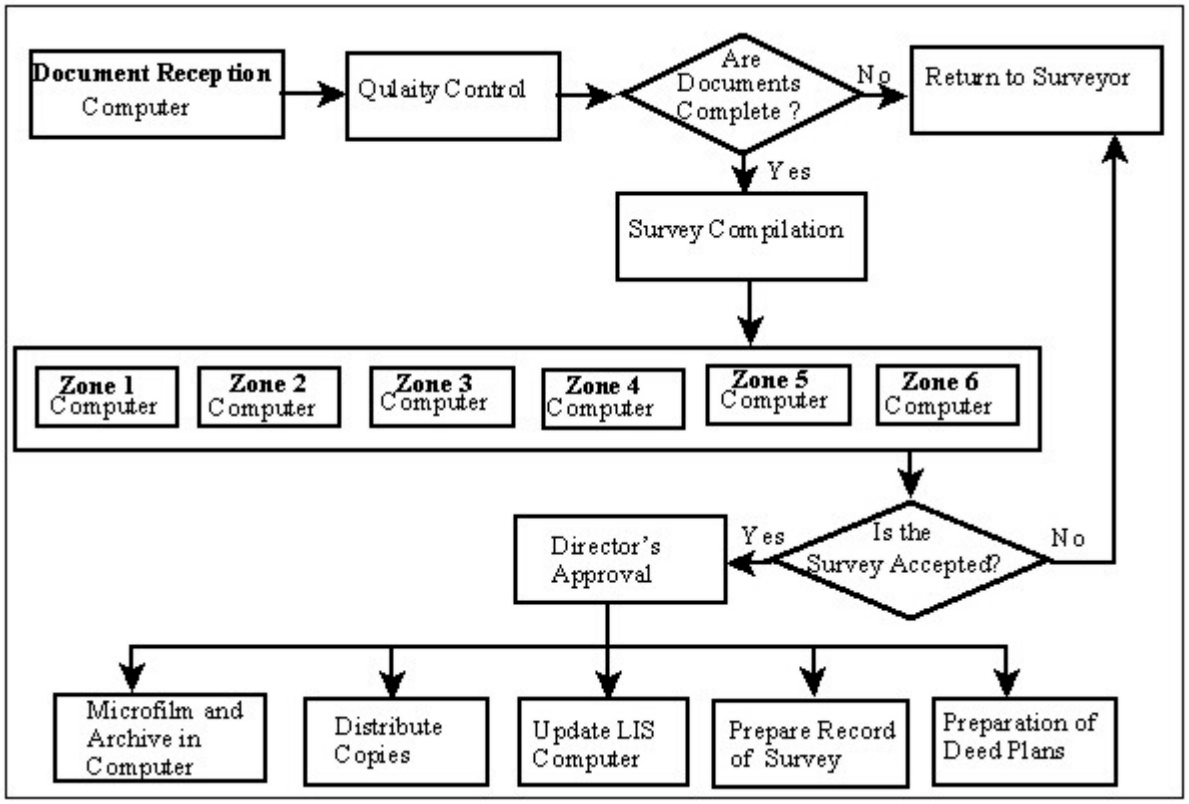

Figure 3. Modified Approach to Cadastral Survey Processing.

After the cadastral plan and the supporting documents have been checked and found to be complete, entries are made in the computer regarding date of submission and other relevant information. The documents are submitted for quality check. At this stage, the cadastral plan is reviewed for overall quality and neatness. The field notes are also reviewed for clarity and proper referencing. The next stage is the compilation check, where the documents are checked regarding choice of survey controls that were used during the survey, proper documentation of any intermediate survey controls that were established during the survey. Finally, to ensure that the entire survey has been conducted in accordance with the survey regulations, the document is passed to the respective zonal officer whose responsibility it is to check the survey calculations and the accuracy of the final plot. Only documents which pass these checks are sent to the Director of surveys for approval. Upon approval, the cadastral map is converted into electronic format and the requisite information is added. Other information such as coordinates and description of any newly constructed survey controls are added to the appropriate databases. Copies of the cadastral plan and associated information are distributed to relevant offices. A copy of the cadastral plan is also submitted to the allocation committee.

It is the responsibility of the allocation committee to assign the parcels to qualified applicants. After allocation, the information is sent to the title office where designated officers prepare the title for the signature of the Commissioner for Lands. The prepared title and supporting documents are submitted to the Title office for processing. Templates are available at the reception desk for checking that all supporting documents are attached before the document is accepted. The processing sequence is illustrated in Figure 4. Entries are made into the computer regarding the ownership of the document and the date of submission. The document is then passed to the respective officer for processing. At the document processing section, the documents and all supporting evidence are checked for validity and accuracy. Checks are also made to ensure that the correct fees have been paid. Templates have been designed with a view to reduce the processing time. Documents with incorrect details are returned to their owners with copies of the template showing missing items and any errors that need to be corrected.

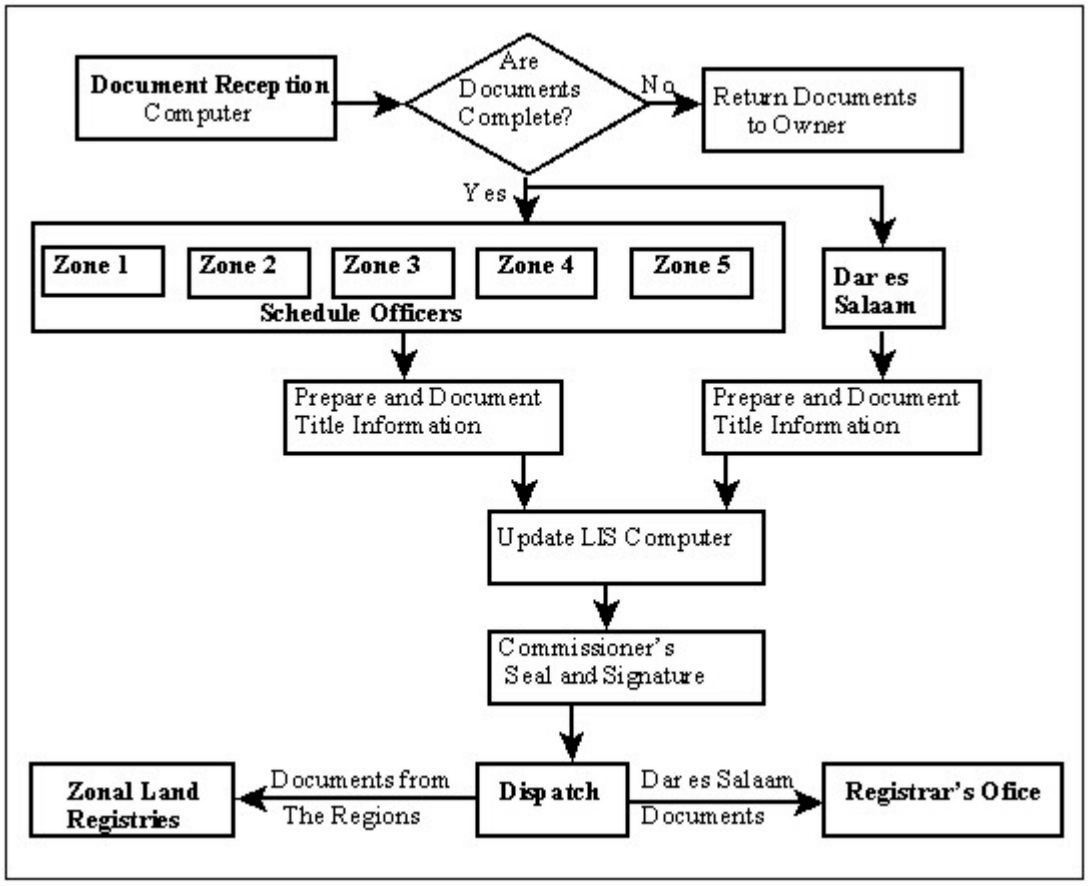

Figure 4. Modified Procedure for Processing New Titles.

Properly prepared documents with evidence of payment of all requisite fees are entered into the appropriate databases. The records are then associated with the deed plan which had already been converted into electronic format at the Surveys and Mapping Division. The title is then sent to the Commissioner for land, who appends his seal and signs the title. Signed titles are catalogued and sent to the zonal land registries.

Since there are several documents that can be registered at the land registry, documents for registration require extensive checking procedures. For this reason, a senior officer is responsible for receiving the documents for registration. This ensures that many of the incomplete and improperly completed documents will be isolated at the entry point. A schematic diagram of the processing stages is shown in Figure 5.

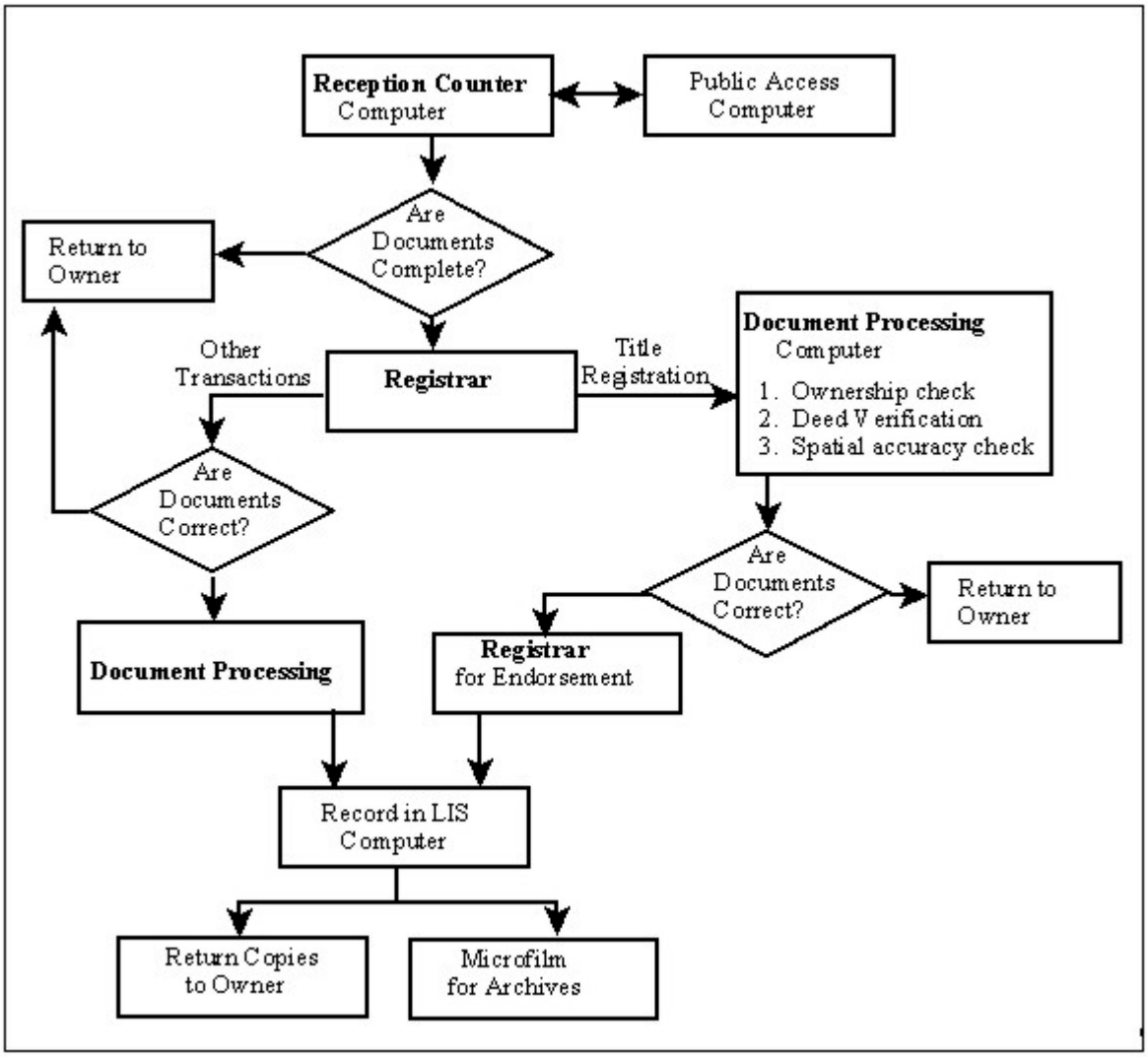

Figure 5. Modified Procedure for Processing Documents at the Land Registry.

Again, after the documents have been checked against the appropriate template for necessary supporting documents, the next stage depends on whether the document is a title or other transactions such as mortgages. The registrar reviews the document to verify the type of registration that is required and passes it to the appropriate officer. For title registration, the officer checks to ensure that names have been entered correctly, and that the field notes are also reviewed for clarity and proper referencing. The next stage is the compilation check, where the documents are checked regarding choice of survey controls that were used during the survey, proper documentation of any intermediate survey controls that were established. Finally, to ensure that the entire survey has been conducted in accordance with the survey

regulations, the document is then passed to the respective zonal officer whose information provided corresponds with the information that was obtained from the Title office. A manual check is done on the deed plan to ensure that it meets the appropriate standard for registration. The next stage is to ensure that the parcel that is referenced does not belong to any other person. The parcel information is checked against the computerized cadastral plant to ensure its location spatially. If the title passes all the checking processes then it is sent to the registrar for endorsement. Date and time of registration are then recorded. Copies of the document are retained for archival purposes. The owner receives a copy of the title.

CONCLUSIONS

A move to adopt land market policy is a major milestone in the land policy of Tanzania. While catering for the expected increase in the registration of land related transactions as a result of the move, computerization of land records became the most appropriate option. It was important to begin with the cadastral records since those records form the core data for land information management system. In a management system, computerization allows vertical flow of information from operational through policy levels and facilitates implementation of policy decisions through the system. Across the system, a land information system allows coordination of activities and cooperation between divisions. However, mere computerization does not resolve inherent problems of inconsistencies, incomplete and non-current data caused by manual system of record keeping. Procedures to remove such inconsistencies in the records were important to the entire success of the project. Completeness of the land records is paramount if the database is to support land administration activities such as predicting market trends, determining availability of land for development, monitoring environmental impact of development and controlling excessive land development and land degradation. By streamlining the document processing activities, transactions can be recorded faster and thereby avoiding any hardships to investors and developers.

This paper has looked a way of reorganizing land records as a step toward implementing a computerized land information system in Tanzania. With the falling prices of computer hardware and software and the associated benefits of analysis to support management decisions, many developing countries are considering converting their existing land records into a computerized land information system. Although the process of land delivery in Tanzania may be different from other countries, this procedure for reorganizing the records offers a faster and cost-effective way for making the best of what is available. Although there were inconsistencies in the records, a substantial number of the records were also found to be accurate.

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REFERENCES

Barnes, G. (1994), *LIS Challenges in Latin America* (part 1). International Journal of Surveying, Mapping and Applied GIS. Vol. 8, No. 4, pp 32-35.

Barnes, G. (1994), *LIS Challenges in Latin America* (part 2)., International Journal of Surveying, Mapping and Applied GIS. Vol 8, No. 5, pp 29-31

Barnes, G. (1993), *The Role of GIS in the development of Cadastral Information System*., GIS Today., July, 1993 (pp 17-21).

Dale, P. F., McLaughlin, J. D. (1989) Land Information Management - An introduction with special reference to cadastral problems in Third World countries. Oxford University Press., England.

Derby, F. W. (1995) *Cadastral Operational, Equipment and Needs assessment for Tanzania*. Report on behalf of Tropical Research and Development Inc., Gainesville, Florida to the World Bank.

Derby, F. W. (1995), *Organization of Land Records in Tanzania*. Report on behalf of Tropical Research and Development Inc., Gainesville, Florida, to the World Bank.

Holstein, L.(1990), *The cadastre as a tool for resource management in developing countries*. Surveying 2000, CASLE.

Holstein, L. (1989), *Land Management Information for Urban Development - Needs, Issues and Options*. The World Bank

Larsson, G. (1991), Land Registration and Cadastral Systems. Wiley and Sons Inc., New York.

McLaughlin, J. D. (1985), *Trends in Land Registration*., Canadian Surveyor, Vol 39 No. 2.

McLaughlin, J. and Nichols, S. (1987), Parcel-based Land Information Systems., Surveying and Mapping, March, pp 22-29

Nichols S. (1994), *Managing Land Tenure Information for Sustainable development.*, Commission 7, FIG XX Congress, Melbourne, Australia.

Report of the meeting of the Ad Hoc Group of Experts on Cadastral Surveying and Mapping (1974). UN publication E/CONF.77/L.I., New York, pp 25-26.

The Government of the United republic of Tanzania, (1992), Report of Presidential Commission of Inquiry into Land Matters. Vol. 1, Dar es Salaam, Tanzania.

The Government of the United Republic of Tanzania. (1993), National Land Policy -Second Draft. Dar es Salaam, Tanzania.

The World Bank (1992), *The Mexican Ejido and Communal land Titling Program*. Mission Report, October-November 1992.

BIOGRAPHICAL NOTES

Dr. Francis Derby, holds a Bachelor's degree from Northeast London Polytechnic in England and a Doctoral degree from the University of Florida, Gainesville in the USA. He is currently a professor of Surveying and Geographic Information Systems at Penn State University. He has extensive international experience in cadastre and Land Information Systems. His experiences include working in Ghana, United Kingdom, the Caribbean, and Tanzania. His current interests include land tenure issues, implementation of Cadastral, Land and Geographic Information Systems.