



**THE UNITED REPUBLIC OF TANZANIA  
NATIONAL AUDIT OFFICE**



**PERFORMANCE AUDIT REPORT ON THE MANAGEMENT  
OF REGULARISATION OF UNPLANNED SETTLEMENTS**



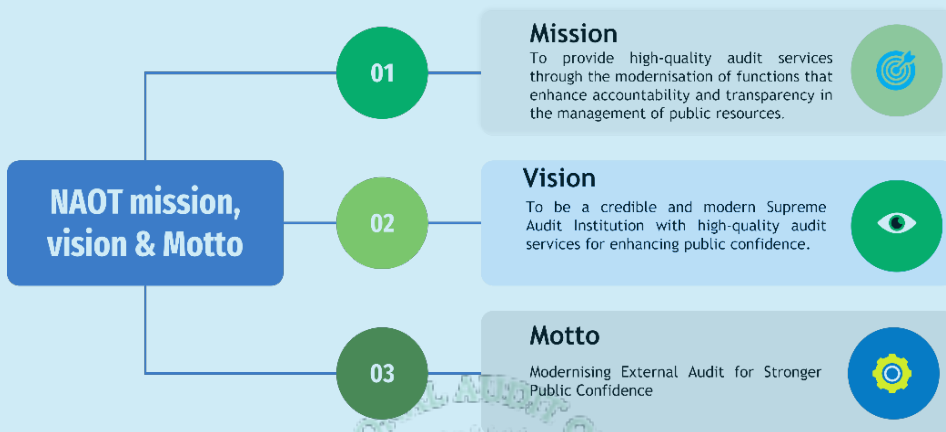
**CONTROLLER AND  
AUDITOR GENERAL**  
**MARCH 2023**





## About National Audit Office

The statutory mandate and responsibilities of the Controller and Auditor General are provided for under Article 143 of the Constitution of the United Republic of Tanzania, 1977 and in Section 10 (1) of the Public Audit Act, Cap. 418.



### Independence and objectivity

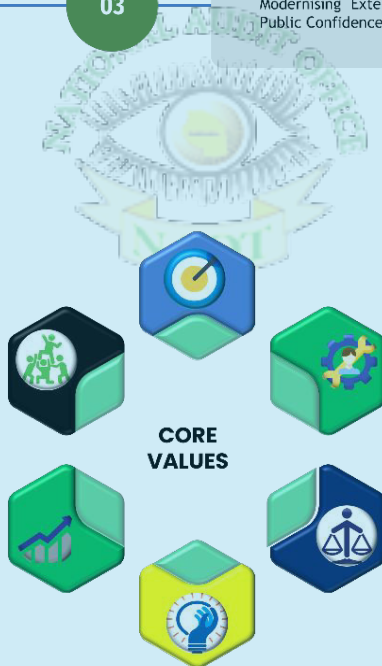
We are an impartial public institution, independently offering high-quality audit services to our clients in an unbiased manner.

### Teamwork Spirit

We value and work together with internal and external stakeholders.

### Results-Oriented

We focus on achievements of reliable, timely, accurate, useful, and clear performance targets.



### Professional competence

We deliver high-quality audit services based on appropriate professional knowledge, skills, and best practices

### Integrity

We observe and maintain high ethical standards and rules of law in the delivery of audit services.

### Creativity and Innovation

We encourage, create, and innovate value-adding ideas for the improvement of audit services.

---

## PREFACE



circumstances.

Section 28 of the Public Audit Act, CAP 418 [R.E. 2021] gives a mandate to the Controller and Auditor General to carry out Performance Audit (Value-for-Money Audit) to establish the economy, efficiency, and effectiveness of any expenditure or use of resources in the Ministries, Departments and Agencies (MDAs), Local Government Authorities (LGAs) and Public Authorities and Other Bodies which involves enquiring, examining, investigating and reporting, as deemed necessary under the

I have the honour to submit to Her Excellency, the President of the United Republic of Tanzania, Hon. Dr. Samia Suluhu Hassan, and through her, to the Parliament of the United Republic of Tanzania, the Performance Audit Report on the Management of Regularisation of Unplanned Settlements.

The report contains findings, conclusions, and recommendations that are directed to the Ministry of Land, Housing and Human Settlement Development and the President's - Office Regional Administration and Local Government.

The Ministry of Land, Housing and Human Settlements Development and the President's Office - Regional Administration and Local Government had the opportunity to scrutinize the factual contents of the report and comment on it. I wish to acknowledge that discussions with the Ministry of Land, Housing and Human Settlement Development and President's Office Regional Administration and Local Government have been useful and constructive.

My Office will carry out a follow-up audit at an appropriate time regarding actions taken by the Ministry of Land, Housing and Human Settlement Development and President's Office - Regional Administration and Local Government in implementing the recommendations given in this report.

In completing the audit assignment, I subjected the draft report to a critical review of subject matter experts, namely Prof. Wilbard Kombe from Ardhi University and Mr. John Andrew Mhando, a retired Officer of the Ministry of Lands, Housing and Human Settlements Development who came up with useful inputs for the improvement of this report.



---

The report was prepared by Mr. Deusdedit S. Muhono (Team Leader), Mr. Denis A. Charle and Mr. Andalason K. Hamba (Team Members) under the supervision and guidance of Ms. Asnath L. Mugassa (Chief External Auditor), Ms. Esnath N. Henry (Assistant Auditor General) and Mr. George C. Haule (Deputy Auditor General).

I would like to thank my staff for their commitment in preparing this report. I also acknowledge the audited entities for their cooperation with my Office, which facilitated the timely completion of the audit.



**Charles E. Kichere**  
**Controller and Auditor General**  
**United Republic of Tanzania**  
**March, 2023**



---

## TABLE OF CONTENTS

<b>PREFACE .....</b>	<b>i</b>
<b>LIST OF FIGURES.....</b>	<b>vii</b>
<b>LIST OF ABBREVIATIONS AND ACRONYMS .....</b>	<b>viii</b>
<b>EXECUTIVE SUMMARY.....</b>	<b>viii</b>
<b>CHAPTER ONE.....</b>	<b>1</b>
<b>INTRODUCTION .....</b>	<b>1</b>
1.1 Background of the Audit.....	1
1.2 Motivation for the Audit .....	2
1.3 Data Validation Process.....	18
1.4 Standard Used for Audit .....	18
1.5 Structure of the Audit Report.....	19
<b>CHAPTER TWO .....</b>	<b>20</b>
<b>SYSTEM FOR MANAGING REGULARISATION OF UNPLANNED SETTLEMENTS. 20</b>	
2.1 Introduction .....	20
2.2 Governing Policies, Laws and Regulations .....	20
2.3 Roles and Responsibilities of Key Actors and Stakeholders .....	25
2.4 Key Processes in the Management of Regularisation of Unplanned Settlements.....	33
2.5 Resources .....	36
<b>CHAPTER THREE.....</b>	<b>40</b>
<b>AUDIT FINDINGS .....</b>	<b>40</b>
3.1 Introduction .....	40
3.2 Extent of the Management of Regularisation Activities .....	40
3.3 LGAs inadequately Planned for the Implementation of the Regularisation Activities.....	48
3.4 Inadequate Implementation of Regularisation Activities.....	67
3.5 Inadequate Coordination of Regularisation Activities by MLHHSD and PO-RALG.....	96
3.6 Inadequate Monitoring of Regularisation Activities by MLHHSD and PO- RALG .....	98
<b>CHAPTER FOUR .....</b>	<b>106</b>

---

<b>AUDIT CONCLUSION .....</b>	<b>106</b>
4.1 Introduction .....	106
4.2 General Conclusion .....	106
4.3 Specific Conclusion .....	107
<b>CHAPTER FIVE.....</b>	<b>111</b>
<b>RECOMMENDATIONS .....</b>	<b>111</b>
5.1 Introduction .....	111
5.2 Recommendations to the Ministry of Lands, Housing and Human Settlements Development .....	111
5.3 Recommendations to the President’s Office - Regional Administration and Local Government .....	113
<b>REFERENCES.....</b>	<b>116</b>
<b>APPENDICES .....</b>	<b>119</b>



---

## LIST OF TABLES

Table 1.1: Selection of the Regions to be Covered .....	14
Table 1.2: Summary of Selected LGAs .....	16
Table 1.3: Summary of Regions and LGAs that were visited .....	16
Table 2.1: The Legislation, Issues Covered and Responsible Entities for Regularisation of Unplanned Settlements .....	22
Table 2.2: Key Activities and Role in Management of Regularisation of Unplanned Settlements .....	33
Table 2.3: Key Steps Involved in the Regularisation of Unplanned Settlements ...	34
Table 3.3: Extent of inclusion of Regularization Activities in the Planning Document of MLHSD and PO-RALG .....	50
Table 3.4: Budget Allocation to Regional Land Offices and LGAs from MLHSD .....	53
Table 3.5: Budget Allocation to the Regional Land Offices for the Regularisation by MLHSD .....	54
Table 3.6: Staff in Regional Land Offices .....	56
Table 3.8: Extent of Conducting Awareness Meetings in the visited LGAs.....	60
Table 3.9: Status of Payments for Regularisation Fees in LGAs .....	61
Table 3.10: Modality of Engaging Private Companies in the Identification, Planning and Surveying of Unplanned Settlements .....	65
Table 3.11: Number of Identified and Planned Land Parcels .....	68
Table 3.12: Identified and Planned Land Parcels in LGAs .....	69
Table 3.13: Extent of Delays in the Completion of Land Regularisation Activities.....	72
Table 3.14: Percentage of Surveyed Planned Land Parcels for Regularisation	74
Table 3.15: Percent of Community/Household that Contributes Cost for Land Regularisation.....	76
Table 3.16: Examples of Private Firms Engaged in Many Streets for Land Regularisation.....	79
Table 3.17: Percent of Paid Amount to Land Regularisation Company.....	82
Table 3.18: Paid Up Land Parcels Compared to Planned Land Parcel .....	85
Table 3.19: Names of Private Companies Fully Paid and Number of Completed Plans and Surveys .....	86
Table 3.20: Status of Survey Plans and Issuance of Titles.....	91
Table 3.21: Status of Issuance of Invoices and Issuance of Titles in Visited LGAs .....	92
Table 3.22: Human Resources/Staff Cadre Available at Visited LGAs and Regional Land Offices .....	95
Table 3.23: Companies Which have Absconded from Site without Completing Planning and Surveying Works.....	101

---

## LIST OF FIGURES

Figure 2.1: Policies Providing for Regularisation of Unplanned Settlements ..	21
Figure 2.2: Guideline for Regularisation of Unplanned Settlements.....	23
Figure 2.3: National Strategies on Regularisation of Unplanned Settlements.	25
Figure 2.4:MLHHS's Divisional Function on Regularisation of Unplanned Settlements .....	27
Figure 2.5:Role of PO-RALG Processes in the Managing Regularisation of Unplanned Settlements .....	28
Figure 2.6:Institutional Set-up for the Management of Regularisation of Unplanned Settlements .....	32
Figure 2.7:The Process Flows in the Management of Regularisation of Unplanned Settlements .....	35
Figure 3.1 : Percentage of Regularized Land Parcels for the Visited Regions.	46
Figure 3.2: Extent of Regularized Land Parcels for the Visited LGAs.....	47
Figure 3.3: Number of Staff in the Visited Regional Land Offices .....	57
Figure 3.4: Performance of LGAs in Planning for Identified Unplanned Areas	70
Figure 3.5:Number of Planned and Surveyed Land Parcels of the Visited Regions.....	71
Figure 3.6: Performance of LGAs in Surveying of Planned Land Parcels .....	75
Figure 3.7:Status of Issued Invoices for Approved Survey Plans for the Selected Regions.....	89
Figure 3.8: Status of Issuance of Invoices Compared to Approved Survey Plans at LGA Level .....	90



---

## LIST OF ABBREVIATIONS AND ACRONYMS

Cap	: Chapter
CC	: City Council
DC	: District Council
DRUD	: Directorate of Rural and Urban Development
FYDP	: Five Years Development Plan
GN	: Government Notice
GPS	: Global Positioning Systems
INTOSAI	: International Organisation for Supreme Audit Institutions
ISSAIs	: International Standards for Supreme Audit Institutions
LGAs	: Local Government Authorities
MC	: Municipal Council
MDAs	: Ministries, Departments and Agencies
MLHSD	: Ministry of Lands, Housing and Human Settlements Developments
MoU	: Memorandum of Understanding
NAO	: National Audit Office
NCLSP	: National Council for Land Surveyors Professional
NHSDP	: National Human Settlements Development Policy
Para	: Paragraph
PO-RALG	: President's Office - Regional Administration and Local Government
RLO	: Regional Land Office
RS	: Regional Secretariat
SDG	: Sustainable Development Goals
SPs	: Strategic Plans
TA	: Township Authority
TC	: Town Council
TPRB	: Tanzania Planners Registration Board
TPs	: Town Plans
TZS	: Tanzanian Shillings
URT	: United Republic of Tanzania

---

## EXECUTIVE SUMMARY

### Background of the Audit

The National Land Policy of 1995 recognises the rights of land occupiers in informal settlements. Section 3 of the policy outlines that residents in unplanned areas ought to have their rights recorded and maintained by the relevant land allocating authority and that those records have to be registered. On the other hand, Section 4.1.4 of the National Human Settlements Development Policy (NHSDP, 2000) recognises informal settlements in urban areas and acknowledges that they are a result of rapid population increase that is associated with high natural birth rates and sustained rural-urban migration.

The audit objective was to determine whether MLHSD and PO-RALG effectively manage regularisation of unplanned settlement in order to ensure that such settlements are improved.

The main audited entities were the Ministry of Lands, Housing and Human Settlements Development (MLHSD) and the President's Office - Regional Administration and Local Government (PO-RALG).

The audit mainly focused on the planning, execution, monitoring and coordination of land regularisation activities implemented by LGAs in planning and surveying of properties in informal settlements. The audit also focused on the execution of regularisation activities covering engagement of private companies, planning and surveying of land parcels, preparation of Town Planning, and preparation of survey plans, approvals of town planning and surveying layout plans drawings for regularisation and funding for regularisation activities. The Audit Team assessed effectiveness of monitoring of regularisation activities from planning to implementation of planned monitoring activities, adequacy of recommendations as well as the corrective measures taken.

The audit covered a period of five financial years starting from 2017/2018 to 2021/22. The period was selected because it was the period when the government engaged private companies in regularisation of land parcels whereby various projects were implemented in the country. Furthermore, the period was selected to show the performance of regularisation of unplanned settlements' performance trend over time in particular on

---

planning, surveying, issuance of invoices and processing titles for regularised land parcels or properties.

## **Audit Findings**

### **Non-Attainment of Target for Reducing the Magnitude of Unplanned Settlements**

According to the Five Years Development Plan II, 2016/17 - 2021/22 the government through MLHHSd had planned to reduce the magnitude of unplanned settlements from 66% to 50% by 2021/22.

The Audit noted that, based on statistics of 30<sup>th</sup> June 2022, from 2013/14 when the regularisation activities commenced there were 2,348,324 identified land parcels. Out of these, 171,210 parcels completed process of regularisation by the owners being issued with title deeds, which is equivalent to 7% of the identified land parcels. This means, MLHHSd was able to reduce the magnitude of unplanned settlements by 7% for the period of 8 years.

For the past five years under review, it can be noted that none of the regions that were visited performed beyond 50% of completion of regularisation activities. Songwe was the only region that scored higher (11%) whereas Dodoma and Mbeya regions had completed regularisation activities at only 2%.

### **54% of the Planning Authorities (LGAs) did not Identify Areas for Regularisation**

Strategic Plan for Monitoring of Completion of Regularisation of Unplanned Settlements, 2021 issued by MLHHSd, indicated that by June, 2022, 46% of all LGAs were implementing regularisation programs. This means that 54% of all LGAs were not implementing the regularisation program despite the fact that there were areas which qualified for regularisation. The review of the Sector Minister's budgetary speech of 2020/21 revealed that by 31<sup>st</sup> May 2021, 117 of identified areas for regularisation were received by MLHHSd from 19 out of 186 Planning Authorities, which is equivalent to 10% of all Planning Authorities in the country.

---

## **98% of Identified Land Parcels were Planned and Approved**

The review of regularisation statistics provided by the MLHSD showed that since 2013 when the regularisation program was launched, the Ministry was expected to complete regularisation of unplanned settlements by providing titles for the identified land parcels by June 2023.

However, review and analysis of regularisation statistics provided by MLHSD on the number of identified regularisation areas and planned areas, showed that up to the end of the financial year 2021/22, there were 2,315,170 planned land parcels out of 2,348,324 identified land parcels. This is equivalent to 98% of all identified land parcels indicating good performance in planning.

## **52% of the Planned Land Parcels for Regularisation were not Surveyed**

According to Para 5.4 of the Guidelines for the Preparation of General Planning Schemes and Detailed Schemes for New Areas, Urban Renewal of 2019 require MLHSD in coordination with PO-RALG to ensure that planned and approved land parcels are surveyed.

Review of the Strategic Plan for Completion of Regularisation of Unplanned Settlements of 2021, showed that MLHSD was able to survey 1,079,174 (equivalent to 48%) of all planned land parcels under regularisation projects. Analysis of regularisation statistics as of 30<sup>th</sup> June 2022 provided by MLHSD showed that the surveyed land parcels for the past five financial years were not proportional to the number of planned land plots. The MLHSD's statistics provided indicated that since the start of regularisation of unplanned settlements in the year 2013, the MLHSD surveyed and approved 1,079,174 out of 2,258,339 planned land parcels. This means that there were still 1,179,165 land parcels that were not yet surveyed which is equivalent to 52%.

## **61% of Surveyed Land Parcels were Not Issued with Titles**

Review of regularisation statistics indicated that, up to the time of this audit, 443,525 of owners of surveyed land parcels were issued with invoices for processing title deeds. However, only 171,210 titles were processed. This is equivalent to 39% of all issued invoices countrywide.

---

This means that titles for 61% of all owners of surveyed land parcels who were issued with invoices for processing titles were not processed. This shows slow response by property owners to pay for the costs of regularisation of their properties.

Delays in issuance of invoices to land owners for further processing of title deeds led to a number of streets not being regularised as per plan, which required regularisation to be completed by the year 2023. This delay in issuance of titles to the planned and surveyed land parcels may lead to emergence of more unplanned settlements due to informal reselling to other persons.

### **The Ministries, Regional Land Offices and LGAs did not Adequately Integrate Regularisation Activities in their Strategic Plans and Annual Plans**

The review of MLHSD and PO-RALG Strategic Plans indicated that over the past five years MLHSD apportioned a maximum of 2 % of the total budgeted amount for regularisation of unplanned settlements activities. The maximum amount allocated was noted in the financial year 2020/21. Furthermore, for the years 2017/18 to 2018/19, no budget was allocated for regularisation activities.

On the other hand, review of PO-RALG's Strategic Plan of 2015/16 - 2020/21 and 2021/22 - 2025/26 indicated that, PO-RALG did not set or provide funds to facilitate regularisation activities in the LGAs for the past five years. Furthermore, review of the two Medium Term Expenditure Frameworks for years 2015/16 - 2017/18 and 2018/19 - 2020/21 also revealed that Po-RALG did not set aside funds for regularisation activities.

Furthermore, in order to facilitate the implementation of regularization activities, Para 4.4.1 (ii) of Regularisation Guideline, 2021 requires LGAs to establish a task force within the Department of Town Planning to support preparation, implementation and monitoring of regularisation activities.

The review of the Annual Plans and Progress Reports availed to the Audit Team for the period 2017/18 to 2021/22 and interviews with officials from visited LGAs, the Audit Team noted that out of the five visited LGAs, only one (Tunduma TC) had instituted a task force to carry out regularisation



---

activities. Meaning that the remaining LGAs did not form a task force to undertake the regularisation activities as required by Para 4.4.1 (ii) of the Regularisation Guideline of 2021.

Absence of the dedicated task force to carry-out regularisation activities was attributed to lack of budget to fund supervision of regularisation activities in cases where LGAs self-carried out regularisation activities. The slow pace of contributions from the property/land owners to cover regularisation costs was also an attributing factor, especially where regularisation was carried out through engagement of private planning and land survey companies. As a result, LGAs did not streamline regularisation activities in their annual planning, monitoring and reporting of regularisation activities.

The reason given by the interviewed Officials indicated that, this was because regularisation activities particularly planning and surveying activities were carried out by private companies and were financed by individual community members own contributions. However, the Audit Team noted that non-inclusion of regularisation activities in the Strategic Plans and Annual Plans was due to low priority given to these activities. This was confirmed by lack of dedicated budget for the identification, planning, surveying and titling activities with respect to regularisation.

Some of the consequences are that:

- (i) The country is unlikely to achieve the Five-year Development Plan III, Target 1.2 on Human Settlements Development, which aims at increasing the number of regularised properties in unplanned settlements from 1,496,357 in 2019/20 to 2,496,357 by 2025/26;
- (ii) The country also is unlikely to meet the Sustainable Development Goals and Targets as outlined in Goal 11, Target 3 which requires countries to enhance inclusive and sustainable urbanization and capacity for participatory, integrated and sustainable human settlement planning and management by 2030; and

- 
- (iii) Increasing environmental degradation due to increasing informal settlements.

### **Deficit of Human Resources at Regional Land Offices and Local Government Authorities (LGAs)**

Review of Annual Progress Report of MLHSD for the financial year 2020/21 indicated a deficit of staff required to facilitate the supervision of private companies engaged in planning, surveying and regularisation of land plots. The report showed that, by 30<sup>th</sup> June, 2021 the Ministry's Headquarters and Regional Offices had 2,139 employees. However, the required number was 5,234 staff and therefore there was a deficit of 2,895 staff<sup>1</sup>. The audit conducted analysis of three cadres, which are Town Planners, Land Surveyors and Land Officers, which were directly linked with regularisation in Regional Land Offices and LGAs.

Furthermore, the Audit Team found that there was a huge gap of staffing at Regional Land Offices in the visited regions. The Cartographers cadre had the highest staffing deficit where the gap ranged between 80% and 100% for Dodoma (80%), Mbeya (94%), Kigoma (96%) and Songwe (100%). Cadres with lower staffing deficit were Town Planners (which ranged between 61% to 81%), Surveyors (33% to 72%) and Land Officers (24% to 80%).

For LGAs, the Audit found that staffing level was inadequate in four out of five visited LGAs except for Dodoma CC which had an excess of 13 staff. The lowest staffing level was observed at Tunduma TC which had a staffing deficit of 19 staff of different cadres.

As a result of low staffing, in a case where the regularisation coordinator was absent, there was no other staff who could provide regularisation information due to allocation of one staff to coordinate regularisation activities within the Regional Land Offices and LGAs. This was observed in Kibagwa TA where the regularisation coordinator was on study leave, and in Mbarali DC where the coordinator had been recently appointed to the post (only three months as at the time of this Audit).

---

<sup>1</sup>Annual Progress Report of MLHSD for 2020/21

---

### **Ineffective Plan for Conducting Community Awareness on Regularisation Activities**

Section 3(vii) of the Circular Number 1 of 2019 on Regularization of Unplanned Settlements in the country requires LGAs officials (professional in town planning and land surveying) to organise public campaigns for sensitization and awareness of people regarding regularisation of their respective areas.

However, review of availed regularisation reports showed that LGAs did not include awareness and sensitization campaigns in their annual work plans and budgets. In addition, all visited LGAs were not reporting on awareness and sensitizations that were conducted and did not have records of sensitization activities.

This was evidenced by interviews with officials from the eight visited LGAs; where the audit noted existence of inadequate awareness campaigns to communities from ward to street levels where regularisation activities were carried out. This was attributed to non-inclusion of sensitization campaigns and budget provisions in respective LGAs. As a result, the local communities were demoralised in contributing towards regularisation costs and thereby causing delay in completing the regularisation process.

### **Inadequate Plan for Engagement of Qualified Private Companies for Planning and Surveying of Land Parcels**

The Audit Team noted that LGAs did not plan for engagement of private companies for land planning and surveying under the regularisation activities. According to the Strategic Plan for Regularisation of Unplanned Settlements of 2021, 163 private companies for planning and surveying participated in the regularisation process in 26 regions and 158 LGAs (with 1,651 streets) in the country. Nevertheless, review of the availed LGAs' Annual Procurement Plans for the financial years 2017/18 to 2021/22 indicated that LGAs did not plan for the procurement of private companies services for land planning and surveying in the regularisation activities.

---

As a result, no funds were allocated for procurement, supervision and inspection of regularisation activities being undertaken by private companies in respective LGAs.

### **Delays in the Completion of Regularisation Activities**

The Audit Team found that there were delays in completion of planning, surveying and issuance of titles for the land parcels owners. The analysis further indicated delays in completion of regularisation, which ranged from 1.4 to 2.7 years. More delays were noted in Kibaigwa Township Authority. Similarly, for three visited regions with five sampled LGAs, two LGAs (Tunduma TC and Mbalali DC) had no contract with private companies for planning and surveying of identified land parcels as the activities were done by staff from Tunduma TC and Ardhi University respectively. In one LGA namely Dodoma CC there were no implementation reports for execution of contracts which were signed between the Council and Private Planning and Surveying Companies.

The analysis of regularisation with regards to how many of the identified land parcels were planned shows that at the National level, RLO and LGAs, 2,348,324 land parcels were identified whereas out of it 2,315,170 land parcels were planned. This represents 98% of all identified land parcels in the country.

Furthermore, review of statistics for regularisation of unplanned settlements issued by MLHSD up to 30<sup>th</sup> September 2022 showed that among the five visited regions of Dodoma, Dar es Salaam, Mbeya, Songwe and Kigoma, not all identified land parcels were planned. The relative higher rate of unplanned land parcels was noted in Mbeya Region (93%) whilst the lowest rate was noted in Dodoma Region, which had 85% of identified land parcels unplanned.

On the other hand, the Audit Team made an analysis of identified land parcels and planned land parcels in the visited eight LGAs namely Dodoma CC, Mbeya CC, Tunduma TC, Mbarali DC, Kigoma Ujiji MC, Ilala MC, Buhigwe DC and Kibaigwa TA. The results indicate that since regularisation started in 2013, there has been an increasing trend of planning the identified land parcels for regularisation purposes. It can be noted that

---

Mbeya CC and Kibaigwa TA were able to plan 97% of the identified land parcels as of 30<sup>th</sup>

September 2022. The analysis shows that the rate of unplanned settlements at the visited LGAs ranged between 2% and 24%. This means that there is an increasing rate of planning for all identified areas for regularisation purposes.

### **Ineffective Mechanism for Contracting the Private Planning and Surveying Companies**

The Audit Team found that private firms were not well assessed on their performance capacity before awarding contracts. As a result, some had inadequate financial capacity to effectively carry out planning and surveying activities under regularisation. Noted examples included Husea Co. Ltd (in Mbeya CC), and HRS Ltd (in Kibaigwa TA) which pulled out of the activities after failing to proceed with planning and surveying of identified land parcels for lack of financial stability.

Review of Regularisation Reports for the years 2017/18 to 2021/22 from the visited regions indicated that, there were companies with inadequate human resources and equipment that had multiple contracts for planning and surveying of land parcels under regularisation.

It was further noted, that LGAs were not carrying-out evaluation of the private companies before approving their request to undertake planning and surveying activities. The audit noted that there were neither evaluation reports nor assessment criteria for evaluating the private companies. As a result, LGAs did not have hands-on information on the capacity of the private companies. This led to delays in completion of the projects and inadequate management of the planning and surveying activities.

### **Ineffective Mechanisms of Funding of Planning and Surveying of Unplanned Settlements**

Para 3(xi) of the Circular Number 1 of 2019 on Regularization of land/plots in the country requires the Regularisation Committee to open bank account in which owners of land plots will deposit their individual



---

contributions for regularisation activities (*planning and surveying of land plots*). The audit analysis showed that the amount paid to the regularisation companies was less than 50% in three LGAs of Dodoma CC, Kibaigwa TA and Mbeya CC. There were no financial reports in Mbarali DC. Tunduma DC and Buhigwe DC used its own staff to carry out regularisation activities. Kigoma Ujiji MC was the only LGA, which had paid the contracted companies at a 70% rate. Despite the fact that they were supposed to collect regularisation fees from the communities, they did not keep records of fees collected.

Ilala MC did not avail any records about trend of payments to engaged private companies. As a result, due to lack of records and slow pace in payment to private companies engaged in identification, planning and surveying of unplanned settlements, there has been delays for the private firms in proceeding with the regularisation activities.

However, further interviews held with regularisation coordinators and officials responsible for inspecting works such as Town Planners, Surveyors and Officers in the five visited LGAs, three LGAs namely Dodoma CC, Kibaigwa TC and Mbeya CC had put in place control mechanisms for inspecting works before payments. One LGAs namely Mbarali DC did not have details of contributions and payments made to the Institutions engaged in planning and surveying land parcels. As such it was not aware of the status of payments to the respective institution.

Review of payments details/transactions indicated that five out of eight LGAs visited did not maintain detailed breakdown of status of payments and contributions of regularisation costs from the local community. Hence these were unable to provide detailed transactions for payments of regularisation cost as well as payment timelines.

Furthermore, the Audit Team noted that, some of the private companies carried out planning and surveying activities using their own sources of funds expecting to recover the same from contributions made by the communities. However, to date most private companies have not yet recovered full amount of the money that was used for planning and surveying activities. In all visited LGAs, there was no private company which was active on site to ensure that planning and survey works, are completed. This, according to them, was due to laxity on part of the communities to pay for the regularisation costs. As such they could not

---

proceed with work without finance to pay for personnel, Town Plans drawings and Survey Plans approval fees.

The impact of such claims to regularisation of unplanned settlements was the fact that, most of the companies have not produced the town plan drawings and survey maps for further processing.

### **Inadequate Coordination of Regularisation Activities by MLHSD and PO-RALG**

In general, it was noted that the Institutional set-up and reporting line between LGAs and Regional Land Offices is not adequately and clearly defined. Officials dealing with land matters (Town planners, Surveyors, Land Officers and Valuers) at the LGAs are not directly responsible and accountable to LGAs management. They are accountable to Regional Land Offices only, although they execute duties of the LGAs.

As a result, there is an overlap of responsibilities when carrying out regularisation activities especially when reviewing town planning and survey drawings submitted by private companies. This is because the reviewers of the plans/drawings are at the same time the approving authority. This leads to conflict of interest at LGAs and Regional Land Offices level. In turn, this undermines good governance practices in the implementation of regularisation activities.

Further, the current set-up does not facilitate direct sharing of regularisation information between the two Ministries and in that case, MLHSD does not have hand-on information on the status of regularisation at LGAs levels. The disciplinary authority of the officials responsible with regularisation is the Land Commissioner as such, LGAs did not have disciplinary control over the land sector officers. This may lead to non-accountability in case of unprofessional practices at LGAs level.

### **Lack of Planning for Monitoring of Regularisation Activities**

There was low priority given by LGAs to the regularisation activities because the government did not finance the scheme. This made companies undertake planning activities beyond the agreed timelines as per their contracts without any monitoring or action being undertaken by

---

responsible Regional Land Offices and LGAs. This was caused by non-monitoring of regularisation activities because they were neither planned nor budgeted for.

Failure to monitor the performance of LGAs and private companies undertaking regularisation activities in LGAs may lead to non-accomplishment of the regularisation process. This is because of outstanding balances owed to the private companies for planning and surveying works, reluctance of the local communities to contribute to regularisation costs and delays in approving town plans, survey plans and issuance of land titles.

### **Inadequate Follow-up of Private Companies' Performance in Regularisation Activities**

MLHHSO carried out an assessment in 2020 on the challenges facing regularisation in the country and came up with recommendations. However, the report was not availed to the Audit Team for review. The impact for irregular follow-up on the implementation of regularisation activities in the country has led to underperformance of LGAs such as Tunduma and private companies working in LGAs such as Mbarali District Council.

### **Audit Conclusion**

The Audit concludes that the regularisation process has facilitated the issuance of title deeds, increased land value and security of tenure for unplanned settlements. However, more efforts need to be employed to ensure that regularisation activities of unplanned settlements are timely completed.

Despite the fact that regularisation has played a vital role in improving human settlements in urban areas, the exercise is generally not well managed. Thus, it is unlikely that the regularisation of all informal settlements will be concluded by 2023 as per government's target.

MLHHSO does not adequately provide budget for overseeing regularisation activities. As such, MLHHSO does not carry out regular monitoring and coordination of the regularisation activities. Regional Lands Offices do not

---

have specific budget to inspect and supervise regularisation activities at regional levels. On the other hand, PO-RALG does not plan or set budget for overseeing regularisation activities in the country. As a result, LGAs do not adequately plan and monitor the implementation of regularisation activities in the country.


There are prolonged delays in completing the regularisation process through planning, surveying of land parcels, issuance of invoices and processing land title in the regularisation process. These require policy actions, particularly through the enforcement of the national informal settlements regularisation guidelines, as a way to address the weaknesses emerging from regularisation projects in the studied settlements.

### **Audit Recommendations**

#### **Recommendations to the Ministry of Lands, Housing and Human Settlements Development**

##### ***To improve Planning for Implementation of Regularisation Activities on Unplanned Settlement***

*The Ministry of Lands, Housing and Human Settlements Development should:*

- 
- a) Enforce the regularisation guidelines to enhance guidance, consistency, accountability and efficiency in managing regularisation of unplanned settlements;
  - b) Integrate regularisation activities in its plans and prioritise its implementation at Regional Land Offices and LGAs; and
  - c) Collaborate with PO-RALG to review the correct administrative set-up where the land sector officers are accountable to the Ministry of Lands. The set-up should aim to decentralize and enhance accountability to the respective LGAs.

---

***To improve the Implementation of Regularisation Activities on Unplanned Settlement***

*The Ministry of Lands, Housing and Human Settlements Development should:*

- (a) Devise mechanisms that will ensure regularisation activities are finalized on time;
- (b) Strengthen coordination, monitoring and reporting of regularisation functions at Regional Land Offices so that regularisation activities are swiftly implemented;
- (c) In collaboration with LGAs/PO-RALG, review the current regularisation agreements/contracts and enforce their implementation. Where necessary a standard contract template should be devised and put in place to address weaknesses in the contracts;
- (d) Establish a mechanism that will ensure that, all identified land parcels or settlements designated for regularization are planned, surveyed and titles issued on time;

***To Enhance Coordination of Regularisation Activities on Unplanned Settlements***

*The Ministry of Lands, Housing and Human Settlements Development should:*

- a) Develop, in collaboration with PO-RALG, a coordination mechanism that will ensure regularization activities are coordinated from National level and at Regional Land Offices and Local Government Authorities levels.



---

### ***To Improve Monitoring of Regularisation Activities of Unplanned Settlements***

*The Ministry of Lands, Housing and Human Settlements Development should:*

- a) Prepare regularisation monitoring and review plans and ensure that they are implemented on timely basis and met; and
- b) Ensure that LGAs timely report on regularisation activities and make follow-ups on issues recommended and monitoring reports, as well as compile regularization data on timely basis.

### **Recommendations to the President's Office - Regional Administration and Local Government**

#### ***To improve Planning for Implementation of Regularisation Activities on Unplanned Settlement***

*The President's Office - Regional Administration and Local Government should:*

- a) Prioritise regularisation of unplanned settlements activities and embed them in its annual plans and ensure that they are swiftly implemented; and
- b) Commit resources to ensure that regularisation activities in the LGAs are implemented timely.

#### ***To Improve Implementation of Regularisation Activities on Unplanned Settlements***

*The President's Office - Regional Administration and Local Government should:*

- a) Devise a community awareness and advocacy mechanism to local communities to ensure their contributions are timely collected;

- 
- b) Ensure that LGAs carry out inspections and supervision of the current regularisation contracts to ensure that they are executed and complied with as per agreements; and
  - c) Consider subsidizing the remaining regularisation activities to ensure that they are executed and completed by 2023.

***To improve Coordination of Regularisation of Unplanned Settlements Activities***

*The President's Office - Regional Administration and Local Government should:*

- a) In collaboration with MLHSD, review the institutional set-up of officials working under LGAs on the matters related to land to ensure that there is clear line of responsibility and accountability at LGAs' level; and
- b) Enhance information sharing in all activities undertaken by private companies during regularisation.

***To Improve Monitoring of Regularisation Activities on Unplanned Settlements***

*The President's Office - Regional Administration and Local Government should:*

- a) Ensure Regional land offices and LGAs prepare monitoring plans with key performance indicators for measuring performance of LGAs and private companies engaged in planning and surveying of unplanned settlement during regularisation;
- b) ensure LGAs conduct inspections, report and follow-up on inspection results and take necessary remedial measures in case of engaged private companies failing to honour the agreements;
- c) Institute mandatory mechanisms for LGAs in addition to the form presented in the guidelines issued in 2021, to be used to monitor, assess and report the performance of regularisation activities carried-out by private companies. The mechanism should provide

---

sufficient and informative information to allow effective assessment and to be used for decision making;

- d) In collaboration with MLHSD, put in place a mechanism to ensure that LGAs plays their statutory role and transparently select, monitor and report to the PO-RALG the performance of private companies involved in regularisation activities; and
- e) Ensure adequate professional staff on land matters that includes town planners, surveyors and land officers are recruited in LGAs and Regional Land Offices to carry out regularisation activitie





---

## CHAPTER ONE

### INTRODUCTION

#### 1.1 Background of the Audit

Regularization of unplanned settlements is a process whereby Planning Authorities identify unplanned land parcels in urban areas and go through formalization process by planning, surveying and issuing titles to owners of regularised land parcels. Through regularisation unplanned areas are improved by providing access to basic infrastructure services such as roads, water and electricity facilities to the communities involved<sup>2</sup>. Regularisation process is provided for in the Land Act 1999 as well as in the Urban Planning Act 2007. Most importantly, the property rights of the land/house owners in informal settlements are enhanced through titling.

Land regularisation as one of the remedies to combat informal settlements is used as a means for legalization of land which was owned and/or acquired irregularly and thus lacking legal status. Land regularisation reflects fundamental changes in the land laws in Tanzania like giving legal recognition of the disadvantaged landholders in the informal sector by respecting their property rights. It ensures legal recognition of land acquired irregularly, promote security of land tenure and expected to reduce the level of poverty to individual landholders and nation at large.<sup>3</sup> On the other hand, land allocation means an act done by the government of distributing or providing land as a right of occupancy or lease to an individual or a group of persons or legal persons or institutions and organizations<sup>4</sup>.

---

<sup>2</sup>Magina, F.B., Kyessi, A.G., & Kombe, J.W. (2020). The Urban Land Nexus- Challenges and Opportunities of Regularising Informal Settlements: The Case Studies of Dar es Salaam and Mwanza in Tanzania. *Journal of African Real Estate Research*, 5(1), pp.32-54

<sup>3</sup>Boshe, P (2007), Land Regularisation in Tanzania: The Revolution in Land Laws and a Tool to Millennium Development Goal 7 Target 11, *Open University Law Journal*, Vol.1 No.2 December 2007

<sup>4</sup>[https://www.google.com/search?rlz=1C1GCEU\\_enTZ918TZ918&sxsrf=ALiCzsZ6i52RbOBJSYNCxnKJo6yfHkPiaw:1651839963630&q=Land+allocation+definition&sa=X&ved=2ahUKewim3Iey78r3AhVa8rsIHZ2QBikQ1QJ6BAg6EAE&biw=1242&bih=545&dpr=1.1](https://www.google.com/search?rlz=1C1GCEU_enTZ918TZ918&sxsrf=ALiCzsZ6i52RbOBJSYNCxnKJo6yfHkPiaw:1651839963630&q=Land+allocation+definition&sa=X&ved=2ahUKewim3Iey78r3AhVa8rsIHZ2QBikQ1QJ6BAg6EAE&biw=1242&bih=545&dpr=1.1)

---

Regularisation of unplanned settlements is managed through planning where resources are set aside to implement the regularisation activities. Implementation is the actual activity where Planning Authorities identify unplanned areas for regularisation in urban areas, plan and survey of unplanned land and subsequently the issuances of titles to land plots owners by the Ministry of Lands, Housing and Human Settlements Development (MLHSD). This exercise is further monitored throughout the regularisation process and evaluated to measure its performance and assess whether the intended targets are met.

Accordingly, the Government recognizes the importance of engaging the private sector to complement its efforts in delivering land services. Section 23 (2) of the Urban Planning Act, 2007 provides that, experts drawn from private firms or other professionals can be instructed to prepare land use planning schemes. However, in order to ensure adherence to planning regulations and standards, private firms have to be supervised by the respective planning authorities, for this case Local Government Authorities (LGAs).



Therefore, land regularisation remains an important tool to enhance habitable cities and protect long-term public and private interests in land development. In order to achieve this, policy actions are required to support the protection of public interests in land regularisation and harmonise the costs of regularisation<sup>5</sup>.

## **1.2 Motivation for the Audit**

### **Urban Population Accommodate more than 70% of Informal Settlements**

Informal settlements in Tanzania accommodate more than 70% of the urban population. Owing to this, the Tanzanian government has undertaken several initiatives to address the growing size and number of informal settlements. One of such initiative is regularisation, which addresses security of tenure for residents of these settlements. Most of the people living in informal settlements lack legal recognition of their land/property. As a result, properties in such settlements often command

---

<sup>5</sup>Said Nuhu & Wilbard Jackson Kombe (2021) Experiences of private firms in delivering land services in peri-urban areas in Tanzania, International Planning Studies, 26:2, 101-116, DOI: 10.1080/13563475.2020.1752158

---

lower value and lack of security of tenure.<sup>6</sup> This means that providing security of tenure through regularisation also intends to encourage investment into those areas.

### **More than 50% of Urban Residents in Tanzania Live in Unplanned Settlements**

According to the Human Settlements Development Policy of 2000, more than 50% of urban residents in Tanzania live in unplanned settlements. Such residents have no access to sanitary and other basic services. They also have no security of tenure. Existing unplanned settlements contain a considerable stock of houses and other buildings which must be preserved. The aim of the Government is to ensure that all urban residents are provided with basic services that are essential to human health<sup>7</sup> and overall wellbeing.

### **Goal 11 of the United Nations Sustainable Development (2030)**

Goal 11 of the United Nations Sustainable Development Goals (2030), Target No. 11.3 of the Sustainable Development Goals aims at ensuring cities and human settlements are inclusive. This may be attained through enhancing inclusive and sustainable urbanization and sustainable human settlements planning and management in all countries. Therefore, proper management of regularisation of land parcels will enhance the initiatives to achieve Target 11.3 of Goal 11 of the SDG.

### **National Five-Year Development Plan from 2015/16 to 2020/21**

Furthermore, this audit was motivated by indicators and targets for urbanisation, housing and sustainable human settlements in the National Five-Year Development Plan from 2015/16 to 2020/21. According to this, the MLHSD target is to reduce the percentage of land covered by informal settlements from 66% in 2015/16 to 50% in 2021. To attain this target, there is a need for proper planning, commitment and management activities of regularisation of unplanned settlements by all the key stakeholders including central and local governments and communities.

---

<sup>6</sup>Magina, F.B., Kyessi, A.G., & Kombe, J.W. (2020). The Urban Land Nexus - Challenges and Opportunities of Regularising Informal Settlements: The Case Studies of Dar es Salaam and Mwanza in Tanzania. *Journal of African Real Estate Research*, 5(1), pp.32-54. DOI: 10.15641/jarer.v5i1.837

<sup>7</sup>National Human Settlement Development Policy, 2000 Para 6.4.0



---

Therefore, this audit aimed to highlight areas to improve in the management of regularisation of unplanned settlements activities.

### **Loss of Revenue Resulting from Untitled Surveyed Land Plots**

Moreover, the audit was motivated by increasing loss of government revenue resulting from untitled surveyed land plots. According to the speech by the Minister for Lands, Housing and Human Settlement Development dated 10<sup>th</sup> January, 2021 the delays in regularisation and issuance of certificate of occupancies to citizens has denied the government revenue that could be generated from land rents. It was reported that a total of 1,638,062 land parcels were regularized while only 643,685 were surveyed but certificates of occupancies were not issued. If all surveyed plots were allocated at a unit price of TZS 120,000 the projected amount of revenue from such plots was expected to be TZS 77.24 billion.

In view of the above, the Controller and Auditor General decided to carry-out a performance audit on the Management of Regularisation of Unplanned Settlements. The intention was to examine performance of the audited entities in relation to the management of regularisation of unplanned settlements and recommend areas for improvements.

#### **1.2.1 Design of the Audit**

##### **Audit Objective**

The audit objective was to determine whether MLHSD and PO-RALG effectively manage regularisation of unplanned settlements in order to ensure human settlements are improved.

##### **Specific Objectives**

In order to address the audit objective, four specific audit objectives were used. Thus, the specific objectives of the audit were to determine whether:

- a) LGAs adequately plan and budget for the implementation of regularisation activities;

- 
- b) LGAs ensure the effective execution of identification, planning, surveying and issuance of title deeds in the regularisation of unplanned settlements;
  - c) MLHHSD and PO-RALG adequately coordinate planning and surveying activities implemented by LGAs, Private Companies, Regional Land Offices, and other stakeholders; and
  - d) MLHHSD and PO-RALG effectively monitor and evaluate planning and surveying activities.

Detailed audit questions and sub-questions are presented in **Appendix Two** of this report.

### 1.2.2 Scope of the Audit

The main audited entities were the Ministry of Lands, Housing and Human Settlements Development (MLHHSD) and the President's Office - Regional Administration and Local Government (PO-RALG).

The Ministry of Lands, Housing and Human Settlements Development was selected since it is responsible for land allocation, preparation of documents related to rights of occupancy, land dispute settlements, overseeing all issues related to land administration, and to provide expertise and services in the provision of survey charts, plans and maps. On the other hand, PO-RALG through LGAs is responsible for approving land regularisation drawings prepared by private companies and submitting them to MLHHSD for approval and overseeing the implementation of land parcels regularisation as a planning authority.

The audit mainly focused on the planning, execution, monitoring and coordination of land regularisation activities implemented by LGAs in planning, surveying and titling land parcels. Specifically, the audit assessed the available measures in planning with respect to both human, financial resources, identification of area for regularisation, awareness programs, and procurement of private company to be engaged in regularisation activities.

---

The audit also focused on the execution of regularisation activities covering engagement of private companies, planning and surveying of land parcels, preparation of town planning drawings, and preparation of survey plans, approvals of town planning and surveying layout plans drawings for regularisation, issuance of titles and funding for regularisation activities.

Also, the audit assessed effectiveness of monitoring of regularisation activities from planning and implementation of planned monitoring activities, adequacy of issued recommendations as well as the corrective measures taken.

On the other hand, coordination of stakeholders in land regularisation activities involved assessing sharing of information among Regional Land Offices and Planning Authorities (LGAs) in managing private companies to adequately discharge their duties. Follow-up of all coordinated activities was also assessed.

Additionally, the audit covered regularisation activities' aspects of planning, surveying and titling of regularized land parcels. The audit covered the whole country, but data were collected in four case studies comprising regions that were selected based on geographical representation.

The audit covered all types of lands parcels i.e. all parcels that were found in the area under regularisation activities irrespective of the categories of land parcels. The audit covered all processes involved in land regularisation starting from the identification of areas for regularisation, preparatory regularisation activities, land parcels planning, surveying to issuance of survey maps for regularised land parcels and titling.

Further, the audit covered a period of five financial years starting from 2017/2018 to 2021/22. The period was selected because it was the period when the government started engaging private companies in regularisation of land/property in unplanned settlements. Following this, several regularisation projects were undertaken in the country. Furthermore, this period was intended to provide the audit team the opportunity to assess the trend of performance of regularisation of unplanned settlements in the country.

---

### 1.2.3 Assessment Criteria

In order to assess the performance of MLHSD and PO-RALG in the management of regularisation of unplanned settlements, assessment criteria were drawn from legislations, regularisation guidelines, circulars and best practices.

The following are the assessment criteria for each specific audit objective:

#### **(a) Planning for Regularisation Activities**

Section 23 (1) of the Urban Planning Act, 2007 declares LGAs as Planning Authorities in their areas of jurisdiction. It provides responsibilities of Planning Authorities in planning, surveying and regularizing land parcels and enforcement functions of land development control within their respective jurisdictions.

Para 5.4 of the Guidelines for the Preparation of General Planning Schemes and Detailed Schemes for New Areas, Urban Renewal and Regularisation of 2007, requires the Central Government and Local Government Authorities to provide financial and technical support. Furthermore, LGAs are required as well to establish a unit within the Department of Town Planning to support preparation, implementation and monitoring of regularization.

Also, Para 3(vii) of the Circular Number 1 of 2019 on the Regularization of Land Parcels in the country, requires LGAs' Officials (Professionals in Town Planning and Land Survey) to organise public hearings for sensitization of people regarding regularisation of respective areas. The Officials are required to provide awareness on policy and legislations on regularisation issues. Furthermore, Para 4.4.1 of the Guideline for Regularization of Land parcels of 2021 requires the LGAs to identify areas for land parcels regularisation. The Land Act, 1999 provides that such areas have to be among the consolidated informal or unplanned settlements that are growing rapidly<sup>8</sup>.

---

<sup>8</sup>As will be noted later, the intervention or regularisation of unplanned settlements which are already consolidated may be too late to rescue public interests including land for public uses.

---

International Guidelines on Urban and Territorial Planning requires Local Authorities, in cooperation with other spheres of government and relevant partners, to ensure that low-income areas, informal settlements and slums are upgraded and integrated into the urban fabric with the minimum disruption of livelihoods, displacements and relocations. Affected groups should be compensated at the appropriate level when disruption is unavoidable<sup>9</sup>.

### **(b) Implementation of Regularisation Activities**

According to Para 3(xiii) of the Guideline for Regularisation of Land parcels, November, 2021, Planning Authorities are required to monitor and evaluate the performance of regularisation activities as carried-out by private companies.

Para 3(v) of the Circular Number 1 of 2019 on the Regularization of Land parcels in the country requires LGAs to engage private companies in planning and surveying of land parcels based on meeting the stipulated criteria such as qualification, and experience and registration of such companies to relevant Professional Boards.

Additionally, Section 39(2) of the Public Procurement Act, 2011 (as amended in 2016) requires Procuring Entities through the User Departments to prepare a schedule of requirements for procurement of private companies as part of the budget process, which is submitted to the Procurement Management Unit for the preparation of Annual Procurement Plan. The signed Regularisation Contracts and Annual Procurement Plans of respective years were used as the basis for the criteria.

Furthermore, LGAs are required to select private companies for the execution of regularisation of land parcels in areas/streets after they are satisfied that, the engaged companies have qualifications, capability, competency, are registered by the Town Planning Registration Board and have good records on executing regularization activities.

In addition, Para 3(xi) and 3(xii) of the Circular Number 1 of 2019 on Regularization of Land parcels in the country requires Regularisation

---

<sup>9</sup> [https://unhabitat.org/sites/default/files/download-manager-files/IG-UTP\\_English.pdf](https://unhabitat.org/sites/default/files/download-manager-files/IG-UTP_English.pdf)

---

Committees to open bank accounts in which owners of land plots/property are required to deposit their individual contributions for regularisation activities (planning and surveying of land parcels). It further requires the respective Planning Authority to monitor this account so as to safeguard the funds from parcels owners, with two signatories from street level and two signatories from planning authority level.

Moreover, Para 3(vii) of the Circular Number 1 of 2019 on Regularization of Land Parcels in the country requires LGAs officials (professional in town planning and land surveying) to organise public hearing for sensitization of people regarding regularisation of respective areas. The officials are required to promote awareness on policy and legislations on regularisation issues.

The International UN Conference on Human Settlements (Habitat II), 1996 under Clause 76 (j) which provides for access to land requires that Nations should ensure that they develop appropriate cadastral systems and streamline land registration procedures in order to facilitate the regularisation of informal settlements, where appropriate and simplify land transactions<sup>10</sup>.

### **(c) Coordination of Regularisation Activities**

According to Para 4(ii) of the Guideline for Regularisation of Land Parcels, November, 2021, PO-RALG is required to coordinate LGAs, the Ministry of Lands Housing and Human Settlements Development and other Stakeholders in regularisation of land parcels.

Para 5.4 of the Guidelines for the Preparation of General Planning Schemes and Detailed Schemes for New Areas, Urban Renewal and Regularization requires the Ministry for Lands to also provide regulatory instruments and tools to support local governments oversee preparation and implementation of Schemes of Regularisation in their respective areas. Its major function shall be to coordinate and monitor execution of regularization schemes.

Furthermore, Para 4(ii) of the Guideline for Regularisation of Land Parcels, 2021) requires the PO-RALG to monitor the implementation of

---

<sup>10</sup>Adopted at the 18<sup>th</sup> plenary meeting, on 14 June 1996; for the discussion, Chap. VIII

---

regularisation activities in all planning authorities. Also, Para 6(ix) of the Guidelines requires the MLHSD to conduct monitoring, supervision and participatory evaluation on regularisation in all levels and issue advice accordingly.

In addition, Para 5.6 of the Guidelines for the Preparation of General Planning Schemes and Detailed Schemes for New Areas, Urban Renewal and Regularization requires the Minister of Lands, Housing and Human Settlements Development to periodically study the implementation stages of planning, surveying and issuing of title deeds in order to suggest amendments where necessary.

The UN Habitat<sup>11</sup> encourages authorities within metropolitan areas to develop mechanisms and to foster, as appropriate, legal, financial, administrative, planning and coordination instruments in order to achieve more equitable, ordered and functional cities.

Moreover, the New Urban Agenda Item 20<sup>12</sup> urges all national, subnational and local governments, as well as all relevant stakeholders, in line with national policies and legislation, to revitalize, strengthen and create partnerships, enhancing coordination and cooperation to effectively implement the New Urban Agenda and realize shared vision.

#### **(d) Monitoring of the Implementation of Regularisation Activities**

According to Para 4(ii) of the Guideline for Regularisation of Land Parcels, November, 2021, PO-RALG is required to monitor the implementation of the regularisation activities as carried out in Planning Authorities.

Similarly, Para 6(ix) of the Guideline for Regularisation of Unplanned Settlements, 2021, requires MLHSD to adequately conduct supervision, monitoring and participatory evaluation of implementation of land parcels at regional and LGAs levels.

---

<sup>11</sup>Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996 (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annex I.



---

Para 3(xii) of the Circular No. 1 of 2019 on Regularisation of Land Parcels in the Country requires LGAs, through officer responsible for coordinating regularization activities, to monitor execution of regularisation activities carried out by private companies. It is also required to monitor standards on the execution of works and to advise the regularisation committee on the status of executed work in relation to the cost required (payment to the private companies based on executed work).

Also, Para 3 (xiii) requires payments to the private companies to be made by LGAs after LGAs town planners and land surveyors have proved that, the executed work is equivalent to the payment requested, and regularisation contract.

Para 2.1, part 5 of the Guideline for Preparation of Plans for Unplanned Settlements, 2016 further requires LGAs to appoint and form Regularisation Technical team for managing regularisation activities. Similarly, Para 5.5 of the Guidelines for the Preparation of General Planning Schemes and Detailed Schemes for New Areas, Urban Renewal and Regularization requires Urban planners in collaboration with Ward/Mtaa Offices to monitor implementation of the approved schemes of regularization at regular intervals incrementally.

Further, Para 5.6 states that, “there shall be a periodic auditing by the Ministry (MLHSD) in collaboration with the Local Government Authority on the implementation of the regularization scheme for determining the adherence to standards set and persistence of change of development conditions”. Furthermore, the United Nations<sup>13</sup> emphasises that Nations should be committed to involve marginalized and/or disadvantaged groups and individuals in the planning, decision-making, monitoring and assessment related to human settlements development.

Moreover, the New Urban Agenda<sup>14</sup> commits nations to support efforts to define and reinforce inclusive and transparent monitoring systems for reducing the proportion of people living in slums and informal settlements, taking into account the experiences gained from previous

---

<sup>13</sup>Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996 (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annex I.

<sup>14</sup>United Nations: Resolution adopted by the General Assembly on 23 December 2016: “New Urban Agenda Quito Declaration on Sustainable Cities and Human Settlements for All”

---

efforts to improve the living conditions of slum and informal settlement dwellers.

Goal 11 target 11.3 aims at enhancing the making of cities inclusive, safe resilient and sustainable. Indicators 11.1.1 of SDG 11 requires countries to work towards reduction of the proportion of urban population living in slums, informal settlements or inadequate housing. This indicator is used to measure urban population living in slum households. Also, indicators 11.3.1 and 11.3.2 aim at enhancing inclusive and sustainable urbanisation and capacity for participatory, integrated and sustainable human settlements planning and management in all countries.

#### **1.2.4 Sampling, Methods for Data Collection, and Data Analysis**

Various methods for sampling, data collection and analysis were used by the Audit Team as follows:

##### **(i) Sampling Technique Used in the Audit**

The Audit Team used non-probability sampling to select regions and district to be visited. Purposive sampling was used to select region to be visited by selecting regions in which regularisation activities were conducted. Purposive sampling was used to select Regions and LGAs to be covered based on consideration of the following factors:

##### **(a) Selection of Categories of Regularised Unplanned Settlements**

*Categories of Use of Land Parcels:* Regularisation involves all unplanned settlements that are found in the respective areas/streets. The Audit Team selected all categories of land parcels that are covered under regularisation. This is because the regularisation process is the same for all categories. Covering both categories enabled the audit team to compare the performance of the Ministries in both categories.

*Ownership and Nature of Land Parcels for Regularisation:* Land parcels for regularisation covers both government and private owned unplanned settlement in the country. Therefore, all land parcels were considered for audit regardless of the ownership.

---

## (b) Selection of Regions that were Covered

Regions to be visited were selected based on the number of identified land parcels and the geographical dispersion as described below:

*Number of Land Parcels Identified for Regularisation:* From the financial year 2017/18 to 2021/22 in all 26 Regions the identified land parcels for regularization ranged from 2,166 to 604,571. Based on the number of land parcels identified in various Regions, the audit ranked the Regions as high, low and medium. The Audit Team selected Regions with more than 10,000 land parcels that were identified for regularisation. In this case, 24 regions met the criteria.

Thereafter, those regions were ranked into low, medium and high. The regions with identified land parcels more than 10,000 but not exceeding 100,000 land parcels were ranked as low, while those with identified land parcels above 100,000 but not exceeding 300,000 were ranked as medium. Those with more than 300,000 identified land parcel were ranked as high.

Therefore, the audit selected two regions, namely Dodoma and Dar es Salaam that were ranked high, one region namely Mbeya that fell under medium and two regions namely Kigoma and Songwe that were ranked as low. The selection of all three categories of regions aimed to assess and compare levels of performance and the efforts put forth by the government towards management of regularization activities in regions with varying sizes/number of properties in unplanned settlements.

*Geographical Dispersion:* Also, apart from the number of land parcels for regularisation, regions were also divided into three parts namely Northern, Central and Southern parts of the country. In this case, the audit ensured that the selected regions covered each major geographical zone of the country. Therefore, in the Northern part, one region was selected namely Kigoma, for the Central part two regions were selected namely Dar es Salaam and Dodoma, and for the Southern part, two regions were selected which are Mbeya and Songwe. Details of the selected regions to be covered are as provided in **Table 1.1**.

**Table 1.1: Selection of the Regions to be Covered**

Name of the Region	Identified Number of Land Parcels for Regularisation	Part of the Country	Selected Region	Categories of Number of Land Parcels identified for Regularization (High, Medium, Low)
Simiyu	29,825	Northern	Kigoma	Low
Kilimanjaro	32,656			
Manyara	35,598			
Geita	38,265			
Mara	48,486			
Kigoma	49,534			
Tanga	52,225			
Kagera	57,476			
Arusha	68,047			
Mwanza	233,138			
Singida	16,600	Central	Dar es Salaam and Dodoma	High
Shinyanga	61,161			
Tabora	68,640			
Morogoro	75,699			
Pwani	88,338			
Dodoma	385,318			
Dar es Salaam	604,571			
Songwe	11,987	Southern	Songwe and Mbeya	Low and Medium
Iringa	20,333			
Lindi	20,781			
Njombe	30,830			
Ruvuma	50,714			
Mtwara	58,448			
Mbeya	129,205			

Source: Auditors' Analysis of Regularization Statistics from the MLHSD (2022)

### (c) Selection of LGAs that were Visited in the Sampled Regions

From the five sampled Regions, LGAs were also purposively selected taking into considerations of two factors, namely (i) number of identified land parcels and (ii) categories of LGAs in the respective regions. The factors are as described below:

---

*Number of Identified Land Parcels:* 28 LGAs in the selected Regions had a minimum of 533 and maximum of 336,843 identified land parcels. The Audit Team sampled those LGAs with at least 3,000 identified land parcels for each of the five identified regions.

*Clusters of LGAs:* Furthermore, in selecting the LGAs, the Audit Team ensured that all administrative categories of the LGAs i.e. City, Municipal, District, Town Councils, and Township Authority were covered for comparison purposes.

*Categories of LGAs:* In addition, the Audit Team categorised LGAs in three groups namely those with high number of identified land parcels, medium and low for comparison purposes. LGAs with identified land parcels between 3,000 and 9,999 were considered as low, 10,000 to 99,999 as medium, while those falling between 100,000 and above were considered as high.

Accordingly, under each category and cluster, two LGAs were selected, one with high and the other with low number of identified land parcels. Therefore, a total of eight Planning Authorities (LGAs) representing each cluster and category were selected. Further details are provided in **Appendix 3**.

From the analysis, based on the five sampled regions which were categorised in three parts of the country, the eight selected LGAs were; Dodoma City Council, Mbeya City Council, Ilala Municipal Council, Kigoma Ujiji Municipal Council, Tunduma Town Council, Kibaigwa Township Authority, Mbarali District Council and Buhigwe District Council. A summary of selected LGAs per cluster and category is as indicated in **Table 1.2** below;

**Table 1.2: Summary of Selected LGAs**

LGAs	Cluster	Category
Dodoma	City Council	High
Mbeya	City Council	Low
Ilala	Municipal Council	High
Kigoma Ujiji	Municipal Council	Low
Kibaigwa	Township Authority	High
Tunduma	Town Council	Low
Mbarali	District Council	High
Buhigwe	District Council	Low

*Source: Auditors' Analysis on the Selected LGAs (2022)*

Therefore, overall summary of regions and respective LGAs that were visited is presented in **Table 1.3** below;

**Table 1.3: Summary of Regions and LGAs that were visited**

Part	Region	Cluster of Planning Authority (LGA)			
		City	Municipal	District	Township /Town Council
Northern	Kigoma	-	Kigoma Ujiji	Buhigwe	-
Central	Dar es Salaam	-	Ilala	-	-
	Dodoma	Dodoma	-	-	Kibaigwa
Southern	Mbeya	Mbeya	-	Mbarali	-
	Songwe	-	-	-	Tunduma
<b>Total</b>	<b>5</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>

*Source: Auditors' Analysis of Data Collected from MLHSD (2022)*

## (ii) Methods for Data Collection

Both qualitative and quantitative data were collected to obtain evidence regarding regularisation activities carried out in specific areas. Three different methods were used to collect the required qualitative and quantitative data which are interviews, documentary reviews and physical verifications.

### (a) Document Reviews

The audit team reviewed various documents from the Ministry of Lands, Housing and Human Settlements Development, and the President's Office -

---

Regional Administration and Local Government. The document reviews intended to gain comprehensive and reliable information on the regulation of private companies engaged in planning and surveying in regularisation of land parcels in the country. This helped the Audit Team to identify the risks/impact and possible causes and thereafter be able to gather evidences and come up with clear findings and recommendations.

Documents reviewed covered the financial years from 2017/18 to 2021/22 and included plans, performance reports, verification and monitoring reports. The Audit Team reviewed also the established database of identified areas for regularisation and strategies for implementation. Category of documents reviewed and reasons thereof are detailed in **Appendix 4**.

#### ***(b) Interviews***

Different Officials responsible for management of regularisation of land parcels from the Ministry of Lands, Housing and Human Settlements Development, and the President's Office - Regional Administration and Local Government were interviewed. In addition, five Regional Land Offices and eight LGAs from the selected regions and members of the Regularisation Committees were also interviewed.

During the interviews, auditors were guided by an interview guide that was developed depending on the responsibilities of the officials who were interviewed. Refer to **Appendix 5** for more details of the Officials interviewed.

#### ***(c) Physical Verifications***

The audit team visited five Regional Land Offices and eight LGAs to observe activities regarding management of regularisation activities. During the visit, auditors observed the provision of regularisation services. Observing interviews were conducted with those officials who were involved in providing regularisation services and private companies, members of Regularisation Committees and selected representatives /members of community whose settlements were regularised. In all visited sites, auditors took notes and photos as evidence of what was observed.



---

### (iii) Methods for Data Analysis

The collected information was analysed using both qualitative and quantitative methods to obtain facts and sufficient information regarding the overall performance of MLHSD and PO-RALG with respect to the regularisation of unplanned settlements.

Quantitative data collected through interviews and documents review were analysed using excel spread sheet. *Quantitative data* were analysed by organizing, summarizing and compiling them using different statistical methods for data computations. The analysed data were then presented in tables and graphs.

*Qualitative data* were described and contents compared so that they can be explained in order to extract key findings versus the audit questions.

Data were entered on a spread sheet and used to explain and answer the ‘why’ questions. Simple pie-charts graphs were used to describe and compare the proportion under each main theme identified.

#### 1.3 Data Validation Process

The Ministry of Land, Housing and Human Settlement Development, and the President’s Office - Regional Administration and Local Government were given the opportunity to go through the draft report and comment on the figures and presented information. The Ministries confirmed on the accuracy of the figures used and the presented information in the audit report. The comments and responses of MLHSD and PO-RALG are presented in **Appendix 1** of this report.

In addition, experts in the field of urban planning cross-checked the presented information and data for validation of information obtained and presented in the report.

#### 1.4 Standard Used for Audit

The audit was conducted in accordance with the International Standards for Supreme Audit Institutions (ISSAIs) on performance auditing issued by the International Organization of Supreme Audit Institutions (INTOSAI). These standards require that the audit is planned and performed in order

---

to obtain sufficient and appropriate evidence so as to provide a reasonable basis for the findings and conclusion based on audit objectives.

### 1.5 Structure of the Audit Report

The subsequent chapters of this report are as presented below;



---

## CHAPTER TWO

### SYSTEM FOR MANAGING REGULARISATION OF UNPLANNED SETTLEMENTS

#### 2.1 Introduction

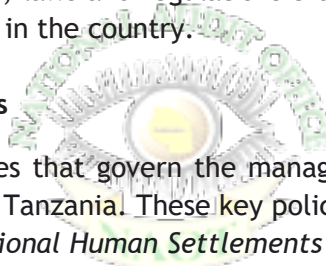
This chapter describes the system for managing regularisation of unplanned settlements. It provides details on governing policies, legal framework, strategies, guidelines, key players and their responsibilities, resource arrangement and processes in management of regularisation of unplanned settlements in the country.

#### 2.2 Governing Policies, Laws and Regulations

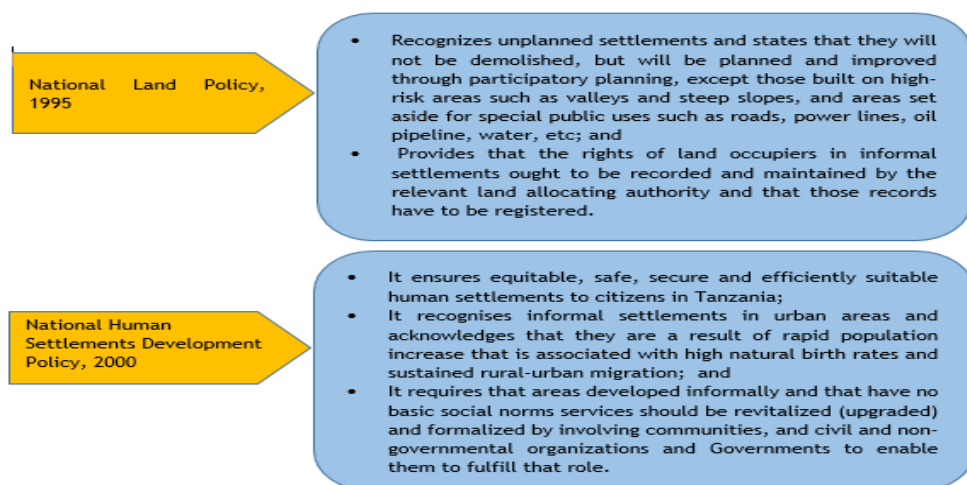
This part explains policies, laws and regulations that govern the regularisation of unplanned settlements in the country.

##### 2.2.1 Governing Policies

There are two key policies that govern the management of regularisation of unplanned settlements in Tanzania. These key policies are the *National Land Policy, 1995*; and the *National Human Settlements Development Policy, 2000*. These key policies are summarized in **Figure 2.1**:



**Figure 2.1: Policies Governing the Provision of Regularisation of Unplanned Settlements**



*Source: Auditors' Analysis of the Respective Policies (2023)*

## 2.2.2 Governing Legislations

There are five legislations that govern the regularisation of unplanned settlements in the country. These includes Land Act, [CAP 113], Urban Planning Act, 2007, Land Survey Act, 1954 [CAP. 324], Local Government (Urban Authorities) Act, 1982 and The Land (Right of Occupancy) Regulations, 2001 [GN No. 77/2001]. The aspect covered and responsible implementing entity in each legislation is detailed in **Table 2.1**.

**Table 2.1: The Legislation, Issues Covered and Responsible Entities for Regularisation of Unplanned Settlements**

Legislation	Issues Covered	Responsible Entities
The Land Act, [CAP 113]	Preparation, approve and publish informal settlement formalization plans	Ministry of Lands, Housing and Human Settlements Development
	Identification and management of land found in Tanzania Mainland, processes and steps to be followed in regularisation of informal settlements, key stakeholders and their responsibilities in the regularisation process.	Planning Authorities and Communities
Urban Planning Act, 2007	It provides responsibilities of Planning Authorities in regularising land and enforcement functions of land development control within their respective jurisdictions.	LGA
	It provides for settlements regularisation procedures.	MLHHSD
The Land Survey Act, CAP. 324	The Act provides for procedures for protection of the boundaries and Registration of Land Surveyors. It also provides for the requirements of surveying firms and surveyors carrying out surveying activities to be registered.	MLHHSD
	Provides for procedures for land surveys and licensing of land surveyors.	LGAs
Local Government (Urban Authorities) Act, 1982	The Act vests the mandate and responsibility for zoning (planning for areas to be regularised) to the relevant Planning Authority.	LGAs

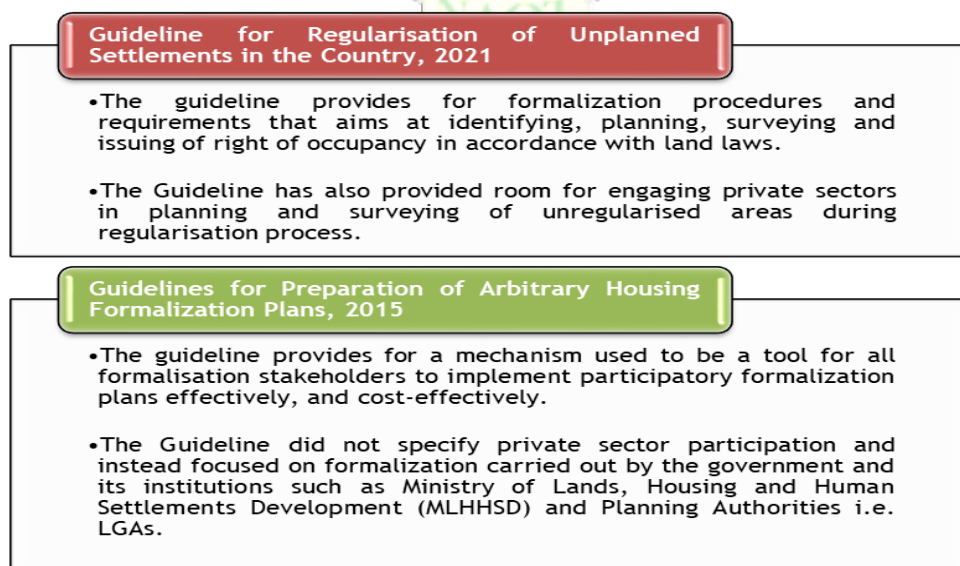
Legislation	Issues Covered	Responsible Entities
The Land (Right of Occupancy) Regulations, 2001 [GN No. 77/2001]	The Land (Right of Occupancy) Regulations, 2001 [GN No. 77/2001] provides details on the procedures for land regularisation. Regulation 85 sets out the procedure for preparing formalisation plans, which includes publishing in the Gazette the designated areas for formalization, formulating formalization plans in collaboration with the relevant communities and approving such plans.	LGAs, MLHHSD and private sector

*Source: Auditors' Analysis of Land Related Policies and Legislation (2022)*

## 2.2.4 Governing Guidelines

Two guidelines govern the regularisation of unplanned settlements. Details on each guideline are presented in **Figure 2.2**.

**Figure 2.2: Guideline for Regularisation of Unplanned Settlements**



*Source: Auditors' Analysis of the Respective Guidelines (2022)*

---

### 2.2.5 Available Programs for the Formalisation of Unplanned Settlements

#### *National Housing Program for Formalization and Prevention Growth of Unplanned Settlements (2013 - 2023)*

The program focuses on ensuring the formalisation of housing randomly constructed to be done in the correct order and sustainability, as well as concerted efforts to prevent further growth and expansion of unplanned settlements in the country. The program intended to ensure that unplanned housing is improved with the aim of ensuring the security of land tenure and economic and social welfare of the citizens.

Also, the same program directs the formalisation of informal settlements to be completed by 2023, and thereafter considerable effort should be taken to prevent the increase of such settlements by zoning all new (urban areas not yet built) to facilitate existence of cities spatially, economically, socially and environmentally.

### 2.2.6 National Strategies on Regularisation of Unplanned Settlements

There are four National Strategies for regularisation of unplanned settlements in the country. These National Strategies are MKURABITA<sup>15</sup> Strategic Plan for the Year 2021/2022 - 2025/2026, National Five Year Development Plan II (FYDP II) OF 2016/17 - 2020/21<sup>16</sup>, National Five Year Development Plan III (FYDP III) OF 2021/22 - 2025/26<sup>9</sup>, and Draft Medium-term Strategic Plan (2021/22 - 2025/26) of MLHHS. Brief description of the Strategies is provided in Figure 2.3.

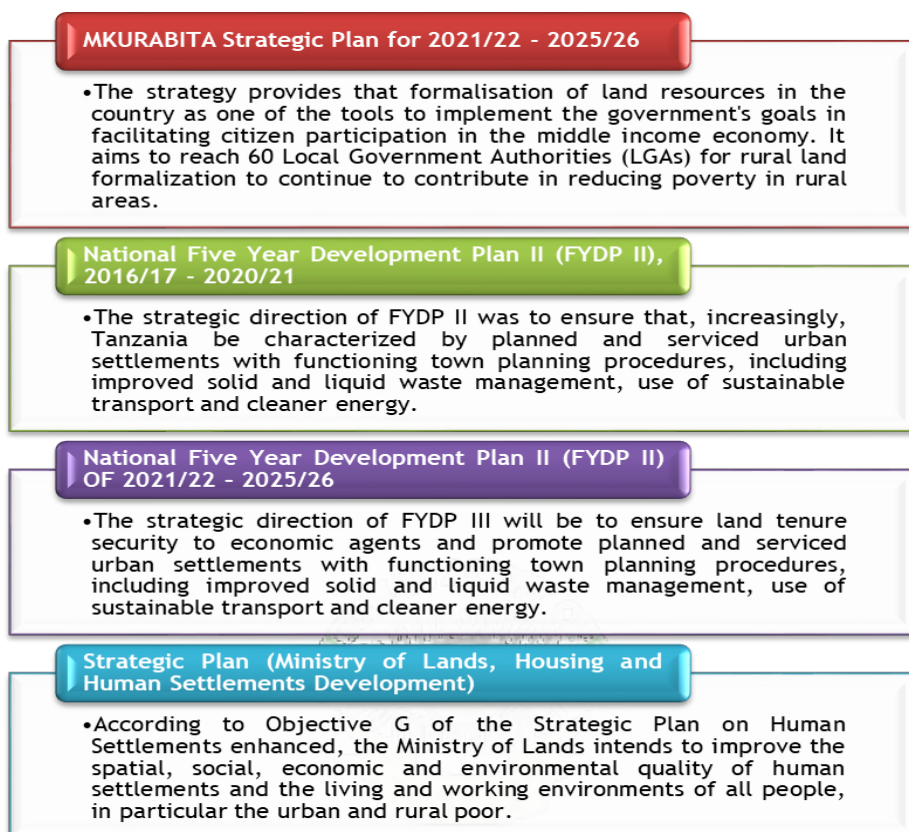
---

<sup>15</sup>President's Office - State House, June 2021, MPANGO WA KURASIMISHA RASILIMALI NA BIAHARA ZA WANYONGE TANZANIA

<sup>16</sup>The Ministry of Finance and Planning, June 2016



**Figure 2.3: National Strategies on Regularisation of Unplanned Settlements**



*Source: Auditors' Analysis of National Strategies on Regularisation of Unplanned Settlements (2022)*

Details of each of the strategies are provided in **Appendix 5**.

## **2.3 Roles and Responsibilities of Key Actors and Stakeholders**

### **2.3.1 Key Actors and their Responsibilities**

The key actors include; the Ministry of Lands, Housing and Human Settlements Development (MLHSD), President's Office - Regional Administration and Local Government (PO-RALG), and Local Government Authorities (LGAs). Their roles and responsibilities are as explained below:-

---

(i) **Ministry of Lands, Housing and Human Settlements Development (MLHHSD)**

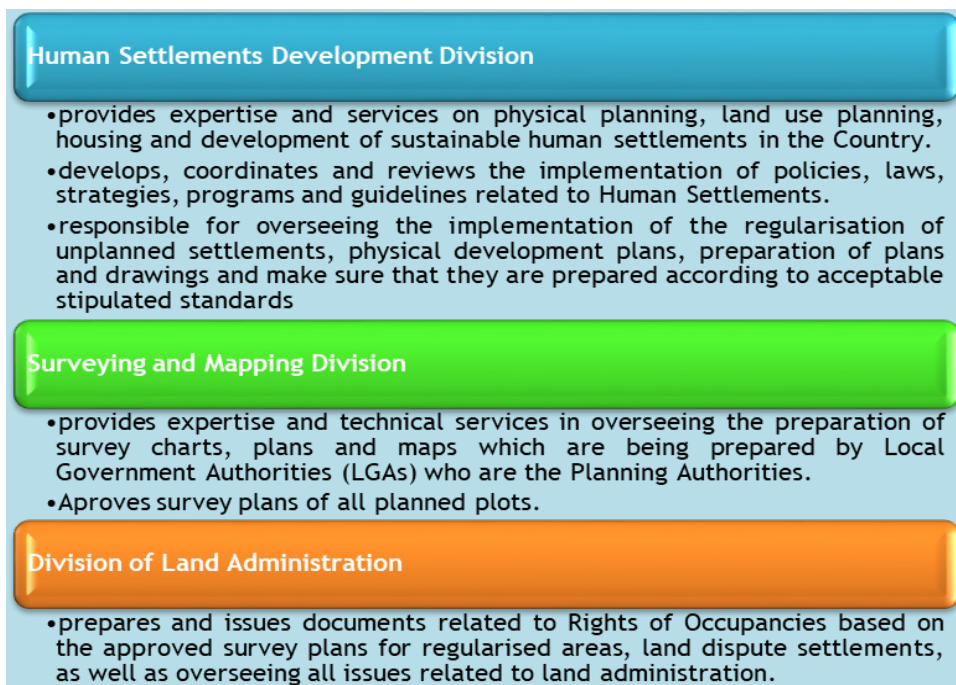
According to the Land Act, CAP 113, Part IV, the Ministry of Lands has been mandated to administer land (and human settlement developments) in Tanzania. It is mandated to formulate land policies, regularisation and guidelines. It advises the government and the public on matters pertaining to land (and human settlements development). It also provides various land related services to individuals and institutions in the country.

In order to facilitate planning, surveying and regularisation of unplanned settlements, the Ministry of Lands performs these functions through its Divisions depicted in **Figure 2.4**.

Also, according to the Urban Planning Act, CAP 355, the MLHHSD has been mandated to ensure that the principles stipulated under Section 3 read together with sections 5(2) and 6(1), (2) and (3) of the Act, and aspects of the national development vision as may from time to time be defined and which are relevant to the urban planning, are incorporated into plans at one level of the planning process.



**Figure 2.4: MLHSD's Divisions that Facilitate Planning, Surveying of Regularisation of Unplanned Settlements**



Source: MLHSD Strategic Plan 2015/16 to 2020/21

**(ii) President's Office - Regional Administration and Local Government (PO-RALG)**

The Ministry is in-charge of the administration of Local Government Authorities (LGAs) by facilitating capacity building through Regional Secretariats (RSs) in planning and implementation of urban development activities. Its objectives are to ensure that LGAs are properly planned and with safe and sustainable development in spatial economic, social, environmental and political aspects. At PO-RALG, regularisation of unplanned settlements activities is handled and coordinated by the Directorate of Rural and Urban Development (DRUD) which is headed by a Director. Its role is summarized in **Figure 2.5**:

**Figure 2.5: Role and Processes in Managing Regularisation of Unplanned Settlements at PO-RALG**



Source: PO-RALG's Strategic Plans, 2016/17 - 2020/21 and 2021/22 - 2025/26

### (iii) Local Government Authorities (Planning Authorities)

According to the Urban Planning Act No. 8 of 2007, every LGA is a designated Planning Authority in respect to its area of jurisdiction. Local Government Authorities are the main actors on matters related to regularisation of unplanned settlements in their respective jurisdictions.

Local Government Authorities are responsible for identifying, planning and surveying unplanned settlements as part of the activities in the regularisation process. LGAs may carry out these activities through private sectors but under their supervision. The Planning Authority must endorse all Town Plans (TPs) and Survey Plans (SPs) before they are referred to the Ministry of Lands, Housing and Human Settlements Development (through Regional Land Offices)

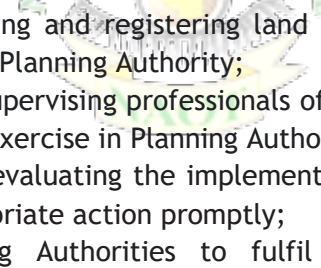
---

for final approval. However, since 2020/21, approvals are done at the Regional Land Offices.

#### **(iv) Regional Land Offices**

The Regional Land Offices were established and became effective in the financial year 2020/21. They are the extended arm of the Ministry of Lands, Housing and Human Settlements Development (MLHHSD) at the regional level. Except for policy matters, preparation of guidelines, issuance of circulars, standards and approval of General Planning Schemes (GPS), they semi-autonomously discharge all activities as if the same were discharged by the MLHHSD.

These activities, in relation to regularisation of unplanned settlements, include reviews, make recommendations and submit drafts of advertisements for formalisation areas before they are gazetted in the government gazette, and review and approve layout town planning drawings and land survey plans and maps submitted by the Planning Authority. The Regional Land Office, in relation to regularisation have the following duties:

- 
- a) verification, signing and registering land titles after they have been submitted by the Planning Authority;
  - b) monitoring and supervising professionals of land sector in participating in formalization exercise in Planning Authorities;
  - c) monitoring, and evaluating the implementation of formalization plans and taking appropriate action promptly;
  - d) assisting Planning Authorities to fulfil their responsibilities and responsibilities; and
  - e) preparation and submission of periodic implementation information to the Ministry of Lands on weekly, monthly, quarterly, half year, annual basis and whenever needed.

---

### 2.3.2 Other Stakeholders and their Responsibilities

#### (i) *Town Planners Registration Board (TPRB)*

The Board has the role of registering private planning companies and town planning professionals. They are responsible for monitoring, managing, evaluating values, ethics, discipline and performance of town planning private companies engaged in provision of town planning services to ensure they comply with professional standards<sup>17</sup>.

#### (ii) *National Council for Land Surveyors Professionals (NCLSP)*

The Council is responsible for the registration and regulation of private land surveying companies/firms and Land surveyors in accordance with the Act. It also manages ethics and professional performance of land surveyors and private land surveying companies while discharging their land surveying activities.

#### (iii) *Private Sector Involved in the Regularisation of Unplanned Settlements*

The Guideline for Land Formalisation of 2021<sup>18</sup>, provides for increased involvement of the public and private sector in the regularisation processes. As such, LGAs are permitted to engage private companies or firms in the regularisation activities especially during the town planning and surveying.

According to the Guideline, private companies have duties, among others, to perform formalisation tasks in accordance with the law, rules, procedures and guidelines. This include instructions of the Ministry, agreements and other existing plans including General Planning Schemes. They are also responsible for preparing the formalisation work plans and submit to the Planning Authority for monitoring and management.

---

<sup>17</sup>Guideline for Regularisation of Unplanned Settlements in the Country of 2021, the Ministry of Lands, Housing and Human Settlements Development, November, 2021

<sup>18</sup>Guideline for Regularisation of Unplanned Settlements in the Country of 2021, the Ministry of Lands, Housing and Human Settlements Development, November, 2021.

---

They are also responsible for preparation and provision of project implementation information in accordance with the contract and work plan for Planning Authority and Citizens Formalization Committees or other Government authorities as may be necessary. The design of the presentation of such information will be directed by the Ministry. Further, the Private Firms are required to cooperate with the Planning Authority and the citizen Regularisation Committee to continue to inspire and educate the public about formalisation.

*(iv) Local Community*

The local communities are involved in the regularisation process through the Regularisation Committees, which are appointed by the community members themselves. The Guideline for Land Formalisation of 2021<sup>19</sup> provides the roles of the committees which include:

- a) Organizing, managing and motivating the community members to actively participate in formalisation meetings and give their opinions and suggestions to achieve the formalisation exercise and keeping records of meeting reports;
- b) Participating in preparing implementation reports in their locations; resolving border disputes and use of land in their administrative areas before and at any time of formalisation exercise;
- c) Witnessing and putting seals on the forms of boundary agreement between neighbours;
- d) Encouraging the community to secure loans from financial institutions in order to pay for regularisation costs and title deeds; and
- e) Creating and managing the citizens formalization committees.

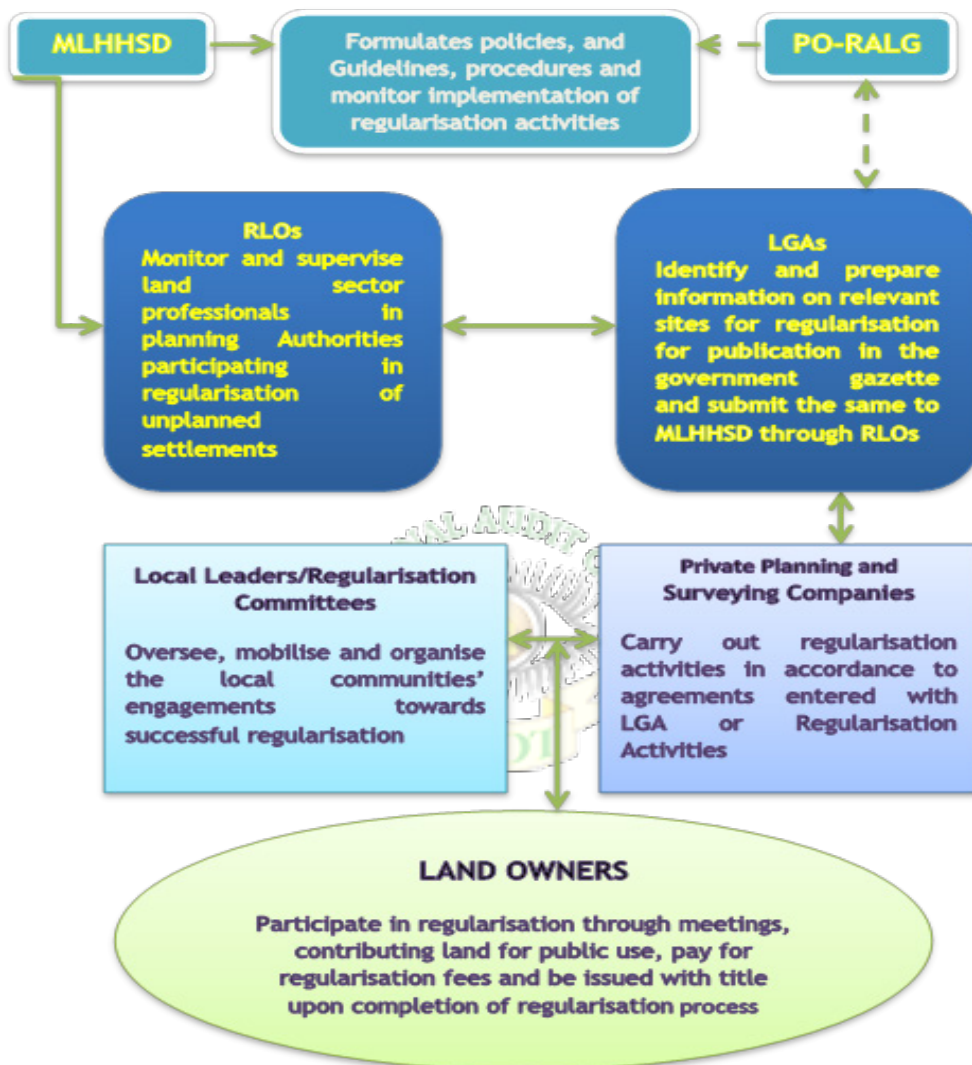
**Figure 2.6** provide a summary of institutional set-up for management of regularization of unplanned settlements.

---

<sup>19</sup>Guideline for Regularisation of Unplanned Settlements in the Country of 2021, the Ministry of Lands, Housing and Human Settlements Development, November, 2021.



Figure 2.6: Institutional Set-up for the Management of Regularisation of Unplanned Settlements



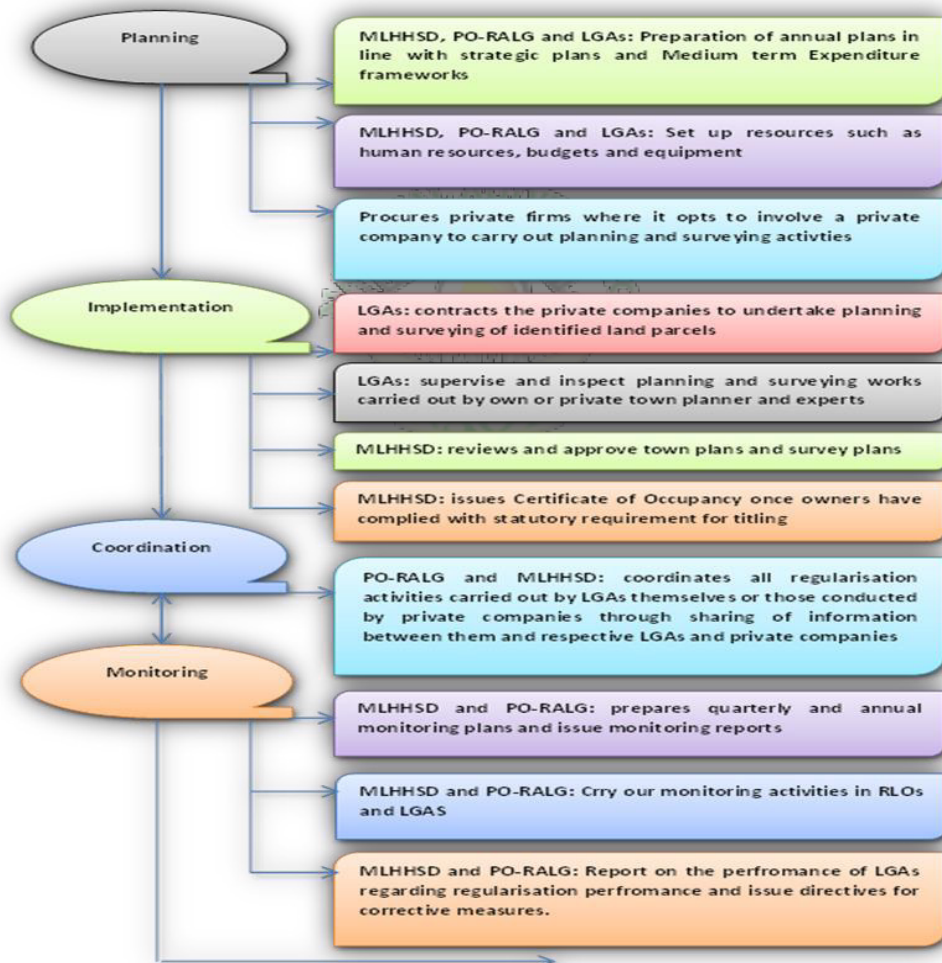
Source: Auditors' Analysis of Institutional Set-up for the Management of Regularisation of Unplanned Settlements (2022)



## 2.4 Key Processes in the Management of Regularisation of Unplanned Settlements

According to the Land Act, [CAP 113], the Urban Planning Act, 2007 and the Guidelines for the Regularisation of Unplanned Settlements, of 2015 and 2021 respectively the process for management of regularisation of unplanned settlements involves four activities. These are as described in Figure 2.7 below;

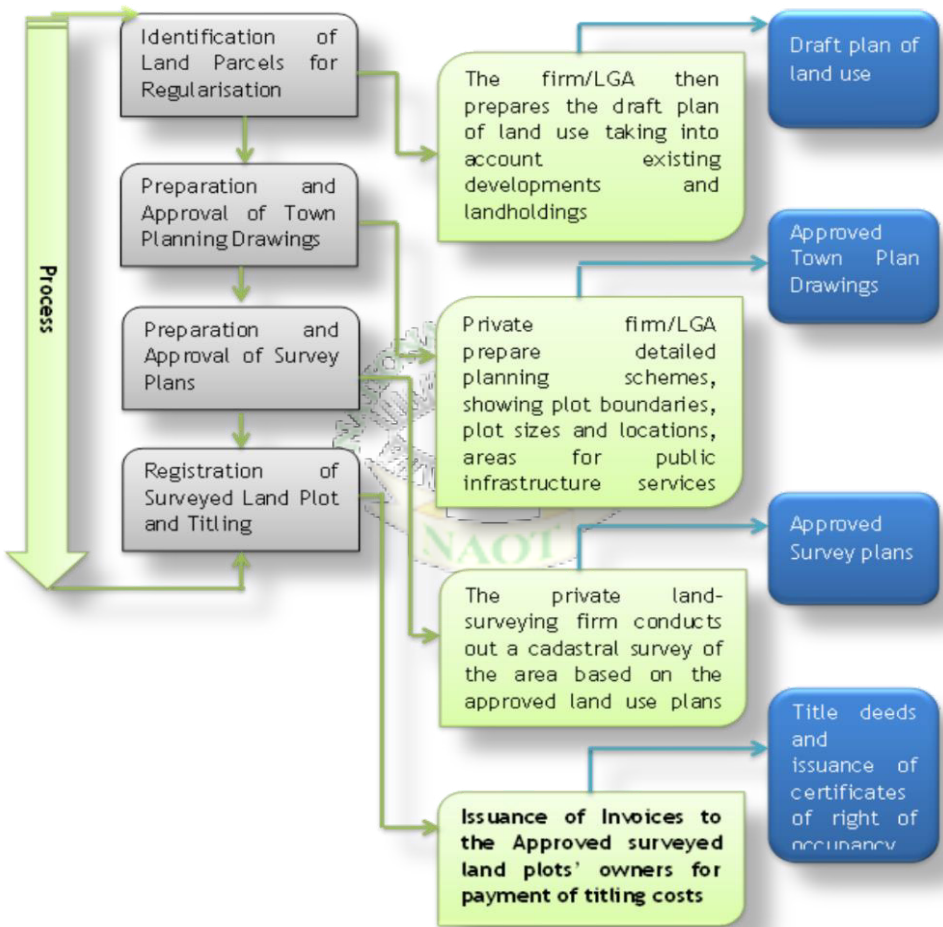
**Figure 2.7: Key Activities and Role in Management of Regularisation of Unplanned Settlements**



Source: Regularisation Guidelines of 2015 and 2021

During regularisation activities, there are key steps involved. These are necessary to ensure that the regularisation process is complete from identification of land parcels to be regularised up to titling where the owner of regularised land plot is issued with the Certificate of Right of Occupancy. **Figure 2.8** shows key steps involved during regularisation.

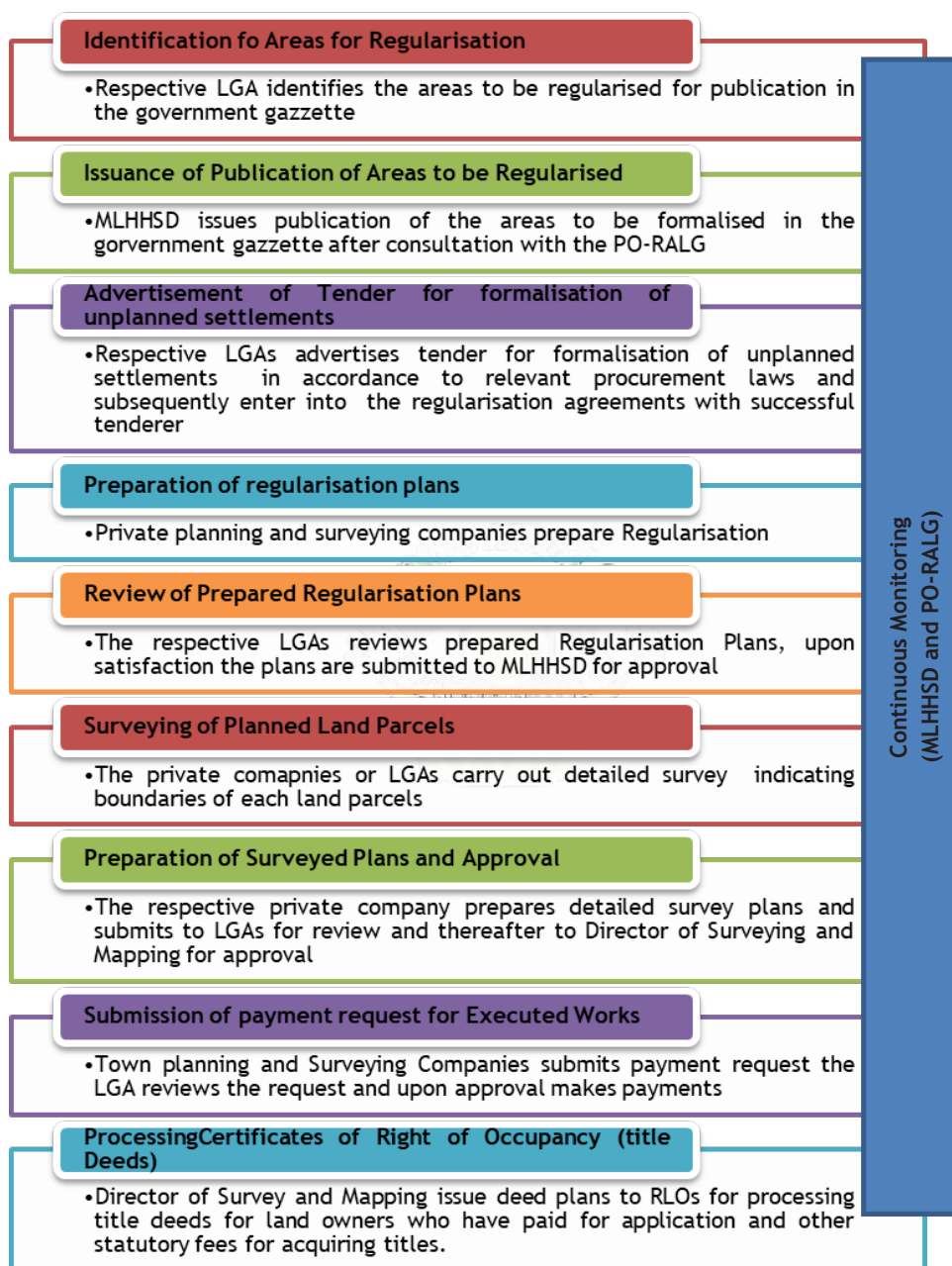
**Figure 2.8: Description of Key Steps Involved in the Regularisation of Unplanned Settlements**



Source: Auditors’ Analysis of Land Regularisation Guidelines (2021)

**Figure 2.9** provides for a graphical presentation of the general land regularisation processes when engaging private companies.

**Figure 2.9: The Process Flows in the Management of Regularisation of Unplanned Settlements**



Source: Auditors' Analysis of the Land Regularisation Guideline (2021)

---

## 2.5 Resources for Managing Regularisation of Unplanned Settlements

The Ministry of Lands, Housing and Human Settlements Development (MLHHSD) and President's Office - Regional Administration and Local Government (PO-RALG) require resources such as human, financial, and planning and land survey tools for managing regularisation of unplanned settlements. Details of the required resources are shown in the sub - section below;

### 2.5.1 Resources for Managing Land Regularisation at MLHHSD

#### (a) Financial Arrangement at MLHHSD

MLHHSD receives human, financial resources and planning and surveying equipment from the fund appropriated by the Central Government for regularisation of unplanned settlements activities. Details are as shown in Table 2.2.

**Table 2.2: Budget for the Management for Regularisation of Unplanned Settlements at MLHHSD**

Financial Year	Budgeted amount (TZS in Millions) (a)	Amount Released (TZS in Million) (b)	Variation (TZS) C = b-a	% of Variation (c/a)*100
2017/18	-	-	-	-
2018/19	480	400.43	79.57	16.6
2019/20	223.89	181.70	42.19	18.8
2020/21	194.74	167.29	27.45	14.1
2021/22	1,775.00	963.38	811.61	45.7

Source: Financial Commitment Reports from MLHHSD (2017/18 to 2021/22)

From **Table 2.2**, it is shown that, for the financial years 2017/18 to 2021/22, the Ministry of Lands, Housing and Human Settlements Development received less than the amount of budget fund ranging from 14.1% to 45.7%. There are no records on the budgeted and disbursed funds for the financial years 2017/18. Details on the allocated fund for town planning and land survey tools could not be established by MLHHSD.

There was an increase noted in the financial year 2021/22 where the budget rose by 45.7%. This was due to the fact that MLHHSD had launched a new Regularisation Strategic Plan which, among other activities, was to lay down a roadmap for the finalisation of the remaining regularisation activities by the

end of year 2022. Therefore, MLHHSd allocated an amount higher than previous financial years for the purpose of funding the remaining regularisation activities in the country.

### (b) Human Resources at MLHHSd

For the period of five years (2017/18 to 2021/22), MLHHSd allocated the staff required to facilitate the management of regularisation of unplanned settlements. By 30<sup>th</sup> June, 2022, the Ministry's Headquarters and Regional Offices had 2,139 employees. The required number is 5,234 so there is a deficit of 2,895 staff<sup>20</sup>. The collective breakdown on the staffing in Regional Land Offices and LGAs countrywide is as shown in **Tables 2.3** and **2.4** respectively.

**Table 2.3: Breakdown of Staff at Regional Land Offices**

Cadre	Required staff (a)	Available staff (b)	Staff Needs (c)=a-b	Percentage of variation (%) (c/a)*100
Town Planners	156	65	91	58.3
Land Officers	156	155	1	0.6
Cartographers	156	92	64	41.0
Land Surveyors	156	106	50	32.1
<b>Total</b>	<b>624</b>	<b>418</b>	<b>206</b>	<b>33.0</b>

*Source: Auditors' Analysis of Staffing Data Collected from MLHHSd, 2022*

**Table 2.3** indicates that the degree of variation ranged from 0.6% to 58.3%. This indicates that, there is high deficiency of Town Planners cadre (58.3%) with low shortage of Land Officers. However, there is a variation of staff dealing with land matters of 33% in overall. The staffing level for the land cadre for LGAs countrywide is as indicated in **Table 2.4**.

<sup>20</sup>Annual Progress Report of MLHHSd for 2020/21

**Table 2.4: Breakdown of Staff at LGAs**

Cadre	Required staff (a)	Available staff (b)	Staff Needs (c)=a-b	Percentage of Deficit (%) (c/a)*100
Town Planners	1,242	337	905	73
Land Officers	1,248	599	649	52
Cartographers	1,236	173	1,063	86
Land Surveyors	1,218	389	829	68
<b>Total</b>	<b>4,944</b>	<b>1498</b>	<b>3,446</b>	<b>70</b>

Source: Auditors' Analysis of Staffing Establishment from MLHSD (2022)

As indicated in Table 2.4, LGAs are understaffed for land cadre. Currently the Cartographers are faced with high rate of staff shortage whereas the degree of deficit is 86% in the country while the land officers have low rate of staff establishment. However, the overall deficit for all cadres is higher than 50% in the country.

## 2.5.2 Resources for Managing Regularisation Activities at PO-RALG

### (a) Allocated Human Resources at PO-RALG

PO-RALG for the period of five years (2017/18 to 2022/23) allocated the staff required to facilitate rural and urban development including management of regularisation of unplanned settlements. This is as shown in Table 2.5.

**Table 2.5: Human Resources at PO-RALG (Division of Urban and Rural Development)**

Financial Year	Required number of staff	Available Staff	Variation	Deficit (%)
2017/18	26	21	5	19.2
2018/19	26	21	5	19.2
2019/20	26	18	8	30.8
2020/21	26	18	8	30.8
2021/22	26	17	9	34.6

Source: Analysis of Data Collected from PO-RALG (2022)

From Table 2.5, it is shown that, for the period of five years, the number of staff required was constant. However, there was deficit variations in the number of staff available ranging from 19.2% (2017/18 and 2018/19) to 34.6% (2021/22).

---

**(b) Financial Arrangement at PO - RALG**

Review of the strategic Plans at PO-RALG and corresponding Annual Plans showed that, PO-RALG did not allocate any budgets to fund regularisation activities. Hence, there was no fund at PO-RALG that was allocated for regularisation activities for the past five financial years from 2017/18 to 2021/22.



---

## CHAPTER THREE

### AUDIT FINDINGS

#### 3.1 Introduction

This chapter presents findings on the extent to which the Ministry of Lands, Housing and Human Settlements Development (MLHSD) and President's Office - Regional and Local Government (PO-RALG) have been effectively managing regularisation of unplanned settlements. The findings are categorized in various aspect such as planning, procuring of private companies for planning and surveying of land, coordination and monitoring of regularisation activities. The audit findings are presented below:-

#### 3.2 Extent of the Management of Regularisation Activities

According to the National Five-Year Development Plan II (2016/17 - 2020/21), the MLHSD and PO-RALG were expected to reduce percentage of land covered by informal settlements from 66% in 2015/16 to 50% by the financial year 2020/21.

Further, Para 5.4 of the Guidelines for the Preparation of General Planning Schemes and Detailed Schemes for New Areas, Urban Renewal of 2019 and Regularisation requires MLHSD, in coordination with PO-RALG to ensure that all identified unplanned settlements are planned and surveyed.

The Audit Team noted that, despite of the efforts towards improvement of unplanned settlements in the country made by MLHSD and PO-RALG, there are still identified unplanned settlements which are not regularised. This is detailed below:



---

### 3.2.1 Inadequacy of Regularisation of Unplanned Settlement

The assessment of the extent to which the Ministries have ensured that the identified land parcels for regularisation are planned and regularised revealed that, a large percentage of existing identified land parcels in the unplanned settlements has not been regularised. This was evidenced by the fact that more than 50% of LGAs had not identified land parcels for regularisation and the titles have not been issued to the identified land parcels owners.

The situation is explained by the following factors:-

**(i) Non-Attainment of Target for Reducing the Magnitude of Unplanned Settlements**

According to the Five Years Development Plan II, 2016/17- 2020/21 the government through MLHHSD had planned to reduce the magnitude of the unplanned settlements from 66% to 50% by the end of financial year 2021/22.

However, the Audit Team noted that, as of 30<sup>th</sup> September 2022, only 7% of the identified land parcels were regularised. Meaning that, MLHHSD was able to reduce the magnitude of unplanned settlements from 66% in 2015/16 to 59% in 2021/22. This was 9 percent below the targeted 50 percent.

**(ii) 54% of the Planning Authorities (LGAs) did not Identify Areas for Regularisation**

According to Para 2.4, Sub-Para 1 and 2 of the Guideline for the Preparation of Regularisation of Unplanned Settlements of 2015<sup>21</sup> requires LGAs to identify areas for regularisation and gazette them on the government *gazette*, deliberate and prepare the plans for regularisation.

---

<sup>21</sup>Wizara ya Ardhi, Nyumba na Maendeleo ya Makazi: “Mwongozo wa Kuandaa Mipango ya Urasimishaji Makazi Yaliyojengwa Kiholela, Agosti 2016

---

The Audit Team made the review of the Evaluation of the Regularisation of Unplanned Settlements, 2022<sup>22</sup> and Strategic Plan for Monitoring of the Completion of Regularisation of Unplanned Settlements, 2021 issued by MLHSD. This review indicated that by June, 2022, 46% of all LGAs were implementing the regularisation program in the country. This means that 54% of all LGAs were not implementing the regularisation program despite the fact that there were areas which qualified for regularisation.

Furthermore, the review of the Sector Minister's budgetary speech of 2020/21 revealed that by 31<sup>st</sup> May 2021, 117 of identified areas for regularisation were received by MLHSD from 19 out of 186 Planning Authorities. This is equivalent to 10% of all Planning Authorities in the country. Review of MLHSD Annual Plans for the Financial Years 2017/18 to 2021 showed that, there was no budget allocated to LGAs and Regional Land Offices for the identification of areas for regularisation.

As a result, it was noted that MLHSD did not have Regularisation of Unplanned Settlements Strategy. A Planning Strategy for Monitoring for Completion of Regularisation of Unplanned Settlement in the country was eventually introduced on 30<sup>th</sup> August, 2021 for implementing phase II of regularisation of unplanned settlements.

However, it was worth noting that, following the introduction of the Regularisation Strategy of 2021, MLHSD have been conducting assessment of implementation of regularization projects countrywide. Up to September 2022 a total of 157 out of 184 LGAs (equivalent to 85.3%) identified areas for regularization. These LGAs were implementing regularization projects in 1,961 out of 3,397 identified unplanned settlements streets countrywide, with a total parcels of 4,300,000.

### **(iii)98% of Identified Land Parcels were Planned and Approved**

The Ministry was expected to complete regularisation by providing titles for the land parcels identified for regularisation by 30<sup>th</sup> September, 2023.

---

<sup>22</sup>Tathmini ya Urasimishaji Makazi Yasiyopangwa Ndani ya Mamlaka za Serikali Za Mitaa Nchini, 2022

MLHSD provided the Audit Team with cumulative number of identified areas and planned areas. The details showed that up to the financial year 2021/22, 2,315,170 out of 2,348,324 identified land parcels throughout the country were planned. This is equivalent to 98% of all identified land parcels; indicating good performance in planning.

However, the Ministry managed to issue titles to 171,210 identified landowners out of 1,137,437 surveyed land plots. This is equivalent to 15% of surveyed and approved land parcels for regularisation. **Table 3.1** shows the performance of the MLHSD on land regularisation since its commencement in the year 2013/14 to 2021/22.

**Table 3.1: Performance of Regularisation from 2013/14 to 2021/22**

Category	2013/14 - 30 August 2021 <sup>23</sup>	As of 30 <sup>th</sup> September 2022	Number Increased	% increase
Number of Identified land parcels	1,968,161	2,348,324	380,163	19
Number of Planned land parcels	No details	2,315,170	No details	No details
Number of Surveyed/Approved land Plots	833,597	1,137,437	245,577	36
Number of Plots with titles	87,597	171,210	83,613	95

*Source: Auditors' Analysis of Strategic Plan for Regularisation, 2015 and regularization Statistics as of 30 June 2022*

**Table 3.1** shows that performance of MLHSD as of 30<sup>th</sup> September, 2022 stood at 19% for the identification of land parcels for regularisation, 36% surveyed plans and 95% in issuance of titles. There were no records for the planned areas as per Strategic Plan for Regularisation when compared to the Regularisation Statistics as of 30<sup>th</sup> September, 2022.

Moreover, the review of regularization statistics showed that in the Planning Strategy for Monitoring of the Completion of Regularisation of Unplanned

<sup>23</sup>Records from the Strategic Plan 2015 showing cumulative performance of regularisation in the Country

Settlements, 2021 the MLHSD planned to complete regularisation of all 1,746 streets (*Mitaa*) in 158 LGAs. However, the strategy did not provide details on the number of Streets (*Mitaa*) which were fully completed. Similarly, the audit noted that the percentage of regularization in the visited Regions ranged from 2 to 7, as detailed in Table 3.2 below:

**Table 3.2: Percentage of Regularised Land Parcels for the Visited Regions 2013 - 2022**

Region	Number of Identified Land Parcel for Regularization (n)	Number of Issued Titles (n)	% Regularized Land Parcels (Issued with the Title Deeds)
Songwe	19,227	1,298	7
Kigoma	39,379	2,864	7
Dar es Salaam	604,571	22,104	4
Mbeya	149,839	5,763	4
Dodoma	390,360	8,144	2

Source: Auditors' Analysis of Regularisation Statistics/Reports from MLHSD as at 30 June 2022

As shown in Table 3.2 above, since 2013, when the regularisation program started, there has been a slow pace of completion of the regularisation process. For the past five years under review, it can be seen that no region that was visited performed beyond 50% of completion of regularisation activities. It can be seen that Songwe and Kigoma Region were the only regions that scored higher (7% as compared to other regions while Dodoma region had completed regularisation at a lowly level of 2 percent.

Through review of the Strategic Plan for Monitoring of Regularisation of Unplanned Settlements 2021, it was noted that slow pace of issuance of titles was attributed to unsatisfactory collaborative and coordinated supervision, monitoring and evaluation of regularisation activities, bureaucracy in approving regularisation documents, and inadequate regularisation records and documentation. It was also noted that slow and untimely payments generated from the local communities' contributions to private companies engaged in planning and surveying contributed to low pace of issuance of titles, as companies withheld Town and Survey drawings due to lack of payments. Similar observation was noted in the visited LGAs, as presented in Table 3.3 below:

**Table 3.3: Coverage of Regularised Land Parcels with Issued Titles for the Visited LGAs**

LGAs	Number of Approved Planned Land Parcels	Number of Issued Titles	% Regularized Land Parcels (Issued with the Title)
Kigoma Ujiji MC	14,578	2,604	18
Tunduma TC	6,423	693	11
Dodoma CC	300,445	7,054	2
Ilala MC	182,339	4,307	2
Mbeya CC	41,407	3,372	8
Mbarali DC	68,733	1,884	3
Kibaigwa TA	6,304	70	1
Buhigwe DC	2,357	31	1

*Source: Auditors' Analysis of Regularisation Statistics/Reports from MLHSD as at 30 June 2022*

**Table 3.3** shows that since the commencement of the regularisation program in 2013/14, issuance of titles for the identified and planned land parcels did not exceed 20% of all approved planned land parcels. In eight selected LGAs, the performance ranged between 1% and 18%. The highest performing LGA was Kigoma Ujiji MC, which reached 18% of all planned land parcels while the lowest performance was recorded in Buhigwe DC and Kibaigwa TC.

### **3.2.2 52% of the Planned and Approved Land Parcels for Regularisation were not Surveyed**

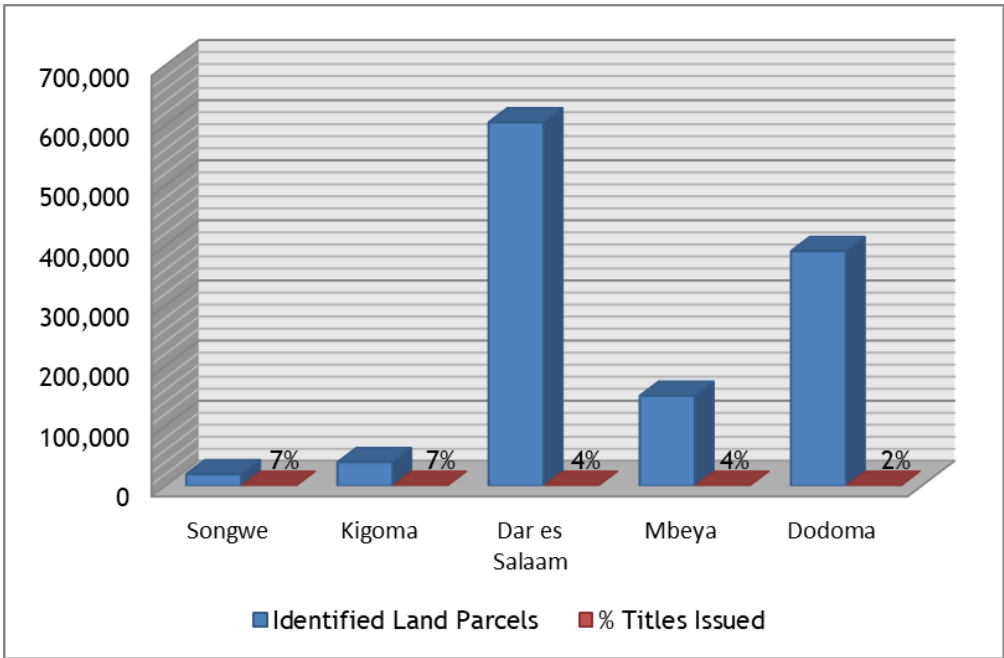
Para 5.4 of the Guidelines for the Preparation of General Planning Schemes and Detailed Schemes for New Areas, Urban Renewal of 2019 and Regularisation requires MLHSD in coordination with PO-RALG to ensure that approved plans are surveyed.

However, the review of the Assessment of Regularisation of Unplanned Settlements in Local Government Authorities, 2022, revealed that, the MLHSD was able to survey 1,079,174. This is equivalent to 48% of all approved regularised plans. Analysis of regularisation statistics as of 30 June 2022 provided by MLHSD showed that, the surveyed land parcels for the past five financial years were not proportional to the number of planned land plots.

The MLHSD's statistics provided indicated that since the start of regularisation of unplanned settlements in the year 2013, only 1,079,174 of 2,258,339 planned land plots were surveyed and approved. This means that there are still 1,179,165 land parcels which are not surveyed. This is equivalent to 52% of all surveyed and approved land parcels.

However, details of surveying status at regional and LGAs levels indicated that Regions and LGAs did not have resources to carry out the activities. **Figure 3.1** shows the extent of survey in the identified land parcels:

**Figure 3.1: Percentage of Regularized Land Parcels for the Visited Regions**

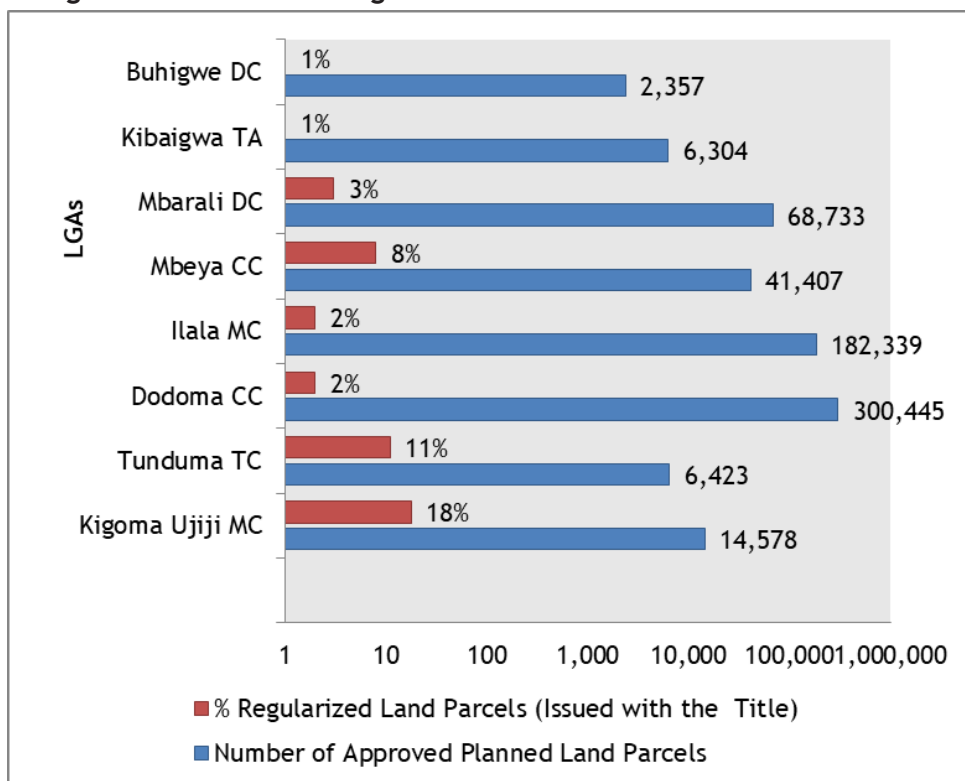


Source: Auditors' Analysis of Regularisation Statistics/Reports from MLHSD as at 30 June 2022

As shown in **Figure 3.1** above, since 2013, when the regularisation program started, there has been a slight progress of completion of the regularisation process. For the past five years under review, it can be seen that the issuance of title deeds did not correspond with the number of planned and approved land parcels.

For the selected regions, performance for the issuance of titles ranged between 15% and 50%. The analysis shows that the trend of issuing titles for the planned and approved land parcels was lower than the planned and approved land parcels. Similar observation was noted in the visited LGAs, as presented in **Figure 3.2**:

**Figure 3.2: Extent of Regularized Land Parcels for the Visited LGAs**



Source: Auditors' Analysis of Regularisation Statistics/Reports from MLHSD as at 30 September 2022

**Figure 3.2** shows that since the commencement of the regularisation program in 2013/14, and for the past five years i.e. 2017/18 to 2021/22, issuance of titles for the identified and planned land parcels did not correspond with the planned land parcels. In eight selected LGAs, the performance in the issuance of titles ranged from 1% to 18%. The highest performing LGA was Kigoma Ujiji MC, which reached 18% of all identified land parcel while the lowest performance was noted in Kibaigwa TA and Buhigwe DC.

---

Through the review of the Strategic Plan for Monitoring of Completion of Regularisation of Unplanned Settlements, 2021, the Audit Team noted bureaucracy in approving regularisation planning documents and hence delaying surveying process. As a result, it is unlikely that the target of completing the regularisation activities of Unplanned Settlements in 2022/23 may be met.

### **3.3 LGAs Inadequately Planned for Resources for the Implementation of the Regularisation Activities**

Para 2.4, Sub-para 1 and 2 of the Guideline for the Preparation of Regularisation of Unplanned Settlements of 2015<sup>24</sup> requires LGAs to identify areas for regularisation, gazette them to the government *gazette*, deliberate and prepare the plan for regularisation. Contrary to this requirement, the Audit Team noted that LGAs have not adequately prepared and allocated resources for regularization of unplanned settlements. This was evidenced by inadequate planning and allocation of resources for regularization as detailed below:

#### **3.3.1 Inadequate Planning for Resources to Facilitate the Implementation of the Regularisation Activities**

In order to facilitate the implementation of regularization activities, Para 4.4.1 (ii) of Regularisation Guideline, 2021 requires LGAs to establish a task force within the Department of Town Planning to support preparation, implementation and monitoring of regularisation activities.

Contrary to this requirement, review of the Annual Plans and Progress reports availed to the Audit Team and interviews with Officials from the selected LGAs noted that in five visited LGAs namely; Dodoma CC, Tunduma TC, Kibaigwa Township Authority, Mbeya CC and Mbarali DC, only Tunduma TC had initiated a task force to carry out regularisation activities.

The remaining four LGAs did not have a task force that was dedicated to provide support in the preparation, implementation and monitoring of regularisation activities. Nevertheless, it was noted that, there was one

---

<sup>24</sup>Wizara ya Ardhi, Nyumba na Maendeleo ya Makazi: “Mwongozo wa Kuandaa Mipango ya Urasimishaji Makazi Yaliyojengwa Kiholela, Agosti 2016



---

Official who was a coordinator for all regularisation activities within the respective LGAs.

The Audit Team noted that, due to absence of a dedicated task force, the single regularisation coordinator failed to prepare comprehensive regularisation plans, reports and keep records of all regularisation activities within the LGAs. Furthermore, the land related activities which were performed by the land officials at LGAs could not be distinguished with regularisation activities as they were collectively done. Consequently, regularisation activities were not specifically and separately reported annually for the past five financial years covered by this audit.

Absence of the dedicated task force to carry-out regularisation activities was attributed to inadequate allocation of funds to implement regularisation activities in cases where LGAs opt to carry out regularisation activities by themselves. It also slows the pace of contributions from the citizens to cover for regularisation costs especially where regularisation was carried out through engagement of private planning and surveying companies. As a result, LGAs have not streamlined annual planning, monitoring and reporting of regularisation activities within their respective LGAs.

Further weaknesses noted under this area are explained below:

- (i) **The Ministries, Regional Land Offices and LGAs did not Adequately Integrate Regularisation Activities in their Strategic Plans and Annual Plans**

Through the review of Annual Progress Reports of the MLHHSD (2018/19 to 2020/21) it was noted that, regularisation activities were not adequately integrated in the Annual Plans and Strategic Plan of the MLHHSD.

It was also noted that PO-RALG did not include regularisation activities in its Strategic Plans for the periods from 2016/17 to 2020/21 and 2021/22 to 2025/26. **Table 3.4** below presents the summary of the extent of inclusion of the regularization activities in the Strategic and Annual Plans of the Ministries.

**Table 3.4: Extent of inclusion of Regularization Activities in the Planning Document of MLHSD and PO-RALG**

Ministries	Inclusion of Regularisation Activities in the Planning Document (Not Included/Included)						
	Strategic Plans		Annual Plans				
	2016/17 - 2020/21	2021/22 - 2025/26	2017/18	2018/19	2019/20	2020/21	2021/22
MLHHSD	✓	✓	X	✓	✓	-	✓
PO-RALG	X	X	X	X	X	X	X

*Source: PO-RALG's and MLHSD's Strategic Plans, 2016/17-2020/21*

Table 3.4 shows that MLHSD has been including regularisation activities in its Strategic Plans and Annual Action Plans for all 5 years except for year 2017/18. PO-RALG, on the other hand, did not include regularisation activities in its Strategic Plans and Annual Plans for the past five years i.e. 2017/18 to 2020/22.

Furthermore, during the interviews with Officials from PO-RALG who are responsible with Urban and Rural Development, the Audit Team noted that identification of unplanned settlements for regularisation activities were not included in the respective plans. The reason given by the interviewed Officials indicated that this was because regularisation activities particularly planning and surveying activities were carried out by private companies and were financed through local communities' own contributions.

However, the Audit Team noted that non-inclusion of regularisation activities in the Strategic Plans and Annual Plans was due to a low priority given on these activities. It was also revealed that there were no dedicated budgetary provisions set aside for the identification, planning, surveying and titling activities in respect to regularisation and monitoring purposes.

Similarly, Annual Work Plans for the visited Regional Land Offices and the respective LGAs indicated inadequate integration of regularisation activities as elaborated below:

---

### *All Five visited Regional Land Offices Did Not Plan for Regularisation Activities*

The review of availed Strategic Plans and Annual Action Plans and budgets for financial year starting from 2017/18 to 2021/22 showed that in the five visited Regional Land Offices (RLOs) of Dodoma, Songwe and Mbeya did not have any specific plan for regularisation activities but rather regularisation activities were carried-out during the normal planning, surveying and titling for the newly acquired areas.

The situation was the same with the five visited LGAs where only Dodoma CC and Mbeya CC had provided for regularisation activities in their Strategic Plans. The remaining three LGAs, namely Tunduma TC, Kibaigwa TA and Mbarali DC had neither provided for regularisation activities in their annual plans nor in their respective Strategic Plans.

Reasons stated by the interviewed Officials from visited LGAs were lack of allocated budget for carrying out regularisation activities such as preparation of regularisation plans and survey plans for identified areas. It was understood that regularisation costs were to be entirely born by the local communities who were the targeted group for regularisation.

In addition, LGAs did not set aside budgets for the regularisation activities because officials dealing with land matters such as Town Planners, Land Surveyors and Land Officers located at LGAs offices are not directly reporting to the Executive Directors of respective LGAs.

However, the Audit Team noted that lack of coordination between LGAs and Regional Land Offices in planning and budgeting for regularisation activities was the reason for non-inclusion of regularisation activities in their respective plans. RLOs and LGAs did not have budget for regularisation. Accordingly, the Officials from LGAs who worked at the City, Municipal, Town Council and District Council did not have budgets for carrying out regularisation activities.

### ***3 out of 8 visited LGAs did not Plan for Regularization Activities***

Review of the availed Strategic Plans, Annual Plans and budgets revealed that 3 out of 8 LGAs visited namely; Kibaigwa TA, Mbarali DC and Tunduma TC did

---

not include regularisation activities in their respective annual plans. Hence no funds were allocated for undertaking the regularisation activities. Only two LGAs namely; Mbeya CC and Dodoma CC had included regularisation in their respective strategic plans. However, further reviews of the plans showed that Dodoma CC had included regularisation activities only in its respective Strategic Plans but did not include the same in respective annual plans.

Mbeya CC included regularisation activities in their respective Strategic Plans and Annual Plans but did not specify activities to be carried-out in particular financial year. On the other hand, Kigoma Ujiji MC and Buhigwe DC did not have plans or budgets for implementing regularisation activities.

It was also noted that the regularisation activities included in Dodoma CC Strategic Plan were to conduct regularisation for Unplanned Settlements within 5 Wards with a budget provision of TZS 15,000,000 for a period of 5 financial years covered by the Strategic Plan. However, there was no allocation of funds for respective financial years. Mbeya CC did not provide any specific activity with regard to regularisation in its strategic plan.

**(ii) Inadequate Budgeting for Regularisation by MLHHSD and PO-RALG**

***Inadequate Budgeting for Regularisation Activities by MLHHSD***

Further review of MLHHSD Strategic Plan of 2015/16-2020/21 indicated that, MLHHSD did not set sufficient funds to facilitate regularisation activities within Regional Land Offices. Details of budget appropriated by MLHHSD to facilitate regularisation activities in Regional Land Offices are as indicated in Table 3.5 below:

**Table 3.5: Budget Allocation to Regional Land Offices and LGAs from MLHSD**

Financial Year	Overall Budget Acquisition, Planning, Surveying, and Titling <sup>25</sup> (TZS Billion)	Budget Allocated for Regularisation (TZS Billion)	% of Amount Allocated for Regularisation (TZS Billion)
2017/18	0	0	0
2018/19	0	0	0
2019/20	4.24	0.07	2
2020/21	10.03	0.08	1
2021/22	28.38	0.01	1

*Source: Analysis of Information Extracted from the MLHSD's MTEF and Annual Plans, 2017/18 to 2021/22*

As indicated in **Table 3.5**, it can be noted that for the past five years MLHSD apportioned a maximum of 2% of the total budgeted amount allocated for planning, surveying and titling to cater for regularisation of unplanned settlements activities. The maximum amount allocated was noted in the financial year 2020/21. As for the years 2017/18 to 2018/19, no budget was allocated to cater for regularisation activities.

#### ***PO-RALG did not Budget for Regularisation Activities***

On the other hand, review of PO-RALG's Strategic Plan for 2015/16 -2020/21 and 2021/22 - 2025/26 indicated that, PO-RALG did not set aside funds to facilitate regularisation activities to the respective LGAs for the last five years. Moreover, review of the two Medium Term Expenditure Frameworks for years 2015/16 - 2017/18 and 2018/19 - 2020/21 also revealed that PO-RALG did not set aside funds for regularisation activities.

In addition, the Audit Team reviewed the specific Annual Plans of PO-RALG for the years 2017/18 to 2021/22 and noted that, PO-RALG did not include regularisation activities in its Annual Plans for the whole period under audit.

The reason for not budgeting for regularisation activities as provided by Officials at PO-RALG was because the local communities covered the cost for regularisation activities. Therefore PO-RALG did not set targets for ensuring

<sup>25</sup>This comprises Human Settlements Development Division (Planning), Survey and Mapping Division, and Land Administration (Titling).

that the LGAs set targets and budget for ensuring that regularisation activities are implemented and monitored at LGAs level.

As a result, PO-RALG did not have any details with regard to regularisation status in the country although LGAs are the implementing entities because they are Planning Authorities. As such, there is a likelihood that the target of ensuring that all identified land parcels are planned, surveyed and issued with titles by 2023 may not be attained.

### Extent of Allocation of Budget at the Regional Land Offices and LGAs

#### (i) *Inadequate Budget Allocated to Regional Land Offices (RLOs) Previously Zonal Offices for Regularisation Activities*

Review of visited Regional Land Offices' Annual Plans and Budgets for the financial year of 2017/18 to 2021/22 noted that, RLOs did not receive sufficient funds to facilitate regularisation activities in their respective regions. Details of budget appropriated in the visited RLOs to facilitate regularisation activities is as indicated in Table 3.6 below:

**Table 3.6: Budget Allocation to the Regional Land Offices for the Regularisation by MLHSD**

RLOs	TZS (In Millions)	Financial Years				
		2017/18	2018/19	2019/20	2020/21	2021/22
Dodoma	Budgeted	0	0	60	78.9	160.0
	Allocated	0	0	8.5	6.7	21.9
% Amount Allocated		-	-	14	8	14
Dar es Salaam	Budgeted	0	24	75	100	180
	Allocated	0	16	60	70	89
% Amount Allocated		0	67	80	70	49
Mbeya	Budgeted	0	0	16.0	24.0	65.9
	Allocated	0	0	8.0	8.7	12.
% Amount Allocated				50	36	19
Songwe	Budgeted	0	0	0	76.0	47.0
	Allocated	0	0	0	26.8	30.0
% Amount Allocated		-	-	-	35	64

RLOs	TZS (In Millions)	Financial Years				
		2017/18	2018/19	2019/20	2020/21	2021/22
Kigoma	Budgeted	0	0	24	40	45
	Allocated	0	0	11	21	30
% Amount Allocated		0	0	46	53	67

Source: Auditors' Analysis of RLOs Annual Budgets, 2022

**Table 3.6** above indicates that RLOs did not set sufficient budgets for the regularisation activities for the last five financial years. In the five visited RLOs, Dar es Salaam RLO allocated the highest amount of funds for regularisation activities which ranged between 67% and 80% as compared to other RLOs. The lowest allocation was noted in Dodoma Regional Land Office which was allocated 8% in the financial year 2020/21.

It was also noted that the funds were disbursed directly to Regional Land Offices from MLHHSD without any guidance on how the same should be allocated. Therefore, the Audit Team noted in this regard that at least 37% to 92% was used for office and administration purposes.

#### **(ii) Lack of Budget Allocation by Local Government Authorities (LGAs)**

On the other hand, review of LGAs' Strategic Plans of 2015/16 -2020/21 and Annual Budgets indicated that, LGAs did not set funds to facilitate regularisation activities in their respective areas of jurisdiction.

Interviews held with respective LGAs Officials responsible for managing regularisation activities revealed that, LGAs did not set aside budgets for the regularisation activities for the last five financial years. The only exception was Mbeya City Council, which allocated only TZS 16,600,000 in the financial year 2021/22 to cater for the regularisation activities.

Failure to set aside funds for the regularisation activities was attributed to lack of prioritisation in regularisation of unplanned settlements. This is because LGAs did not integrate regularisation as part of the activities to be implemented during the respective years. The impact of non-allocation of sufficient funds to facilitate the implementation of land regularisation

activities led private companies relying solely on local communities' to raise money for funding regularisation activities. Consequently, regularisation activities implemented by private companies were not completed as per agreements provided (a one-year contract period).

### (iii) Human Resources Allocation by Local Government Authorities (LGAs)

#### *Inadequate Planning for Human Resources for Regularization Activities*

Review of annual progress report of MLHSD for the financial year 2020/21 indicated that staff are required to facilitate the supervision of private companies engaged in planning, surveying and regularisation of land plots. The report showed that, by 30<sup>th</sup> June, 2021 the Ministry's Headquarters and Regional Offices had 2,139 employees. Required number was 5,234 staff and therefore there was a deficit of 2,895 staff<sup>26</sup>. The audit conducted analysis of three cadres, which are Town Planners, Land Surveyors and Land Officers, which were directly linked with regularisation in Regional Land Offices and LGAs. The analysis of breakdown on the staff in LGAs and Regional Land Offices countrywide are as shown in Table 3.7.

**Table 3.7: Staff in Regional Land Offices and LGAs**

Cadre	Required Staff (a)	Current Existing Staff (b)	Staff Needs (c)=a-b	Percentage of Staff Gap (%) (c/a)*100
Town Planners	786	175	611	77.7
Land Surveyors	1,018	145	873	85.8
Land Officers	1,206	605	601	49.8
Total average deficit of Staff				71.1

Source: Auditors' Analysis of Human Resource Statistics from MLHSD (2022)

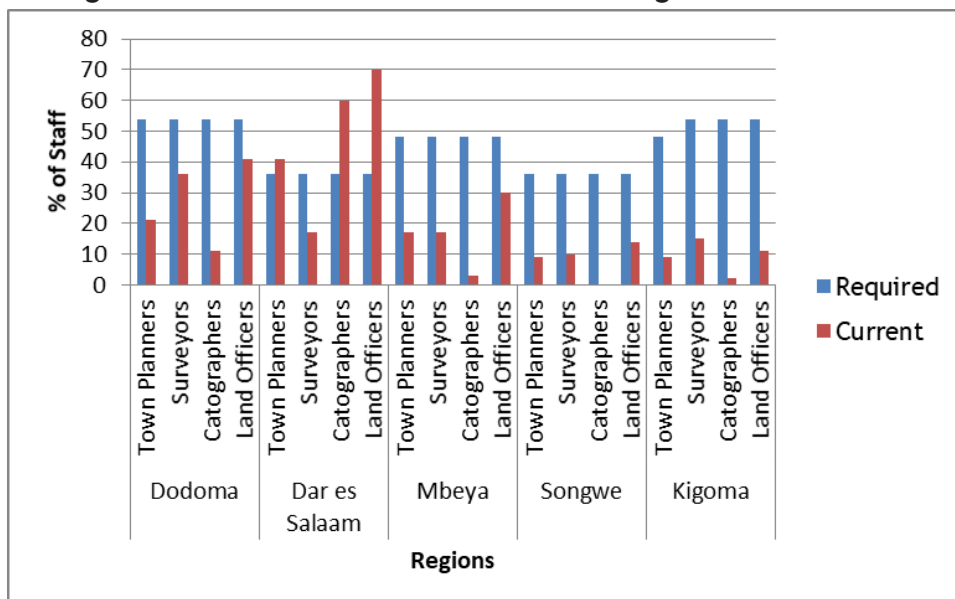
Table 3.7 shows that the degree of variation in staffing ranged from 49.8% to 85.8%. This indicates that, there is high deficiency of town planners and land surveyors' cadre, with lowest shortage of land officers.

<sup>26</sup>Annual Progress Report of MLHSD for 2020/21



On the other hand, the Audit Team noted that there was staffing gap in the visited RLOs for the Land Sector cadre. **Figure 3.3** shows the staff establishment and staffing gap.

**Figure 3.3: Number of Staff in the Visited Regional Land Offices**



Source: Auditors' Analysis of Staff Establishment (2022)

**Figure 3.3** indicates that there was a huge gap of staffing at Regional Land Offices in the visited regions. The detailed analysis showed that the cadre which had the highest staffing level gap was the catographers where the gap for Dodoma was (80%), Mbeya (94%), Kigoma (96%) and Songwe (100%). The cadres with minimum staffing gap were town planners (ranging between 61% to 81%), Surveyors (33% to 72%) and Land Officers (24% to 80%).

However, the exception was noted for Dar es Salaam region where Town Planners, Catographers, and Land Officers exceeded the required staffing level by 14%, 67% and 94% respectively. The only exception was for Land surveyors cadre where there was a deficit of 53%.

On the other hand, the Audit Team noted that there was inadequate staff for land sector cadre such as Town Planners, Land Surveyors, Cartographers and Land Officers at the visited LGAs. **Table 3.8** shows the extent of staffing gap for the five visited LGAs.

**Table 3.8: Staffing Level in the Visited LGAs**

LGA	Required	Available	Staffing Deficit (%)
Dodoma CC	24	37	154
Mbeya CC	24	14	58
Ilala MC	24	24	0
Kigoma Ujiji MC	24	4	99
Tunduma TC	24	5	21
Mbarali DC	24	11	46
Buhigwe DC	24	4	99
Kibaigwa TA	0	0	0

*Source: Auditors' Analysis of Staff Establishment from provided by MLHSD (2022)*

**Table 3.8** shows that staffing level was inadequate in all visited LGAs except for Dodoma region which had an excess of 13 staff. The lowest staffing levels were noted at Kigoma Ujiji MC and Buhigwe DC which had a staffing gap of up to 20 staff for different land cadres.

The Audit noted that, in the visited regions and LGAs, namely Dodoma CC, Mbeya CC, Tunduma TC, Mbarali DC and Kibaigwa TA, there was a single regularisation coordinator who did not have a subordinate to assist in the regularisation activities. This was attributed to the fact, the Guidelines for the Regularisation of Unplanned Settlements, 2021 provided a room for only one regularisation coordinator.

As a result, in case the regularisation coordinator was absent, there was no staff who could provide regularisation information due to allocation of one staff to coordinate regional regularisation activities.. This case was noted in Kibaigwa TA, and Mbarali DC where regularisation coordinators were on study leave (for Kibaigwa TA). For Mbarali DC there coordinator had been appointed recently so the activities were coordinated by inexperienced Officials.

---

### **3.3.2 Ineffective Plan for Conducting Community Awareness on Regularisation Activities**

Para 3(vii) of the Circular Number 1 of 2019 on Regularisation of Unplanned Settlements in the country requires LGAs Officials (professionals in town planning and land surveying) to prepare public hearing for purposes of sensitisation of people regarding regularisation of respective areas. The officials are required to provide awareness on policy and legislation on regularisation issues. Furthermore, Para 2.1 (6) of Regularisation Guideline, 2015 requires LGAs to conduct awareness campaigns to community on regularisation activities from ward to street levels. This was to be done on quarterly basis as per the Regularisation Guideline of 2015 and 2021.

Review of availed Annual Plans, Progress Reports and Regularisation Information between the financial years 2017/18 to 2021/22 from the visited LGAs showed that, LGAs did not include awareness and sensitization campaigns in their annual work plans and budgets. In addition, there was no evidence that reported on awareness campaigns. Through the interviews held with officials from the five visited LGAs, it was noted that there was inadequate awareness campaigns to communities from ward to street levels where regularisation activities were carried out. This was attributed to the fact that sensitization campaigns were not included in respective LGA's annual plans and consequently no budget allocations were provided for. There were no plans for awareness campaigns as required by the Regularisation Guideline of 2015 and 2021.

Interviews held with members of Regularisation Committees in the visited Streets in all LGAs affirmed that awareness initiatives were not adequate due to lack of budget allocations at village and streets' level to facilitate community sensitization meetings.

In addition, reviewed Annual Progress Reports of the Ministry of Lands for the financial year 2018/19 showed that lack of regular awareness campaigns has led to the local communities being unaware of land policies, laws, and regulations, and more specifically not conversant with the process for acquiring the land ownership title.

Similarly, interviews held with the officials from the visited Regions and LGAs revealed that the awareness campaigns conducted were inadequate. **Table 3.9** below presents the extent of awareness campaigns in the visited LGAs.

**Table 3.9: Extent of Conducting Awareness Meetings in the visited LGAs**

LGA	Extent (Not done, Rarely, Frequently)	Issues Covered during the Awareness	Reasons if not Done
Dodoma CC	Not done	Not done	No budget for local communities' awareness
Mbeya CC	Rarely Done	Contribution from local communities	Not done as per the Regularisation Guideline, 2015 and 2021.
Ilala MC	Rarely Done	Not known	Usually done during normal village meetings but not planned
Kigoma Ujiji CC	Not Done	No details/reports	Lack of budget
Tunduma TC	Rarely done	Contribution from local communities to cover for regularisation costs;  Issuance of invoices and payment of titling costs;	Not done on quarterly basis. It depends mostly on the streets' meetings schedule as the awareness campaigns were not in annual plans or budgets.
Mbarali DC	Rarely done (Done only during the beginning of the programme but no records were kept)	Awareness on regularisation and contributions;	Conducted only during the beginning of the project but no records were kept.
Buhigwe DC	Not Done	Not Done	Not budgeted
Kibaigwa TA	Not done	No details	No details

Source: Auditors' Analysis of Aailed Regularisation Reports (2022)

**Table 3.9** shows that, LGAs did not adequately conduct local communities' awareness campaigns for the last five financial years. Tunduma TC had carried sensitisation campaigns although they were not envisaged in the annual work plans and budgets.

Interviews held with local communities through the regularisation Committees in Tunduma TC and Mbarali DC indicated that, Tunduma TC carried out sensitization and awareness campaigns through normal Streets' meetings invited by the Street's leadership. The remaining six LGAs, did not conduct awareness campaigns on quarterly basis although they were required to conduct awareness on quarterly basis as per the Regularisation Guideline of 2015 and 2021. In all visited eight LGAs, and five RLOs, there was no documented community awareness information to establish the extent of awareness activities carried out for the financial years 2017/18 to 2021/22. This was due to the fact that LGAs did not have plans for conducting awareness campaigns.

There was therefore low morale (willingness) for participation of local communities in regularisation activities. In addition, few members of the community afforded to pay for the regularisation fee. Only 35,438 out of 236,252 members of the community (equivalent to 15%) paid. **Table 3.10** shows the payment details in the visited LGAs.

**Table 3.10: Status of Payments for Regularisation Fees in LGAs**

LGA	Total Number of Surveyed Land Parcels (A)	Community Members Who have paid (B)	Community Members Who Have Not Paid (C)	%Members who have not paid (C/A)*100
Dodoma CC	187,616	7,054	180,562	96
Mbeya CC	26,583	3,372	23,211	87
Ilala MC	20,538	4,307	16,231	79
Kigoma Ujiji MC	10,104	2,604	7,500	74
Tunduma TC	2,469	693	1,776	72
Kibaigwa TA	2,078	70	2,008	97
Mbarali DC	22,786	1,884	20,902	92
Buhigwe DC	1,611	No payments made	No payments made	N/A

Source: MLHSD Statistics (2022)

---

As shown in **Table 3.10**, a huge number of land parcels owners have not paid fees for the regularisation so that their land could be processed for titling. The highest non-payment was noted in Kibaigwa (97%), Dodoma CC (96%) and Mbarali DC (92%). The lowest was noted in Tunduma TC where 72% of community members did not pay for regularisation fees.

Unlike other LGAs, Buhigwe DC did not require payments from community members. This was because, the exercise of regularisation at Buhigwe DC started in 2021/22 where MLHSD through the program for Planning, Surveying and Titling (*Kupanga, Kupima na Kumilikisha - KKK*) allocated TZS 100,000,000. This amount was used wholly for planning, surveying and titling of the identified regularisation areas.

Non-payment of the regularisation cost has led to a large number of land parcels owners not receiving their ownership titles. Consequently other benefits such as secured land tenure, services like accessibility by roads, safe water, electricity, liquid and solid waste removal, have been delayed or denied to the community. These benefits were the ultimate goals of the regularisation process.

### **3.3.3 Inadequate Identification of Areas for Regularisation Purposes**

Para 4.4.1 of the Guideline for Regularisation of Unplanned Settlements of 2021 requires the LGAs to identify areas for unplanned settlements regularisation.

According to the Minister's budgetary speech of 2020/21, by 31<sup>st</sup> May 2021, only 117 of the identified areas for regularisation were received by MLHSD from 19 out of 186 Planning Authorities. This was equivalent to 10% of all Planning Authorities in the country.

The Strategic Plan for the Regularisation of Unplanned Settlements of 2021 showed that 1,746 out of 4,263 streets/*Mitaa* were identified unplanned settlements nationwide and were subject to regularisation. This is equivalent to 41% of all streets/*Mitaa* eligible for regularisation. According to the Plan, the huge number of identified unplanned settlements was due to the fact that not all LGAs conducted regularisation in their respective areas.

---

Interviews with Officials from LGAs showed that LGAs did not have specific plans for the identification of areas for regularisation. The most common approach that was paramount was through the local communities (Streets/Mtaa) requests for their land parcels to be regularised. As such, MLHSD, PO-RALG, RLOs and LGAs did not have statistical data showing areas which qualified for regularisation to be embedded in respective annual plans and budgets.

Nevertheless, review of regularisation data availed by MLHSD and LGAs indicated that there were initiatives in the identification of areas to be regularised. As of September 2022, a total of 157 LGAs out of 184 (85.3%) had identified areas for regularization. These LGAs were implementing regularization projects in 1,961 streets out of 3,397 identified unplanned settlements streets countrywide with total of 4,300,000 unplanned parcels.

Yet, LGAs did not keep databases of identified areas for regularisation as opposed to unplanned settlements within their respective areas of jurisdiction. As a result, the Audit Team could not measure the extent of planned number of identification of areas for regularisation as compared to actual identified areas. LGAs, have a duty to prioritize regularisation activities in accordance to the severity of lack of services in the settlements.

It was noted that the densely built areas, hilly areas and rocky areas (for instance like the nature of Mbeya CC), was the main challenge during the cadastral survey to demarcate plot boundaries. This is due to significant housing densities and the lack of land for public use and passage. These areas contributed to hardships in planning and surveying due to accessibility and reachability.

The Audit Team noted that, inadequate planning for the identification of land parcels for regularisation was attributed to lack of prioritization and non-inclusion of areas to be regularised in their respective annual plans. The reason provided for lack of planning was the fact that identification, planning and surveying of land parcels for regularization purposes was regarded as entirely funded by the fees from owners of land parcels to be regularised.

---

As a result, in two LGAs namely Tunduma TC and Mbarali DC, four streets namely; Kaloleni (Maporomoko Ward - Tunduma TC), Uwanjani (Tunduma TC) and Ubaruku and Utengule (in Mbarali DC) could not be reached for planning and surveying. Town Plan drawings for these streets have not been completed in order to allow survey to proceed.

Also, due to excessive densities and the hilly nature of the settlements' terrain, the access roads reserved did not provide the expected convenience to the people. This and ultimately led to ineffective planning for regularisation.

#### **3.3.4 Inadequate Plan for the Procurement of Qualified Private Companies for Planning and Surveying of Land**

Para 3(v) of the Circular Number 1 of 2019 on Regularisation of Unplanned Settlements in the country requires LGAs to engage private companies in planning and surveying of unplanned settlements. The companies were expected to meet the stipulated criteria such as qualification, experience and registration of such companies to relevant professional boards. Also, Section 39(2) of the Public Procurement Act, 2011 (as amended in 2016) requires procuring entities through the User Department to prepare a schedule of requirements for the procurement as part of the budget process, which shall be submitted to the Procurement Management Unit for compilation of Annual Procurement Plan.

According to the Strategic Plan for Regularisation of Unplanned Settlements of 2021, 163 private companies for planning and surveying participated in the regularisation process in 26 regions and 158 LGAs with a total of 1,651 streets/Mitaa in the country. However, review of the availed LGAs' Annual Procurement Plans for the financial years from 2017/18 to 2021/22 indicated that LGAs did not plan for the engagement of private companies for planning and surveying of land in the regularisation activities.

The audit acknowledges the fact that the newly prepared MLHHS's guidelines on Unplanned Settlements Regularization of 2021 has set the criteria or requirements for selection of planning and land surveying companies to be engaged for regularization activities. The guidelines also



show that the Ministry will enhance their enforcement, supervision and monitoring to improve performance in outsourcing regularization activities.

However, interviews held with Officials from the visited LGAs of Dodoma CC, Mbeya CC, Tunduma TC, Mbarali DC and Kibaigwa TA showed that the engagements of private companies for planning and surveying of identified land parcels was not part of the procurement process being managed by the Procurement Management Unit. Up to the time of this audit, LGAs were only involved in approving the private companies that entered into agreement with the local community through regularisation committees. However, the Audit noted that with the introduction of the Guideline for the Regularisation of Unplanned Settlement of 2021, Para 3.5.2 (i) LGAs have been commissioned the role of entering into regularisation agreement with the private companies.

This was because, most of the companies were engaged through regularisation committees at street/Mtaa level and hence LGAs could not foresee them in their procurement plans. Table 3.11 shows the mode of engagement of private companies in carrying out planning and surveying of identified land parcels.

**Table 3.11: Modality of Engaging Private Companies in the Identification, Planning and Surveying of Unplanned Settlements**

LGA	Mode of Engagement with Private Companies/firms		
	Regularisation Committees	LGA	Other
Dodoma CC	✓		
Mbeya CC		✓	
Ilala MC	✓		
Kigoma Ujiji MC			✓
Tunduma TC		✓	
Kibaigwa TA	✓		
Mbarali DC			✓
Buhigwe DC		✓	
<b>Total</b>	<b>3</b>	<b>3</b>	<b>2</b>

*Source: Auditors' Analysis of Mode of Engagement in Identification, Planning and Surveying of Land Plots*

---

As indicated in **Table 3.11**, 3 LGAs, namely Dodoma CC, Ilala MC, Kigoma Ujiji MC and Kibaigwa TA engaged the private companies to undertake planning and surveying of unplanned settlements, 3 LGAs carried out the regularisation activities on their own while Mbarali DC engaged a government institution, namely Ardhi University to undertake the identification, planning and surveying of land parcels.

However, the Audit Team noted that all visited LGAs, which engaged private companies, did not integrate the procuring of services from private companies in their Annual Procurement Plans for the past five financial years i.e. 2017/18 to 2021/22.

Further review of the availed regularisation reports and interviews with Officials responsible for the regularisation at RLOs and LGAs revealed that the engagement of private companies for the identification, planning and surveying of land parcels before the year 2021<sup>27</sup> was initiated by the local communities themselves through the Street/Mtaa leadership.

After the deliberation at the street/Mtaa level, the name of the proposed private company was sent to the respective LGA for approval and if approved the company entered into an agreement with the local community through the regularisation committee.

During the interviews with LGAs officials, it was noted that LGAs did not have criteria for assessing the qualification and capacity of the engaged private companies. Further enquiry noted that LGAs engaged private companies based on the presentation of certificates of incorporation and professional registration only. There was no assessment done as to the competence of the professional staff and personnel of the engaged companies. As a result there was no mechanism to ensure that the engaged private companies had the capacity to discharge their contractual duties as per the terms and conditions of the agreement.

---

<sup>27</sup>The Regularisation Guideline of 2021 has made it mandatory for LGAs to enter into agreement with the private companies instead of the regularisation committee

---

As a result, the engaged companies and Institution<sup>28</sup> in the regularisation activities in all five visited LGAs have not completed planning and surveying of identified land parcels within 12 months, which was the contractual period. According to interviews held with regularisation committees and private companies and officials in visited RLOs and LGAs, this was perpetrated by multiple factors such as inadequate capacity of some of private companies which carried out planning and surveying, delays in recommendations and approval of town and survey plans at the LGAs, Regional and MLHSD levels as explained further in subsequent sections. In addition, as of to-date all engaged private companies have not yet completed planning and surveying of identified land parcels as per the signed agreements.

### **3.4 Inadequate Implementation of Regularisation Activities**

According to the Strategic Plan for Regularisation of Unplanned Settlements of 2021 indicated that the regularisation programme was to be implemented within a period of 10 years i.e. from 2013 when regularisation started until December 2023. However, weaknesses were noted in this regard and are as explained in subsequent sections:

#### **3.4.1 Not All Identified Unplanned Areas were Planned**

Regularisation contracts state out timelines for implementation of regularisation activities. Review of availed contracts from visited LGAs showed that all signed contracts (for LGA who engaged private companies) were for a period of one year after the signing of the contract.

Review of Annual Plans and Annual Progress Reports for financial years 2017/18 to 2021/22 revealed that, there were delays in the completion of regularisation activities in all eight visited LGAs. Furthermore, review of Regularisation reports (2017/18 to 2020/21) from five visited regions of Dodoma, Dar es Salaam, Mbeya, Songwe and Kigoma have revealed that, not all identified unplanned areas were planned.

---

<sup>28</sup>Ardhi University was engaged by Mbarali DC to conduct Planning and Surveying of unplanned settlements

The analysis of regularisation with regards to the number of identified land parcels and planned land parcels shows that at the National level, RLO and LGAs managed to identify 2,348,324 land parcels out of which 2,315,170 land parcels were planned. This represents 98% of all identified land parcels in the country.

Furthermore, review of statistics for regularisation of unplanned settlements issued by MLHSD up to 30<sup>th</sup> September 2022 from five visited regions of Dodoma, Dar es Salaam, Mbeya, Songwe and Kigoma, indicated that not all identified land parcels were planned. The result of the analysis is presented in the **Table 3.12**.

**Table 3.12: Number of Identified and Planned Land Parcels**

Region	Number of Street/Mtaa	Identified Land Parcel	Planned Land Parcel	Difference between Planned and Identified	Percentage of Unplanned Identified Land Parcels (%)
Songwe	25	19,227	16,717	2,510	13
Mbeya	46	149,839	139,085	10,754	7
Dodoma	108	390,360	333,023	57,337	15
Dar es Salaam	269	604,571	548,842	55,729	9
Kigoma	54	39,379	35,917	3,462	9

*Source: Statistics of Regularisation as of 30<sup>th</sup> June 2022 issued by MLHSD*

**Table 3.12** indicates that until 30<sup>th</sup> June 2022 not all identified land parcels were planned. The relative higher rate of unplanned land parcels was noted in Dodoma (15%) and Songwe (13%) regions whilst the lowest rate was noted in Mbeya region that had only 7% of identified land parcels that was not planned compared to the identified land parcels.

The Audit Team made an analysis of the identified land parcel and planned land parcels in the visited LGAs TA and the result are as shown in **Table 3.13**.

**Table 3.13: Identified and Planned Land Parcels in LGAs**

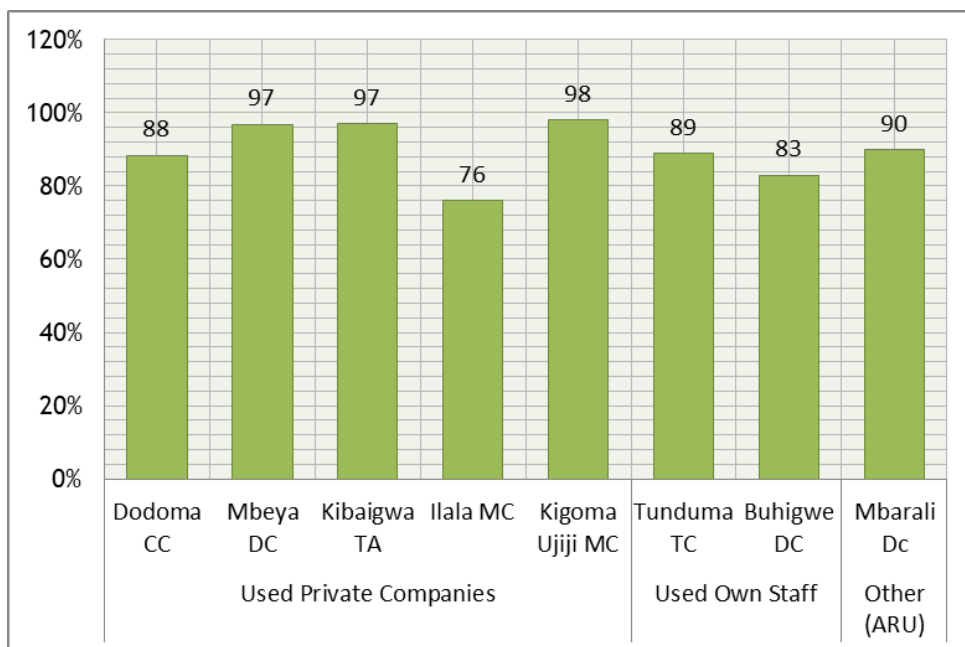
Region	Identified Land Parcels	Planned Land Parcels	Difference between Identified and Planned and Parcels	Percentage of Unplanned Identified Land Parcels (%)
Dodoma CC	339,844	300,445	39,399	12
Mbeya CC	42,746	41,407	1,339	3
Ilala MC	239,443	182,339	57,104	24
Kigoma Ujiji MC	14,874	14,578	296	2
Tunduma TC	7,223	6,423	800	11
Mbarali DC	76,033	68,733	7,300	10
Buhigwe DC	2,845	2,357	488	17
Kibaigwa TA	6,530	6,304	226	3

*Source: Auditors' Analysis of Regularisation Statistics Provided by Visited LGAs and MLHSD (2022)*

**Table 3.13** shows that since the commencement of regularisation in 2013, there has been an increasing trend of planning for the identified land parcels for regularisation purposes. It can be noted that Mbeya CC had the lowest number of unplanned areas (2%) as of 30<sup>th</sup> September 2022. The analysis shows that the rate of unplanned settlements ranged between 2% and 24%. This means that there is an increasing rate of planning for all identified areas for regularisation purposes.

Accordingly, the performance between LGAs which used private companies versus those which used its own staff in carrying out planning of the identified land parcels is indicated in **Figure 3.4** below.

**Figure 3.4: Performance of LGAs in Planning for Identified Unplanned Areas**

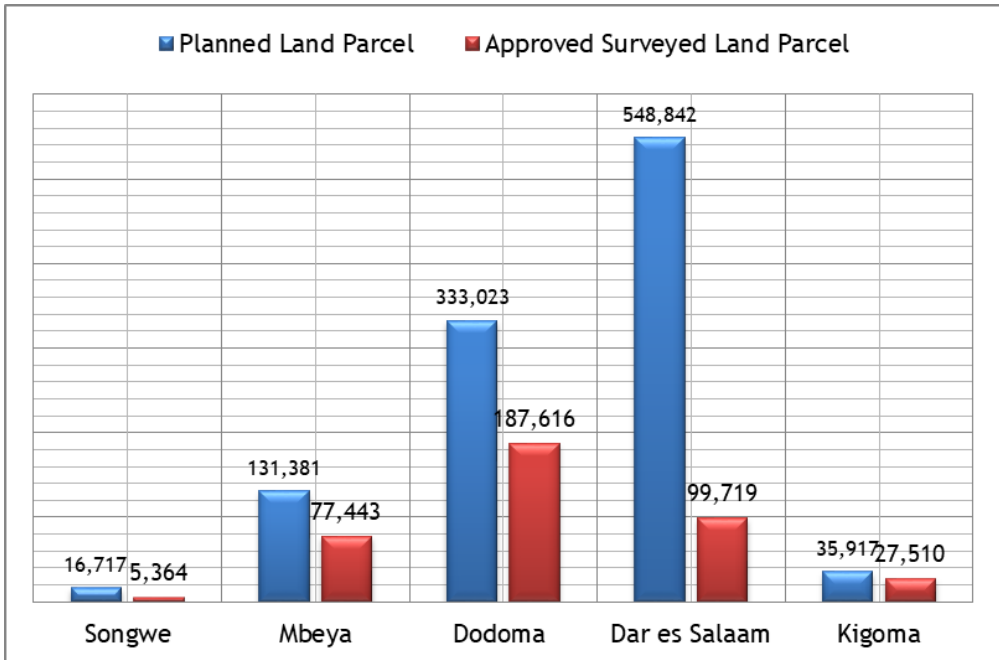


Source: Auditors' Analysis of Regularisation Statistics from MLHSD and LGAs (2022)

As shown in **Figure 3.4**, Kigoma Ujiji MC managed to plan all identified land parcels by 100% while the lowest was Ilala MC at 76%. As indicated LGAs which used own staff had a comparatively high performance, which ranged from 83% to 98% with the highest performance being recorded at Kigoma Ujiji MC (98%), when compared with other LGAs which used private companies. Nevertheless, most of LGAs preferred the use of private companies. In 8 LGAs, 4 LGAs engaged private companies to undertake identification, planning and surveying of unplanned settlements.

This means that, LGAs which implemented regularisation activities through own staff had a steady rate of accomplishing planning activities as compared to those which used private companies and other institutions. However, the difference is marginal as in all categories the performance was above 75% in planning for the identified land parcels. When further analysis was conducted on planned and surveyed land parcels the result of the analysis is as presented in **Figure 3.5**.

**Figure 3.5: Number of Planned and Surveyed Land Parcels of the Visited Regions**



Source: Statistics of Regularisation as of 30<sup>th</sup> June 2022 issued by MLHSD

Figure 3.5 indicates that the number of surveyed land parcels was lower compared to a number of planned land parcels. It can be noted that Dar es Salaam had the highest number of unsurveyed land parcels (83%) while the lowest was noted in Kigoma Region (35%). It can be seen from the bar charts that five regions had between 35% and 83% of their planned land parcels unsurveyed.

The Audit Team conducted analysis on the timely implementation of regularisation activities in the visited LGAs through review of implementation of respective signed agreements between private companies and LGAs. Delays were noted in the completion of regularisation of land plots as presented in Table 3.14.

**Table 3.14: Extent of Delays in the Completion of Land Regularisation Activities**

Name of Region	Name of LGA	Number of Streets	Start Date	Expected Completion Date	Completion Status up to 30 <sup>th</sup> June 2022	Delays in Years
Dodoma	Dodoma City Council	63	No	No report	No report	-
	Kibaigwa Township Authority	4	1 <sup>st</sup> Nov. 2019	1 <sup>st</sup> Nov. 2020	Uncompleted	2.66
			31 <sup>st</sup> January. 2020	31 <sup>st</sup> January. 2021	Uncompleted	2.41
			30 <sup>th</sup> Nov. 2019	30 <sup>th</sup> Nov. 2020	Uncompleted	2.58
			7 <sup>th</sup> February 2020	7 <sup>th</sup> February. 2021	Uncompleted	2.39
Mbeya	Mbeya City Council <sup>29</sup>	29	03 <sup>rd</sup> February 2020	2 <sup>nd</sup> February 2021	Uncompleted	1.40
Dar es Salaam	Ilala Municipal Council	110	Between 2017 and 2019	2021	Uncompleted	3.5
	Mbarali District Council	7	No contract was entered into and no documents showing time line for implementation of regularization were availed. It was reported that the activities started in the financial year 2019/20 and were carried out by Ardhi University			
Songwe	Tunduma Town	10	The activities were done by Town Council Officials. Work on five streets identified for			

<sup>29</sup>Up to June 2021 Planning and surveying was completed but titling was not yet completed



Name of Region	Name of LGA	Number of Streets	Start Date	Expected Completion Date	Completion Status up to 30 <sup>th</sup> June 2022	Delays in Years
	Council		regularisation activities had started but not yet completed			
Kigoma	Kigoma Ujiji MC	31	Kigoma Ujiji MC did not keep records of when regularisation started and when was the expected completion date. So far, it was noted that regularisation is still ongoing.			
	Buhigwe DC	3	Buhigwe DC used its own staff to carry out regularisation. This exercise started on 25 October 2021 and is yet to be completed to date.			

Source: Auditors' Analysis of Information Extracted from the Regularisation Report (2021/22)

**Table 3.14** indicates delays in the completion of regularisation ranging from 1.40 to 2.66 years. Long delays were specifically noted in Kibaigwa Township Authority. Similarly, for the three visited regions with eight sampled LGAs three (Kigoma Ujiji, Buhigwe DC and Tunduma) had no contract agreement with private companies for planning and surveying of identified land parcels as the activities were carried out by own staff. Mbarali DC engaged Ardhi University to carry out regularisation activities. The Audit also noted that in three LGA namely Dodoma CC, Ilala MC and Kibaigwa TA there were no implementation reports for the execution of contracts. The reason for delays in the regularisation were contributed by:

**i) Delays in Completion of Surveying of the Planned Land Parcels for Regularisation**

Review of Regularisation Report for the financial year 2021/22 of the visited five regions indicated that, the number of surveyed land parcels was less than the planned plots as at September 2022. The details of the analysis are as presented in **Table 3.15**.

**Table 3.15: Percentage of Surveyed Land Parcels for Regularisation**

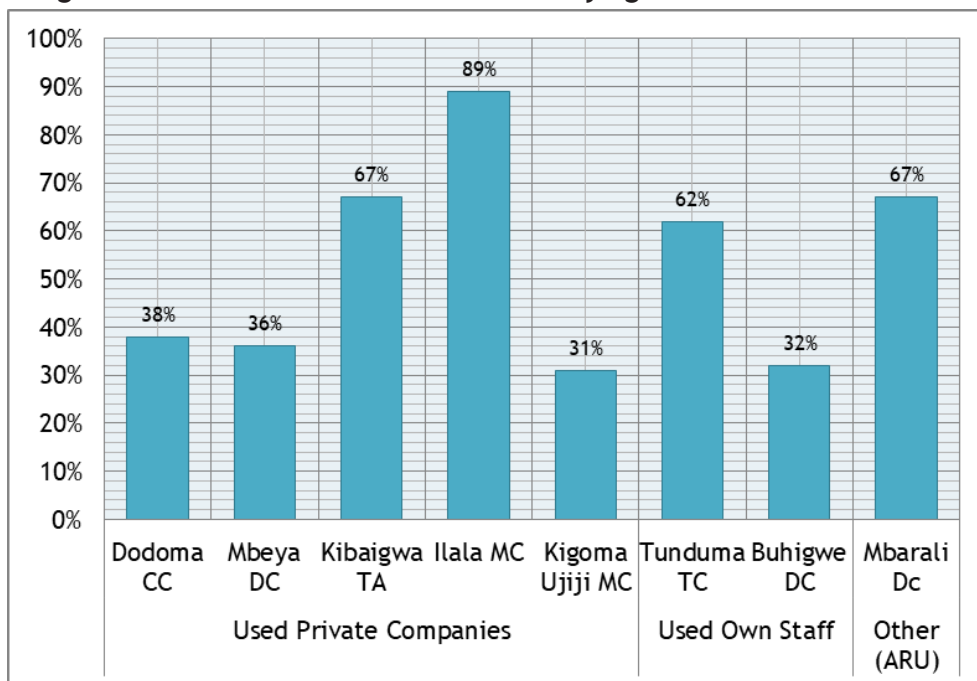
Region	LGAs	Planned Land Parcels	Surveyed Parcels	Un-surveyed parcels	Percentage of Number of Parcels not Surveyed (%)
Dodoma	Dodoma CC	300,445	187,616	112,829	38
	Kibaigwa Township Authority	6,304	2,078	4,226	67
Dar es Salaam	Ilala MC	182,339	20,538	161,801	89
Mbeya	Mbeya CC	41,407	26,583	14,824	36
	Mbarali DC	68,733	22,786	45,947	67
Songwe	Tunduma TC	6,423	2,469	3,954	62
Kigoma	Kigoma Ujiji MC	14,578	10,104	4,474	31
	Buhigwe DC	2,357	1,611	746	32

Source: Regularisation Reports of the Respective Visited Regions and From MLHSD (2021/22)

Table 3.15 indicates that large percentage of the planned plots have not been surveyed. The highest number of unsurveyed land was noted in Ilala MC with 89% of the unsurveyed plots from the planned 182,339 land parcels whilst the lowest was noted in Kigoma Ujiji MC with 31% of the unsurveyed land parcel from 14,578 planned land parcels.

The performance of the LGAs based on the category of implementation in surveying of planned land parcel is as indicated in Figure 3.6.

**Figure 3.6: Performance of LGAs in Surveying of Planned Land Parcels**



Source: Regularisation Statistics Provided by MLHSD (2022)

As indicated in **Figure 3.6**, for the three categories the LGA which had the highest percentage of unsurveyed land parcels was Ilala MC (89%) followed by Kibaigwa TA (67%) and Mbarali DC (67%) respectively. On the other hand, Kigoma Ujiji MC (31%) had the smallest number of unsurveyed land parcels.

It can also be noted that comparatively, the LGAs which used own staff and other Institutions had a better performance in terms of surveying rates when compared with LGAs which used private companies to undertake Surveying of land parcels.

The task force set up land clinics in the identified Mtaa for the purpose of providing services to the local communities directly where the local communities could be easily accessed in order to participate in survey activities.

ii) **Delays of Community Members in Paying their Contributions for Regularisation**

The Audit also noted delays in the payment of the regularisation cost by the community. Analysis of the extent of compliance to timely payment of regularisation costs revealed that the percentage of community who paid their contribution ranged from 5% to 12%. **Table 3.16** presents the analysis of payment of contributions by the local communities in the five visited regions:-

**Table 3.16: Percent of Community/Household that Contributes Cost for Land Regularisation**

LGA	Number of Community/Households Identified (n)	Number of Households who paid for Regularisation Cost (n)	Percent of Identified Households who paid for Regularisation Cost (%)
Dodoma CC	300,445	7,054	2
Mbeya CC	42,746	3,372	8
Tunduma TC	6,423	693	11
Kibaigwa TA	6,304	70	1
Mbarali DC	68,733	1,884	3
Buhigwe DC	2,357	No payments	N/A
Ilala MC	182,339	4,307	2
Kigoma Ujiji MC	14,578	2,604	18

Source: Regularisation Reports (2022)

From **Table 3.16**, it can be seen that the percentage of households which paid costs for regularisation was less than 20 in all eight LGAs. The minimum was recorded in Kibaigwa TA with 1% and maximum was recorded in Kigoma Ujiji MC with 18% of the total identified parcels owners who paid for regularisation cost.

As a result, the nonpayment, delayed the private companies in proceeding with surveying processes and the completion of regularisation activities. The delays in the completion of regularisation contributed towards the government losing revenues that could have accrued from land rent of the regularised land.

---

Interviewed Officials from the visited LGAs, Regional Land Offices and the community members indicated that, delays in payments were caused by inadequate and low income/financial status among the land owners who were unable to pay for the regularisation cost for land planning and surveying. Interviews held with community members in the visited areas noted that the community members perception was that, once they paid for regularisation fees which was between TZS 130,000 and TZS 150,000, then that amount was sufficient to cover for other costs such as government fees and levies which were required to be paid before they were issued with title deeds.

### **3.4.2 Inadequate Mechanism of LGAs to Ensure Private Companies Performing the Regularisation Activities had Relevant Qualification**

Para 3.0 (v) of the Circular on Regularisation of 2019 requires LGAs to engage private companies after satisfying that they have capability to undertake the assignment and have good records to undertake the assignment of similar nature.

Review of contract documents showed that there were weaknesses in handling the engagement of private companies. Interviews held with regularisation coordinators showed that LGAs did not carry out assessment of the financial capability of the engaged private companies. As such companies could not proceed with planning and surveying works since contributions from the local communities were minimal. The reasons for some companies failing to complete planning and surveying activities included:

#### **(i) Ineffective Mechanism for Contracting the Private Planning and Surveying Companies**

It was noted that private firms were not well assessed of their capacity to perform their contractual tasks before they were awarded contracts. As a result, some of the companies such as Husea Co. Ltd (in Ilala MC), and HRS Ltd (in Kibaigwa TA) had inadequate financial capacity to effectively survey and plan for the regularisation activities. The two Companies pulled out of the activities after failing to proceed with planning and surveying of identified land parcels.

---

Review of the availed regularisation records which were prepared by the Regularisation Coordinators during the period 2017/18 and 2021/22 from the visited regions indicated that, there were companies that had multiple contracts for planning and surveying of identified land parcels. However, these companies maintained the same capacity in terms of number of human resources and equipment.

Similarly, interviews with Officials of the respective Regional Land Offices showed that, there were private companies which held multiple activities with constant number of human resources and equipment. This affected their performance as the surveying activities were not completed on time. **Table 3.17** presents examples of private firms that were engaged while undertaking multiple activities/contracts in the five visited LGAs.



**Table 3.17: Examples of Private Firms Engaged in Many Streets for Land Regularisation**

Name of the Visited Region	LGA	Date of Contract Issued	Total Number of Identified Mtaas	Number of Mtaas awarded to one Firm	Status of Work (Completed/Not Completed)
Dodoma	Dodoma CC	21 July, 2019	63	3 - 7	Not completed
	Kibaigwa Township Authority	19 August 2020	6	1 - 3	Not completed
Mbeya	Mbeya CC	8 July 2020	29	1 - 6	Not completed
	Mbarali DC		7	7	Planning and Surveying was carried out by Ardhi University but not yet completed
Songwe	Tunduma TC	N/A	8	Own Staff	Regularisation activities were being carried out by Tunduma TC and are not yet completed
Kigoma	Kigoma Ujiji MC	18 February 2018	31	Not indicated	Not completed
	Buhigwe DC	N/A	3	N/A	Not completed
Dar es Salaam	Ilala Municipal	Between 2017 and 2019	210	3-7	Not completed

Source: Analysis of Data Collected from Visited Regions (2022)

---

**Table 3.17** indicates that, in the eight visited LGAs, private companies engaged by LGAs and Regularisation Committees were awarded at least more than 1 Mtaa to undertake identification, planning and surveying of unplanned settlements. The maximum being noted in Mbarali DC and Dodoma CC while the minimum was noted in Kibaigwa TA and Mbeya CC. The contracts with private companies for Kigoma Ujiji MC did not indicate the number of streets/mitaa that the contracted private companies were supposed to plan and survey instead they showed the number of households that were supposed to be planned and surveyed which ranged from 200 to 300 households. However, it can be seen that all LGAs had not yet completed regularisation of identified unplanned settlements.

Interviewed Officials from the visited LGAs and Regional Land Offices showed that, a reason for some companies to have multiple planning and surveying activities was because they demonstrated capacity to undertake planning and surveying activities through their own capital and later on claim the expenses incurred from the community through respective LGAs.

However, Officials confirmed that they were not conducting thorough evaluation of the private companies before approving their request to undertake planning and surveying activities and hence they were not able to verify their financial status, the number of professional personnel at their disposal or available tools and equipment that the companies possessed for successfully undertaking the regularisation assignment on time. This had impact on the delay in the completion of the projects due to inadequate management of the planning and surveying activities.

### **3.4.3 Ineffective Mechanism of Financing the Planning and Surveying of Unplanned Settlements**

Para 3(xi) of the Circular Number 1 of 2019 on Regularization of unplanned settlements in the country requires Regularisation Committee to open bank accounts in which owners of land plots will deposit their individual contributions for regularisation activities (planning and surveying of land plots). This account will be monitored by the respective planning authority for safeguarding funds received from land owners, with two signatories from Mtaa level and two signatories from planning authority level.



---

According to the 2015 and 2021 Guidelines for regularisation, the main source of financing regularisation activities was through local communities' contributions. All funds were mobilised and deposited in the special account which was operated by the regularisation committees with four signatories, 2 from the members of the Regularisation Committee and 2 from the Officials of the respective LGAs.

This meant that, the only mechanism available for ensuring availability of fund for financing regularisation depended on how efficient the contributions from the local communities were collected by LGAs. Where cases of contributions were low, there was no other alternative mechanism for securing funds as LGAs did not set aside budgetary provisions to fund regularisation activities implemented by private companies.

According to interviews with Regularisation Coordinators in the visited LGAs the only strategy available to ensure availability of funds collection for regularisation costs was through conducting of local communities' awareness and sensitization campaigns. However, there were no awareness reports to assess the effectiveness of the awareness sensitisation campaigns that were undertaken by LGAs to ensure that funds are available for facilitation of Planning Authorities in implementing regularisation activities in their respective areas.

Review of the availed Regularisation Reports, 2017/18 to 2021/22 indicated that there were outstanding payments to companies engaged in the regularisation activities whereby the percentage of companies, which received payment, was less than 40%. **Table 3.18** presents the analysis in the three visited regions and five LGAs:

**Table 3.18: Paid Amount to Land Regularisation Companies**

Region	LGA	Amount Required to be Paid (TZS in Billions)	Amount Paid (TZS in Billions)	% of Amount Paid
Dodoma	Dodoma CC	19.92	6.91	35
	Kibaigwa Township Authority	0.61	0.06	10
Mbeya	Mbeya CC	1.97	0.49	25
	Mbarali DC	No Report		
Songwe	Tunduma TC	Own Staff	No records	No records
Kigoma	Kigoma Ujiji MC	0.60	0.42	70
	Buhigwe DC	Own Staff	N/A	N/A
Dar es Salaam	Ilala MC	35.93	5.95	17

Source: Regularisation Reports (2022)

Table 3.18 shows that the amount paid to the regularisation companies was less than 50% in three LGAs of Dodoma CC, Kibaigwa TA and Mbeya CC and there were no financial reports in Mbarali DC. Tunduma DC and Buhigwe DC used their own staff to carry out regularisation activities. Kigoma Ujiji MC was the only LGA, which had paid the contracted companies at a 70% rate. Despite the fact that they were supposed to collect regularisation fees from the communities, they did not keep records of fees collected since the start of the regularisation exercise. As a result, due to slow pace in payment to private companies engaged in identification, planning and surveying of unplanned settlements, there has been delays for the private firms in proceeding with the regularisation activities.

The reason for paying less amount than it was required to the companies engaged in the regularisation activities was because regularisation costs were entirely funded through communities' contributions who were slow in contributing as elaborated in Section 3.4.1. Hence, planning and surveying of unplanned settlements depended solely on individual households' contributions in the respective streets. This situation led to failure of private companies to meet the intended targets of completing regularisation activities on time.

---

The interviews held with some of the private companies engaged in regularisation of unplanned settlements at Kibaigwa TA and Mbeya CC indicated that, the main challenges in the exercise is the fact that the communities have been so reluctant in paying for regularisation costs. They also proposed that the LGAs pay on behalf of their communities and thereafter claim the same from the communities because it is easy for LGAs to make follow-up on payments from them rather than private companies themselves together with the regularisation committees.

In all visited LGAs there was no private company which was active on site to ensure that planning and survey works are completed. This, according to them, was due to laxity on part of the communities to pay for the regularisation costs and therefore they could not proceed with work without finances which was required for payment of personnel and Town Plans drawings and Survey Plans approval fees.

#### **3.4.4 Inadequate Management of Payments to Private Companies Engaged in Regularisation Activities**

According to Para 3(xi) of the Circular Number 1 of 2019 on the Regularization of land plots in the country requires Regularisation Committee to open bank account in which owners of land plots/property will deposit their individual contributions for regularisation activities (*planning and surveying of land plots*).

Through the interviews held with the Regularisation Coordinators from the visited LGAs, it was disclosed that once the private company completed planning, survey works, and has sought approval of the town plans from MHHSd, the company notifies the LGA through regularisation committees which thereafter submits the request to the LGA for the approval. The LGA thereafter inspects the works done by the company, once the LGA is satisfied then it approves the request and instructs the committee to pay the respective company.

However, further interviews held with the same regularisation coordinators and officials responsible for inspecting works such as Town Planners and Surveyors showed that out of the eight visited LGAs, three LGAs, namely Dodoma CC, Kibaigwa TC and Mbeya CC had put in place controls of

---

inspecting works before payments. The remaining LGAs namely Mbarali DC, Ilala MC and Kigoma Ujiji MC did not have mechanisms that showed details of contributions and payments made to the Institutions or companies engaged in planning and surveying of land parcels. These three LGAs were therefore unaware of the status of payments to the respective institutions. Other LGAs namely Tunduma TC and Buhigwe used their own staff instead of engaging private companies in carrying out regularisation.

Further review of the Regularisation reports for financial years 2017/18 - 2021/22 showed that there were weaknesses in handling payments made to the private companies. The Audit Team noted that payments were deposited to the specified bank account where the communities/streets deposited the monies. Thereafter, the funds were transferred from the account, whose signatories were members of the regularisation committees, to the private companies.

Review of the payment details/transactions indicated that the visited LGAs did not maintain detailed up to date breakdown of status of payments and contributions of regularisation costs from the local community. Hence were unable to provide detailed transactions for payments of regularisation costs as well as timelines of payments.

Reasons for not completing payments to private companies included lack of funds due to inadequate efforts on mobilisation of cash from local communities. The impact of not making payments to private companies was failure by private companies to finalize preparation and approval of town planning drawings (TP drawings) and surveying layout plans. It has been noted that most companies did not complete planning and surveying activities as per agreements.

The Audit Team noted also that, some of the private companies carried out planning and surveying activities using their own financial sources expecting to recover the same from the contributions made by the communities. However, to date all private companies engaged in regularisation activities in the visited LGAs have not yet recovered full amounts of the money that was used for planning and surveying. As a result, this shortcoming has financially weakened these private companies.

The impact of such outstanding claims to regularisation of unplanned settlements was the fact that, most of the companies have not produced the town plan drawings and survey maps for further processing. As a result, not all paid up land parcels were planned and surveyed as indicated in **Table 3.19**.

**Table 3.19: Paid Up Land Parcels Compared to Planned Land Parcel**

LGA	Paid up Land Parcels	Planned Land Parcels	% Unpaid-up Land Parcels
Dodoma CC <sup>30</sup>	38,316	223,963	83
Mbeya CC	4,065	16,800	75
Tunduma TC	No records	6,423	-
Kibaigwa TA	268	5,552	95
Mbarali DC	1,884	68,733	97
Buhigwe DC	No contributions	2,357	N/A
Ilala MC	4,307	182,339	98
Kigoma Ujiji MC	2,604	14,578	82

Source: Auditors' Analysis of Paid Up Land Parcels and Number of Planned Land Parcels (2022)

As indicated in **Table 3.19**, the rate of unpaid up land parcels ranged from 75% to 98% with the highest rate of unpaid-up land being noted at Ilala MC and the lowest at Mbeya CC. Furthermore, two LGAs namely Tunduma TC and Ilala MC did not keep records of land parcels, which were paid up by the respective owners. Moreover, the Audit Team could not establish such records at the time of the audit, as they could not be availed by such LGAs. Other remaining LGAs had records of planned land parcel payments.

Due to improper handling of the regularisation funds in the visited LGAs some companies have been reluctant to complete their obligations as per contract agreement. **Table 3.20** shows status of payments and completion of work in visited LGAs.

<sup>30</sup>Paid plots have been obtained by paid amount divide by TZS 150,000 which is a rate per land parcel

**Table 3.20: Details of Private Companies Fully Paid and Number of Completed Plans and Surveys**

LGA	Number of Fully Paid Companies	Status of Completion of Work
Dodoma CC	0	69% Of 223,963 planned land parcels
Mbeya CC	0	103% of 16,800 planned land parcels
Tunduma TC	Own Staff	No data (Regulation was carried out by own staff)
Kibaigwa TA	0	26% of 5,552 planned land parcels
Mbarali DC	No data	No data
Ilala MC	No data	There was no data on part of Ilala however up to the time of this audit, the regularisation works were still incomplete.
Kigoma Ujiji MC	0	69% of 14,578 planned land parcels
Buhigwe DC	Own staff	68% of 2,357 planned land parcels

*Source: Auditors' Analysis of Payments Made to Private Companies (2022)*

Table 3.20 shows that there is no company that was paid full amount for the planning and surveying works for those LGAs, which engaged private companies to undertake regularisation activities. Tunduma TC had no data as it carried out regularisation activities using own staff through task forces and contributions were directly deposited to Tunduma TC's account. Mbarali DC did not maintain any payments details hence, it did not have information on the status of payments.

Furthermore, interviews with officials from Regional Land Offices and visited LGAs showed that, there was improper utilization of regularisation funds as the amount paid to the private companies was higher than the value of the executed works. For instance, companies engaged in regularisation in Kibaigwa TA and Mbeya CC were paid at least half of the total amount while they had not submitted all the Town Planning drawings and Survey Plans for processing titles for those who completed.

Also, the other main reason for failure to complete the works was pending approvals of town planning drawings (TP drawings) from the respective Regional Land Offices due to inadequate staff and regularisation records. Approval of TP drawings provides go ahead of surveying activities.

---

The impact of non-completion of planning and surveying works include prolonged establishment of unplanned settlements, failure of meeting targets on improving human settlements and demoralisation of property/land owners who have fully paid up their fees.

#### **3.4.5 Ineffective Mechanism for Approval of Town Planning and Survey Drawings**

According to the Regularisation Guideline, 2015 and 2021, LGAs were required to timely prepare town planning and survey drawings of the identified areas for regularisation for the purpose of processing titles for the communities of the regularised land parcels.

Review of town planning and survey drawings and processes indicated that, there were delays in approval of town planning and survey drawings which were being prepared by private planning and survey companies, as such a number of town planning and survey drawings were not processed up to titling stage. This was because, in the visited LGAs on average 25% of all Town Plan drawings were processed. Besides, some private companies were only preparing and submitting in piece-meals survey plans for approval based on the payments/contributions received from the local communities.

Interviews held with RLOs and LGAs officials responsible for regularisation activities revealed that there was no effective approval mechanism. There were no formal procedures for processing of town plans and survey plans approval showing timelines from the date they are submitted by LGAs to Regional Land Offices for approval.

This was caused by absence of formal guideline that would indicate timelines for approval of town planning and survey plans to formalise and expedite the approval process and ensure that completed and submitted town and survey plans are approved timely.

Reasons for delays were also attributed to incompleteness of town planning and survey drawings whereas most of them had errors that needed prolonged corrections from Ministry of Land through Regional Land Offices. In addition, it was noted that land sector cadres were not directly reporting to LGAs which led to laxity in reviewing the submitted Town and Survey Plans.

---

Furthermore, another reason was due to delays by land/property owners to pay planning and surveying costs to companies and Institutions engaged in planning and surveying. This was the case in Mbarali DC, Kibaigwa TA and Mbeya CC. This was attributed to low pace of contributions from the local communities.

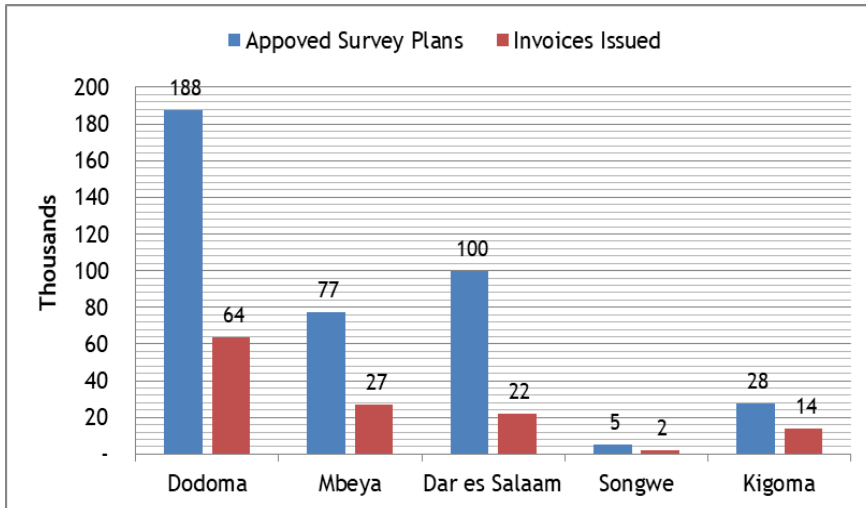
The most commonly noted errors on the submitted town planning and survey drawings include: non-consideration of approved town plan drawings whereas survey plans were prepared in piecemeal fashion not collectively as per approved town plans. Also, interviews held with Regularisation Committees in Mathias Street at Miyuji Ward in Dodoma region indicated that most of the survey plans had errors on the sizes of the land parcels, leading to disputes among the community members.

The impact of not approving the town planning and survey maps on time include delays in the completion of regularisation exercise which is yet to be completed. Furthermore, the delay resulted into slow pace of issuing invoices to land parcel owners for processing certificates of titles.

Due to delays in approving town plans and survey lay out plans, as at 30 September 2022, it was noted that 1,137,437 of survey plans were approved. Out of these, only 171,210 titles have been issued by the time this audit was being carried out. This was equivalent to only 15%. Furthermore, **Figure 3.7** provides for the status of survey plans as compared to issued invoices to owners of surveyed land plots in order to pay for titling fees and costs.



**Figure 3.7: Status of Issued Invoices for Approved Survey Plans for the Selected Regions**

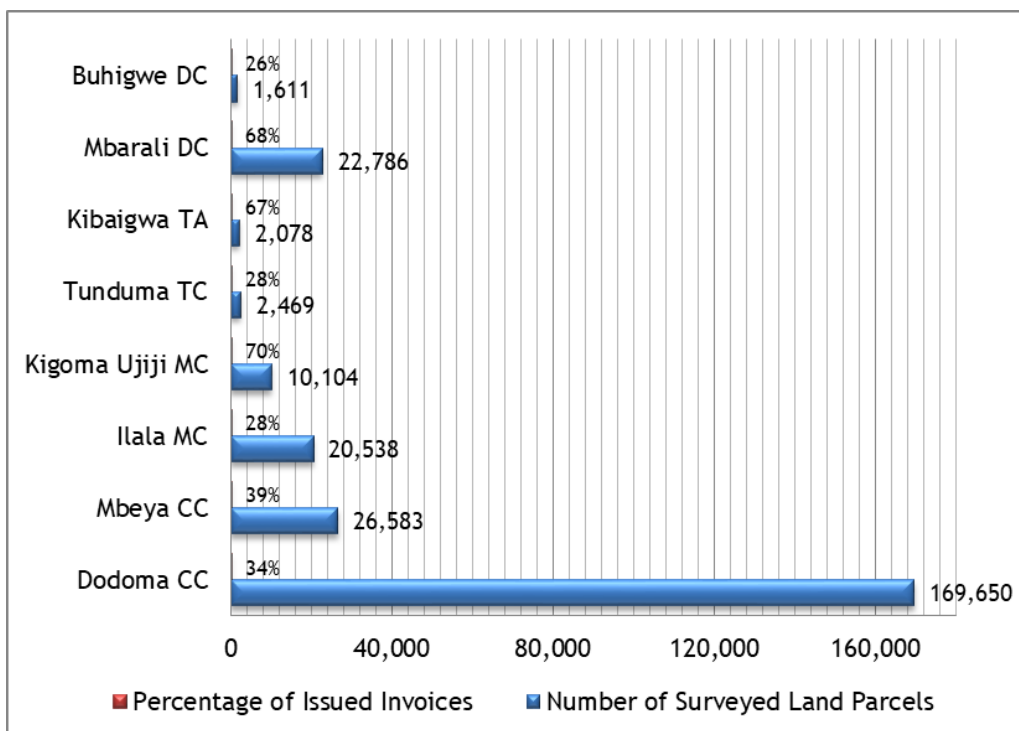


Source: Analysis of Regularisation Statistics Issued by MLHSD and LGAs, 2022

Figure 3.7 shows that the rate of issuance of invoices for the approved survey maps was quite low as compared to the number of approved survey maps. Dodoma region recorded the minimal number of issued invoices as compared to other four regions. The slow pace of issuing invoices for the surveyed land parcels undermines the target of completing regularisation by 2023.

The same situation was noted at LGA level whereby the rate of issuing invoices to owners of surveyed land parcels was not proportional to the number of approved town plans and survey plans. Figure 3.8 shows the extent of issuance of invoices for processing title deeds.

**Figure 3.8: Status of Issuance of Invoices Compared to Approved Survey Plans at LGA Level**



Source: Auditors' Analysis of Regularisation Reports (2022)

Figure 3.8 shows that there were discrepancies in the number of approved survey plans versus the number of invoices produced. This was due to the fact that there were delays in approving survey plans and also, due to delay in contribution of regularisation costs by the local communities which made private companies to either withhold the survey maps or fail to fully execute their work as per signed contract.

### 3.4.6 Inadequate Issuance of Titles to Owners of Regularised Land Plots

According to the Regularisation Guideline of 2015 and 2021, LGAs in collaboration with MLHSD Regional Offices are required to immediately process and issue invoices to owners of land parcel which have been regularised for the purpose of enabling them to pay for the cost of processing of titles.

Review of regularisation statistics indicated that, issuance of invoices was not commensurate with the titles processed. Generally, since regularisation started at national level, 443,525 owners of surveyed land parcels were issued with invoices for processing title deeds. However, up to the time of this audit only 171,210 titles had been processed. This is equivalent to 39% of all issued invoices country-wise. This shows a slow response by property/land owners to pay for the costs of regularisation of their properties.

Further analysis of the number of issued invoices for processing of titles indicated that for the visited LGAs, there were also inadequacies in issuance of titles compared to the number of invoices issued to land parcels owners. **Table 3.21** shows the issuance of invoices for processing titles and survey plans carried out in the selected regions.

**Table 3.21: Status of Survey Plans and Issuance of Titles**

Region	Invoices Issued to Owners of Land Parcels	Titles Processed	% of Titles Issued (%)
Dodoma	63,526	8,144	13
Dar es Salaam	21,817	22,104	101
Mbeya	26,858	5,763	21
Songwe	1,942	1,298	67
Kigoma	13,903	2,864	21

*Source: Auditors' Analysis of Regularisation Statistics Issued by MLHSD and LGAs (2022)*

**Table 3.21** indicates that over the last five financial years, the trend of issuance of invoices for processing title deeds and subsequently issue titles to owners of the regularised land was inadequate. It can be noted that despite the fact that Dodoma region had huge number of invoices issued yet, the extent of issuance of titles was not commensurate with the number of invoices that were issued. Dar es Salaam region recorded the highest number in terms of issuance of title deeds compared to the remaining four regions, namely Songwe, Kigoma, Mbeya and Dodoma.

The performance of Dar es Salaam was better than the rest of the regions in 2021, because Dar es Salaam Regional Land Office in collaboration with LGAs in Dar es Salaam carried out a regularisation sensitization campaigns across Dar es Salaam Region. For that reason, more community members responded into receiving their invoices and subsequently responded by paying for processing costs of their titles.

Further analysis was done to assess the rate of issuance of title deeds to the surveyed and approved land parcels in visited LGAs. **Table 3.22** shows relationship between the invoices issued to owners of land parcels as compared to issued title deeds.

**Table 3.22: Status of Issuance of Invoices and Issuance of Titles in the LGAs Visited**

LGA	Invoices Issued to Land Parcels Owners	Issued Titles	% of Issued Titles
Ilala MC	5,798	4,307	74
Tunduma TC	1,118	693	62
Kigoma Ujiji MC	7,054	2,604	37
Mbeya CC	10,391	2,172	21
Kibaigwa TA	16	3	19
Dodoma CC	57,142	6,904	12
Mbarali DC	13,745	1,496	11
Buhigwe DC	420	31	7

*Source: Analysis of Regularisation Statistics Issued by MLHSD and LGAs (2022)*

**Table 3.22** shows that there has been a slow pace in issuance of titles for land parcels planned, surveyed and issued with invoices during regularisation. It can be noted that Ilala MC (Dar es Salaam) had the highest number of issued titles compared to the remaining seven LGAs. The LGA that had the lowest number of issued titles was Buhigwe DC. It had only 7% of the titles for land parcels which were issued with invoices while Ilala MC was the highest at 74%.

The reasons for such low pace of processing of titles were cited as the non-submission of approved town planning and survey drawings by private companies to LGAs for further processing of titles due to non-payment of regularisation fees by the local communities. In all the visited LGAs which engaged private companies, it was noted that they were not in possession of the original approved town planning drawings and survey plans. This is because the Companies were holding on to the town planning drawings and survey plans pending collection of regularisation costs from the local communities.

The impact of the failure to issue invoices for processing titles led to a number of streets not being regularised as per plan. It also led to failure to attain government targets on regularisation activities including delays in

---

completing regularising all unplanned settlements by 2023. In addition, the government lost revenues from land rent which could have been generated had the regularisation been completed. This may lead to the emergence of more unplanned settlements due to delays in issuance of titles to the planned and surveyed land parcels that may be informally resold to other persons or due to lack of formal demarcations.

### **3.4.7 Inadequate Monitoring and Evaluation of Private Companies Performance**

Para 3(xii) of the Circular Number 1 of 2019 on Regularisation of Unplanned Settlements in the country requires LGAs through responsible official, to monitor the execution of planning and surveying activities in their respective areas of jurisdiction.

Review of Progress Reports in the visited LGAs (2017/18 to 2020/21) showed that there was no monitoring that had been conducted regarding implementation of regularisation activities to determine the adherence to the set standards.

As a result, the review of regularisation planning documents revealed that there was no provision of land for public/community services such as recreational open space, or for community refreshment. This was because the parcels of land in these communities for Regularisation are not public land. When a need for land in the community arises for public/community services, it is very difficult to find a volunteer. Land has value and if those services are planned for; compensation should be paid by the LGAs as in the case of land required for roads or other public utilities.

It was further noted that reasons for inadequate monitoring of regularisation of unplanned settlements were:

- (i) **Approaches used to engage private companies:** Through interviews conducted with officials in the visited LGAs, the Audit Team noted that, the approaches used to engage private firms for the regularisation activities did not provide direct linkage between the private companies and LGAs. The contracts were entered between private companies and respective regularisation

---

committees. This anomaly makes LGAs unable to effectively discharge their roles of selecting and monitoring performance of private companies engaged in regularisation activities;

- (ii) **Coordination between the LGAs' Officials and Regularisation Committee:** The audit noted that, land cadre officials found at LGAs are the employees of the Ministry of Lands while regularisation activities were carried out in the Planning Authorities (LGAs). Moreover, Planning Authorities do not have budgets to facilitate planning and surveying for regularisation of unplanned settlements. Hence, Ministry of Lands was not in position to facilitate activities of the Planning Authorities including monitoring of regularisation activities;
- (iii) **Effectiveness of the Committees:** The Audit Team noted that, among the roles of the regularisation committees was to sensitize the local communities to contribute for regularisation cost. Where efforts of communities to contribute to regularisation costs are low, it leads to delays in processing and issuing of title certificates. This demoralizes LGAs officials to conduct monitoring on regularisation activities;
- (iv) **Reporting Structures:** This has close relation with the coordination of the regularisation activities as elaborated in (ii) above. It was noted that PO-RALG as a parent Ministry of Local Government Authorities (Planning Authorities), do not have formal structure of receiving reports on regularisation activities. As a result, PO-RALG is not informed on regularisation activities despite PO-RALG being the coordinator of all Planning Authorities (LGAs). Furthermore, PO-RALG does not include regularisation activities in its Strategic Plans. This implies that PO-RALG does not plan and budget for regularisation activities in the Annual Development Plans; and
- (v) **Shortage of Human Resources:** The audit team noted that, there was a shortage of human resources as presented in **Table 3.23**. The table shows an average deficit of 59% of the required staff.

**Table 3.23: Human Resources/Staff Cadre Available at Visited LGAs and Regional Land Offices**

LGA	Cadre	Required Number (A)	Available Number (B)	Staffing Gap (B-A)	% of Deficit
Dodoma CC	Town Planner	15	8	7	47
	Surveyor	15	8	7	47
	Cartographer	15	3	12	80
	Land Officer	15	12	3	20
Mbeya CC	Town Planner	6	5	1	17
	Surveyor	6	1	5	83
	Cartographer	6	1	5	83
	Land Officer	6	7	0	0
Ilala MC	Town Planner	6	6	0	0
	Surveyor	6	1	5	83
	Cartographer	6	5	1	17
	Land Officer	6	12	0	0
Kigoma Ujiji MC	Town Planner	6	1	5	83
	Surveyor	6	2	4	67
	Cartographer	6	0	6	100
	Land Officer	6	1	5	83
Tunduma TC	Town Planner	6	2	4	67
	Surveyor	6	1	5	83
	Cartographer	6	0	6	100
	Land Officer	6	2	4	67
Kibaigwa TA	Town Planner	6	3	3	50
	Surveyor	6	2	4	67
	Cartographer	6	1	5	83
	Land Officer	6	2	4	67
Mbarali DC	Town Planner	6	4	2	33
	Surveyor	6	3	3	50
	Cartographer	6	1	5	83
	Land Officer	6	3	3	50
Buhigwe DC	Town Planner	6	1	5	83
	Surveyor	6	3	3	50
	Cartographer	6	0	6	100
	Land Officer	6	0	6	100
<b>Total</b>		<b>228</b>	<b>101</b>	<b>134</b>	<b>59</b>

Source: Staff Establishment Provided by MLHSD (2022)

---

As shown in **Table 3.23** the human resources/staffing levels gaps stood at an average of 4 staff among the six LGAs visited. The most critical situation was noted at Tunduma TC and Buhigwe DC with 100% deficit Cartographers and Land Officers.

### **3.5 Inadequate Coordination of Regularisation Activities by MLHHSD and PO-RALG**

According to Section 5.4 of the Guidelines for the Preparation of General Planning Schemes and Detailed Schemes for New Areas, Urban Renewal and Regularisation, the Ministry of Lands has to provide regulatory instruments and tools to support local governments oversee preparation and implementation of Schemes of Regularisation in their respective areas. This includes performing its major function of coordinating and monitoring execution of regularisation schemes.

The audit noted the following weaknesses regarding coordination as elaborated in the following sub-sections:

#### **3.5.1 Weaknesses in Sharing of Information on Regularisation**

Interviews with Officials from PO-RALG and MLHHSD revealed existence of weak coordination between these two Ministries. Officials from the Ministry of Lands, Housing and Human Settlements Development insisted that the role of the Ministry is to prepare policy regarding land use and approve all land use plans in the country through their Regional Land Offices. They added that management of land use planning is under LGAs which are answerable to PO-RALG.

On the other hand, PO-RALG noted that LGAs' staff who are responsible for land are answerable to MLHHSD on professional and disciplinary matters; but responsible to the LGAs for their daily activities. They added that PO-RALG did not have any information regarding regularisation activities and reports because technically, all staff in land sector are accountable to MLHHSD.

Similarly, interviews held with Regional Administrative Secretariats in the visited regions of Dodoma, Songwe, and Mbeya indicated that, all land matters have been shifted to the Ministry responsible for lands. RAS(s) noted



---

that Regional Land Offices did not report directly to Councils' Directors or Regional Administrative Secretaries in relevant regions but to the MLHHSO. Furthermore, lack of sharing of information with LGAs has resulted into PO-RALGs' lack of information on regularisation of unplanned settlements; as a result LGAs cannot take actions on the on - going activities of regularisation.

Similarly, the PO-RALG officials showed that, there is no coordination with MLHHSO and other stakeholders on regularisation activities. As a result, the activities of the regularisation of unplanned settlements are handled without support from other entities of the government.

### **3.5.2 Inadequate Coordination between MLHHSO, PO-RALG, Regional Land Offices and LGAs**

Para 5.5 of the Guidelines for the Preparation of General Planning Schemes and Detailed Schemes for New Areas, Urban Renewal and Regularisation requires MLHHSO and PO-RALG through LGAs to coordinate regularisation activities being implemented in their areas of jurisdiction.

Review of regularisation reports from 2017/18 to 2021/22 indicated that there were weaknesses in coordinating regularisation activities being implemented by private companies.

The Audit Team noted that both MLHHSO and PO-RALG did not have a formal mechanisms of ensuring that all regularisation activities being implemented by LGAs are coordinated and reported through relevant channels such as the Directors of respective Local Government Authorities (for the case of Councils) and through the Assistant Commissioners for Land (Regional Land Offices).

The Audit Team further noted that, officers who were working under the umbrella of LGAs such as Town Planners, Land Surveyors, Land Officers and Valuers did not have direct reporting line to the respective Directors of Local Government Authorities or Regional Administrative Secretary (RAS) but rather they reported directly to Assistant Commissioner for Land.

This has undermined the performance of LGAs in the regularisation processes due to the fact that, the Director of the Local Government Authorities' do not have direct supervision of such officers. He/she cannot not discipline them in

---

case of misconduct or non-performance because LGAs Directors do not have disciplinary authority over them.

The impact of this is that the PO-RALG and Regional Secretariats (RSs) did not receive progress reports on the implementation of regularisation activities. As a result Directors of Local Government Authorities cannot make decisions for improving the performance of implementation of regularisation activities due to lack of feedback.

Despite the fact that LGAs were the Planning Authorities, they had no mandate of approving town planning and survey drawings instead this powers were vested onto the Directorate of Human Settlement Development (in case of town planning drawings) and Directorate of Survey and Mapping (in case of survey drawings and maps). However, since 2020/21 the Ministerial powers were decentralised to Regional Land Offices where all approvals are carried out just like they are being done by the Ministry.

On the other hand, review of regularisation reports of 2017/18 to 2021/22 showed that, private companies entered into agreements with either LGAs or the Regularisation Committees at the Community level to undertake planning and surveying activities. However, the Regional Land Offices had no control over the companies, as they were not signatories to the agreements or contracts.

This has led to massive approval delays in some areas of up to two months in the process of town planning and survey drawings. These delays in approval ultimately led to delays in the issuance of title deeds (Certificate of Right of Occupancies) to the regularised land owners.

### **3.6 Inadequate Monitoring of Regularisation Activities by MLHHSD and PO-RALG**

#### **3.6.1 Lack of Planning for Monitoring of Regularisation Activities**

Para 5.5 of the Guidelines for the Preparation of General Planning Schemes and Detailed Schemes for New Areas, Urban Renewal and Regularisation require Urban planners in collaboration with Ward/Mtaa Offices to monitor

---

implementation of the approved schemes of regularisation at regular intervals and incrementally.

However, review of Annual Performance Reports for the financial years 2017/18 to 2021/22, the Audit team noted that, both Ministries (the Ministry of Lands and PO-RALG) do not prepare plans for monitoring of regularisation activities at the Regional Land Offices and LGAs respectively.

Interviews held with Officials responsible for regularisation at Ministerial level indicated that both Ministries did not allocate funds for monitoring activities. This is because the regularisation activities were entirely being financed through communities' contributions; therefore, LGAs had no direct influences that required monitoring.

The Audit Team made further probing on how the private companies undertake planning and surveying activities without being monitored. It was revealed that, low priority was given to the regularisation activities since the government did not finance the scheme. This made companies to undertake planning activities over and above the agreed timelines set in their contracts agreements without action being taken by responsible Regional Land Offices and LGAs.

The impact of not having monitoring plans led to both MLHHSD and PO-RALG through Regional Land Offices and LGAs respectively not setting aside budget provisions for monitoring of undertaken regularisation activities in their respective RLOs and LGAs. This shortcoming finally resulted into underperformance of the regularisation activities on planning and surveying as carried out by private companies.

### **3.6.2 Inadequate Monitoring of Private Companies Engaged in Planning and Surveying of Unplanned Settlements for Regularisation**

Para 4(ii) of the Guidelines for Regularisation of Unplanned Settlements, 2021 requires the PO-RALG to monitor implementation of the regularisation activities in all planning authorities (LGAs). Also, Para 6(ix) of the Guidelines requires MLHHSD to conduct monitoring, supervision and participatory evaluation on regularisation at all levels and advice accordingly.

---

Also, Para 5.6 of the Guidelines for the Preparation of General Planning Schemes and Detailed Schemes for New Areas, Urban Renewal and Regularisation requires the Ministry of Lands in collaboration with the Local Government Authority to conduct periodic audit on the implementation of the regularisation schemes so as to determine adherence to standards set and changes in the development conditions.

The audit noted weaknesses in the monitoring of private companies in regularisation activities as elaborated in the following sub-sections:

***(i) Inadequate Monitoring of the Implementation of Regularisation of Unplanned Settlements Implemented at Regional Land Offices and Planning Authorities (LGAs) by MLHSD***

Audit review of annual progress reports of the Ministry of Lands (2017/18 to 2020/21) noted that, although the Ministry of Lands conducted monitoring and evaluation to a total of 926,654 regularized properties in the financial year 2019/20, there was no planning for this activity.

The Audit Team further requested for monitoring and evaluation reports for the regularized properties to check key issues assessed by MLHSD, but the reports were not availed. Therefore, there was no evidence that the MLHSD conducted monitoring and evaluation activities to bring about improvement in the regularisation activities at all levels under the ministry. Failure to prepare monitoring and evaluation reports by MLHSD has impact adversely on feedback to the monitored entities. Hence there might be no improvement on the implementation of the regularisation activities.

As a result, a number of companies have absconded without completing planning and surveying activities, leaving the regularisation plans for a number of streets (*Mitaa*) incomplete. **Table 3.24** indicates companies which have not completed the work as per agreement and have absconded.

**Table 3.24: Companies that have Absconded from Site without Completing Planning and Surveying Works**

LGA	Company Name	Amount Paid	Status of Work
Kibaigwa TA	Nyolu	No records	Not completed
	HRS	No records	Not completed
Mbarali DC	Ardhi University (ARU)	No records at LGA level as regularisation account is held, controlled and operated by ARU, contrary to Regularisation Guideline, 2021	Not completed
Tunduma TC	N/A	N/A	Not completed
Buhigwe DC	Own Staff	N/A	Not completed
Ilala MC	Land General Planning Company Limited;	68,345,000	Not completed
	Ardhi University-Morogoro	104,510,000	Not completed

*Source: Auditors' Analysis of Regularisation Reports, Contracts and Private Companies' Payment Details, 2022*

**Table 3.24** shows that some companies absconded without completing planning and surveying works as per the agreements. The highest level of absconding from site was noted in Mbarali DC and Kibaigwa TA whilst the lowest was noted at Mbeya CC. Ilala MC did not have records in place even though it used private companies in regularisation activities. The records could not be availed despite being requested through MLHSD. Other LGAs namely Buhigwe DC and Tunduma TC used own staff in regularisation activities.

Similarly, through a review of annual progress reports of the Ministry of Lands (2017/18 to 2020/21) it was noted that, no auditing was conducted regarding implementation of regularisation program to determine the adherence to standards set. During the audit it was noted that, for the financial year 2020/21 MLHSD visited Kigoma Region only.

---

**(ii) *Inadequate Monitoring of the Implementation of Regularisation of Unplanned Settlements Implemented at Regional Land Offices and by Planning Authorities (LGAs) by PO-RALG***

From the review of the Strategic Plan of PO-RALG (2015/16 to 2025/26) and interviews with officials it was revealed that, PO-RALG has not included regularisation of unplanned settlements activities in its Strategic Plan, as a result, the PO-RALG was not conducting monitoring of regularisation activities carried out by LGAs and private companies.

The audit team noted that, failure of PO-RALG to conduct monitoring of regularisation activities has led to failure to assess performance of regularisation activities carried out by private companies in LGAs. Besides there is a risk of not achieving the target of completing regularisation activities by June 2023 as per national Guideline for the Regularisation of Unplanned Settlement of 2021.

**3.6.3 Inadequate Follow-up of Private Companies' Performance in Regularisation Activities**

Para 5.6 of the Guidelines for the Preparation of General Planning Schemes and Detailed Schemes for New Areas, Urban Renewal and Regularisation of 2019 requires the Ministry of Lands to periodically/regularly study the implementation stages and propose amendments where necessary.

Review of MLHHS D Annual Progress reports of 2017/18 to 2021/22 showed that for the past five financial years, the Ministry did not conduct regular or periodical studies on the implementation of the regularisation exercise. Interviews held with Officials responsible for regularisation at MLHHS D indicated that the Ministry carried out an assessment in the year 2020 on the challenges facing regularisation activities in the country and came up with recommendations. However, the report was not availed to the Audit Team for review. The reason given for this was that the draft assessment report was awaiting endorsement by the MLHHS D management and therefore could not be tendered as a final document for audit purposes.

---

The main reason for failure to conduct and document the assessment was attributed to the fact that little efforts were deployed to ensure completion of the regularisation of all unplanned settlements by the year 2021/23.

The impact for not periodically and regularly studying the implementation of regularisation activities in the country has led to underperformance of LGAs such as Tunduma and private companies in LGAs such as Mbarali District Council.

#### **3.6.4 Non-Evaluation of Performance of Private Companies Engaged in Regularisation Activities**

Para 5.6 of the Guidelines for the Preparation of General Planning Schemes and Detailed Schemes for New Areas, Urban Renewal and Regularisation of 2019 requires MLHSD to periodically/regularly study the implementation stages in order to suggest action areas where necessary.

The audit noted the following weaknesses regarding evaluation of private companies engaged in planning and surveying of unplanned settlements.

##### ***i) Inadequate Evaluation of Performance of Private Companies Engaged in Regularisation Activities by PO-RALG***

Interviews held with PO-RALG's officials indicated that, PO-RALG does not evaluate the performance of private companies engaged in regularisation activities.

The interviewed officials informed the Audit Team that, planning authorities (LGAs) enter into contracts with private companies for regularisation activities. Then LGAs are supposed to submit reports to PO-RALG on the implementation of regularisation activities so that PO-RALG can effectively evaluate the performance of private companies. However, LGAs do not submit implementation reports to PO-RALG. The audit further noted that, LGAs as Planning Authorities where regularisation activities are implemented, did not have reports which could be shared with PO-RALG to enable evaluation of the performance of private companies.



---

The reasons why LGAs do not have reports are that; technical activities on land sector such as town planning details, town planning drawings, and surveying of layout plans are reported to the Ministry of Lands through Assistant Commissioners of Lands in respective Regional Land Offices and not to the respective LGAs. This is because, officials of land sector are employees of the Ministry of Lands, Housing and Human Settlements Development (MLHSD). In this regard, the Planning Authorities only get sketchy reports informing them on the status of implementation.

However, the Audit noted that, all Planning Authorities that recommend town plans or survey plans for approval including regularisation plans are under the LGAs. The Ministry of Lands cannot approve these plans and their details if they do not have recommendations from the Planning authorities. Therefore, for LGAs not to possess regularisation records and reports was due to their inadequate supervision of regularisation activities in their respective Planning Authorities.

Failure of the Planning Authorities to get technical reports on the regularisation activities, which could be shared with PO-RALG, has impacted on decision making by Planning Authorities and PO-RALG. This led to failure to evaluate the performance of private companies engaged in regularisation activities in their respective areas and at the national level.

***ii) Inadequate Evaluation of Performance of Private Companies Engaged in Regularisation Activities by MLHSD***

Interviews held with Officials of MLHSD indicated that, the Ministry of Lands conducts evaluation performance of private companies engaged in regularisation activities on quarterly basis through Regional Land Offices. The Officials further reported that, the Ministry gets progress reports on the implementation of regularisation activities of regularisations in terms of statistical data from LGAs as one of the strategies for evaluating the performance of private companies. However, it was noted that LGAs were only submitting statistical data and not progress reports. As a result, MLHSD did not timely furnish the details of regularisation status for audit verification and reviews.

However, the review of Annual Performance Reports of the Ministry of Lands for the financial years 2017/18 to 2020/21 showed that, the Ministry of Lands



---

did not evaluate the performance of private companies engaged in planning and surveying of unplanned settlements in the regularisation process through Regional Land Officers and LGAs.

According to the interviewed officials of the MLHSD, the reason for not evaluating performance of private companies engaged in regularisation process was a shortage of financial resources for land sector officials working at the Regional Land Offices. Also, the review of Annual Performance Reports of the Ministry of Lands for the financial years 2017/18 to 2020/21 indicated that, the Ministry did not plan for evaluation of the performance of the private companies.

Furthermore, the officials added that, there was a Memorandum of Understanding (MoU) between MLHSD and PO-RALG to facilitate the staff of the land sector working for LGAs in undertaking land sector activities within the LGAs which are the Planning Authorities. However, the MoU was not availed to the auditors for review.

Non-evaluation of the performance of private companies is likely to lead to failures to make the appropriate decisions for improving the performance of private companies in regularisation activities. In almost all visited LGAs and Regional Land Offices, the audit team noted pending approvals of town planning drawings (TP Drawings) and surveying layout plans. At the same time, officials in the visited areas did not have records of approved town plan drawings and survey plans. This shows a major weakness in the implementation and management of regularisation activities in the project by LGAs.

---

## CHAPTER FOUR

### AUDIT CONCLUSION

#### 4.1 Introduction

This chapter presents the findings on the extent to which the Ministry of Lands, Housing and Human Settlements Development (MLHHSD) and President's Office - Regional Administration and Local Government (PO-RALG) manage regularisation of unplanned settlement in the country. The performance was measured based on the effectiveness of regularisation plans, implementation, coordination and monitoring of regularisation activities.

#### 4.2 General Conclusion

The Audit concludes that the regularisation process has facilitated the issuance of title deeds, increased land value and security of tenure for many low-income communities living in unplanned settlements. However, more efforts need to be employed to ensure that regularisation activities of unplanned settlements are properly managed and timely completed.

Despite the fact that regularisation has played an important role in improving human settlements in urban areas, yet the exercise is not well managed. As a result, it is unlikely that the government target and aspirations to conclude and regularise all informal/unplanned settlements by 2023 will be achieved.

There are prolonged delays in completing the regularisation process and poor follow-up and monitoring of private companies engaged in planning and surveying of land parcels in the regularisation process. These require policy actions, particularly reviewing the national informal settlements regularisation guidelines, as a way to address the weaknesses emerging from the hitherto regularisation projects undertaken in the studied settlements.

---

The Audit concludes that land regularisation remains an important tool to enhance liveable cities and protect long-term public and private interests in urban land development. This is a critical instrument to improve living and working areas where the bulk of the urban poor (over 70%) live. In order to improve the performance of regularisation activities, supportive policy actions are required to particularly protect public interests in unplanned settlements and harmonise the engagement and supervision of private companies engaged in regularisation.

### **4.3 Specific Conclusions**

#### **4.3.1 Inadequate Planning for Implementation of Regularisation Activities**

MLHHSD and PO-RALG do not adequately plan for the implementation of land regularisation. Both Ministries do not set plans and budgets to support implementation of land regularisation. There are no specific budgets for regularisation activities at both Ministerial, Regional and Local Government levels. As such, funding of regularisation activities is left to communities' contributions. Many of the communities are unable to pay as and when required to do so. As a result, some of the private companies have been obliged to use own sources of finance to undertake planning and surveying of land. Thus, lack of plans and budget from the government for managing regularisation activities has in turn made implementation of regularisation scheme a daunting task.

LGAs also did not have enough human resources and in particular land cadres who should inspect works carried out by private companies. On the other hand, despite efforts employed by Regional Land Offices and LGAs in carrying out community awareness and sensitization of regularisation exercise, there is reluctance among community members to pay for regularisation costs and fees for processing land titles. Reluctance to pay is partly attributed to ignorance among land/property owners about the increase in property or land value when it is regularised, acquisition of basic services and improved tenure security.

Most of the identified unplanned settlements or streets (*Mitaa*) for regularisation are not planned and surveyed yet. It is also noted that LGAs

---

do not have plans for procuring and engaging private companies in the regularisation of land; subsequently companies have been entering into agreements with local communities through the regularisation committees without being approved by LGAs.

#### **4.3.2 Inadequate Implementation of Regularisation Activities**

MLHHSD and PO-RALG including Regional Land Offices and LGAs do not adequately manage regularisation of unplanned settlements. As a result, the implemented regularisation activities are not yielding the expected results.

LGAs and private companies engaged in regularisation activities are not adequately monitored when discharging planning and surveying identified land parcels. There are insufficient staff and equipment to facilitate inspection activities. Often identified land parcels are far too many compared to staff on post at the LGAs.

Regularisation Coordinators at the LGAs and Regional Land Offices do not report on performance of LGA officials and private companies engaged in land regularisation activities. These also do not maintain up to date data base for regularisation activities.

There are weaknesses in procurement of private companies and mismanagement of funds paid to private companies for such activities. Some of companies do not seek approval to carry out planning and surveying activities from LGAs. LGAs do not adequately inspect the works done by private companies in the regularised areas.

Some private companies have decided to withhold planning and survey drawings due to non-payment of planning and survey costs by local communities. As such, there are huge outstanding payments owing to LGAs. Also, there are outstanding planning and surveying works which have not been completed to date.

---

#### **4.3.3 Inadequate Coordination of Regularisation Activities among MLHSD, PO-RALG and LGAs**

There is weak coordination between MLHSD and PO-RALG in managing regularisation activities. The Institutional set-up and reporting line between LGAs and Regional Land Offices is not adequately and clearly defined.

Officials dealing with land matters (Town planners, Surveyors, Land Officers and Valuers) at the LGAs are not directly responsible and accountable to LGAs management. They are accountable to Regional Land Offices only, although they execute duties of the LGAs.

As a result, there is an overlap of responsibilities when carrying out regularisation activities especially when reviewing town planning and survey drawings submitted by private companies. This is because the reviewers of the plans/drawings are at the same time the approving authority. This leads to conflict of interest at LGAs and Regional land offices level. In turn, this undermines good governance practices in the implementation of regularisation activities.

The current set-up does not facilitate direct sharing of regularisation information between the two Ministries and in that case, MLHSD do not have hand-on information on the status of regularisation at LGAs levels. The disciplinary authority of the officials responsible with regularisation is the Land commissioner; as such LGAs do not have disciplinary control over the land sector officers. This may lead to non-accountability in case of unprofessional practices at LGAs level.

#### **4.3.4 Monitoring of Regularisation of Unplanned Settlements is Not Adequately Done**

There are weaknesses in monitoring of regularisation activities carried out at LGAs level and by private companies. LGAs do not have monitoring plans or performance indicators to measure performance of private companies engaged in planning and surveying of land in areas identified for regularisation.

---

Inspections of private companies' works are not adequately conducted by LGAs, leading to unmonitored activities which in turn have led to prolonged delays in completing planning and surveying activities.

MLHHSD and PO-RALG do not adequately make follow-up of performance of Regional Land Offices and LGAs respectively. Also, no budget is set aside to finance monitoring of regularisation activities in the LGAs.

Monitoring of private companies' performance is not done to assess the extent of implementation of regularisation activities (especially those carried out by private companies). As a result, most companies have not completed their works as per contracts. Ultimately this implies that,

MLHHSD and PO-RALG are unlikely to meet the target of ensuring that regularisation of unplanned settlements in the country is completed by the year 2023.



---

## CHAPTER FIVE

### AUDIT RECOMMENDATIONS

#### 5.1 Introduction

This chapter provides for recommendations to the Ministry of Lands, Housing and Human Settlements Development (MLHHSD) and the President's Office - Regional Administration and Local Government (PO-RALG) on what should be done to improve the implementation and management of regularisation of unplanned settlements in the country.

The audit team acknowledges the government efforts towards regularisation of unplanned settlement through engagement of private companies in planning and surveying of unplanned settlement in the country. However, more strategic interventions are required to address the observed gaps for the purpose of ensuring targets for regularisation of unplanned settlements are met.

The National Audit Office believes that, these recommendations need to be fully implemented to ensure improvements of the unplanned settlements where the bulk of housing are constructed, and where the urban poor in the country are living and will most likely continue to live for the unforeseen future.

#### 5.2 Recommendations to the Ministry of Lands, Housing and Human Settlements Development

##### 5.2.1 To improve Planning for Implementation of Regularisation Activities on Unplanned Settlement

***The Ministry of Lands, Housing and Human Settlement Development should:***

- (a) Enforce the regularisation guidelines to enhance guidance, consistency, accountability and efficiency in managing of regularisation of unplanned settlements;

- 
- (b) Integrate regularization activities in its plans and prioritise its implementation at Regional Land Offices and LGAs; and
  - (c) Collaborate with PO-RALG to review the correct administrative setup where the Land sector officers are accountable to the Ministry of Land. The set-up should aim to decentralize and enhance accountability to the respective LGAs.

#### **5.2.2 To improve the Implementation of Regularisation Activities on Unplanned Settlement**

*The Ministry of Lands, Housing and Human Settlements Development should:*

- (a) Devise mechanisms that will ensure regularisation activities are finalized on time;
- (b) Strengthen coordination, monitoring and reporting of regularisation functions at Regional Land Offices so that regularisation activities are swiftly implemented;
- (c) In collaboration with LGAs/PO-RALG, review the current regularisation agreements/contracts and enforce their implementation. Where necessary a standard contract template should be devised and put in place to address weaknesses in the contracts;
- (d) Establish a mechanism that will ensure that, all identified land parcels or settlements designated for regularization are planned, surveyed and titles issued on time; and
- (e) Increase budget and commit more resources to ensure that regularisation activities are implemented on time.



---

### **5.2.3 To Enhance Coordination of Regularisation Activities on Unplanned Settlement**

*The Ministry of Lands, Housing and Human Settlements Development shall:*

- (a) Develop, in collaboration with PO-RALG, a coordination mechanism that will ensure regularization activities are coordinated from National level and at Regional Land Offices and Local Government Authorities levels.

### **5.2.4 To Improve Monitoring of Regularisation Activities on Unplanned Settlements**

*The Ministry of Lands, Housing and Human Settlements Development should:*

- (a) Prepare regularisation monitoring and review plans and Key Performance Indicators and ensure that they are adequately implemented and met; and
- (b) Ensure that LGAs timely report on regularisation activities and make follow-ups on the issues recommended and monitoring reports, as well as compile regularisation data on timely basis.

## **5.3 Recommendations to the President's Office - Regional Administration and Local Governments**

### **5.3.1 To improve Planning for Implementation of Regularisation Activities on Unplanned Settlement**

*The President's Office - Regional Administration and Local Government should:*

- (a) Prioritise regularisation of unplanned settlements activities and embed them in its annual plans and ensure that they are swiftly implemented; and

- 
- (b) Commit resources to ensure that regularisation activities in the LGAs are implemented timely basis.

### **5.3.2 To Improve Implementation of Regularisation Activities on Unplanned Settlements**

*The President's Office - Regional Administration and Local Government should:*

- (a) Ensure LGAs carry-out inspections and supervision of the current regularisation contracts to ensure that they are executed and complied with as per agreements; and
- (b) Establish a mechanism for subsidizing/supporting the remaining regularisation activities to ensure that they are executed and completed by 2023.

### **5.3.3 To improve Coordination of Regularisation of Unplanned Settlements Activities**

*The President's Office - Regional Administration and Local Government should:*

- (a) In collaboration with MLHSD, review the institutional set-up of Officials working under LGAs on the matters related to land to ensure that there is clear line of responsibility and accountability at LGAs' level; and
- (b) Enhance sharing of regularisation information in all activities undertaken by private companies during regularisation.



---

#### **5.3.4 To Improve Monitoring of Regularisation Activities on Unplanned Settlements**

*The President's Office - Regional Administration and Local Government should:*

- (a) Ensure LGAs prepare monitoring plans with key performance indicators for measuring performance of LGAs and private companies engaged in planning and surveying of unplanned settlement during regularisation;
- (b) Ensure Regional Land Offices and LGAs conduct monitoring, reporting on the results of monitoring, follow-up on the recommendations and take necessary remedial measures in case the private companies and LGAs fail to honour the agreements/contracts;
- (c) Institute mandatory mechanisms for LGAs in addition to the form presented in the guidelines issued in 2021, to be used to monitor, assess, and report the performance of regularisation activities carried-out by private companies. The mechanism should provide sufficient and informative information to allow effectively assessment and used for decision making;
- (d) Put in place a mechanism to ensure that LGAs play their statutory role and transparently select private planning and surveying companies; and
- (e) Ensure adequate professional staff on land matters that includes town planners, surveyors and land officers are recruited in LGAs and Regional Land Offices to carry out regularisation activities.

---

## REFERENCES

1. Boshe, P (2007), Land Regularisation in Tanzania: The Revolution in Land Laws and a Tool to Millennium Development Goal 7 Target 11, Open University Law Journal, Vol.1 No.2 December 2007
2. [https://www.google.com/search?rlz=1C1GCEU\\_enTZ918TZ918&sxsrf=ALiCzsZ6i52RbOBJSYNCxnKJo6yfHkPiaw:1651839963630&q=Land+allocation+definition&sa=X&ved=2ahUKEwim3ley78r3AhVa8rsIHZ2QBkQ1QJ6B-Ag6EAE&biw=1242&bih=545&dpr=1.1](https://www.google.com/search?rlz=1C1GCEU_enTZ918TZ918&sxsrf=ALiCzsZ6i52RbOBJSYNCxnKJo6yfHkPiaw:1651839963630&q=Land+allocation+definition&sa=X&ved=2ahUKEwim3ley78r3AhVa8rsIHZ2QBkQ1QJ6B-Ag6EAE&biw=1242&bih=545&dpr=1.1)
3. Magina, F.B., Kyessi, A.G., & Kombe, J.W. (2020). The Urban Land Nexus-Challenges and Opportunities of Regularising Informal Settlements: The Case Studies of Dar es Salaam and Mwanza in Tanzania. *Journal of African Real Estate Research*, 5(1), pp.32-54
4. Magina, F.B., Kyessi, A.G., & Kombe, J.W. (2020). The Urban Land Nexus - Challenges and Opportunities of Regularising Informal Settlements: The Case Studies of Dar es Salaam and Mwanza in Tanzania. *Journal of African Real Estate Research*, 5(1), pp.32-54. DOI: 10.15641/jarer.v5i1.837
5. Said Nuhu & Wilbard Jackson Kombe (2021) Experiences of private firms in delivering land services in peri-urban areas in Tanzania, *International Planning Studies*, 26:2, 101-116, DOI: 10.1080/13563475.2020.1752158
6. URT 1995: The National Land Policy of Tanzania, 1995
7. URT 2000: National Human Settlement Development Policy, 2000 Para 6.4.0
8. URT 2000: The National Human Settlements Development Policy, 2000
9. URT 2016: Wizara ya Ardhi, Nyumba na Maendeleo ya Makazi: *“Mwongozo wa Kuandaa Mipango ya Urasimishaji Makazi Yaliyojengwa Kiholela, Agosti 2016*
10. URT 2015: Waraka Namba 1 wa Urasimishaji, Wizara ya Ardhi, Nyumba na Maendeleo ya Makazi, 2019

---

11. URT 2022: Tathmini ya Urasimishaji Makazi Yasiyopangwa Ndani ya Mamlaka za Serikali Za Mitaa Nchini, 2022



---

## APPENDICES



## Appendix One (A): Recommendations Issued to the Ministry of Lands, Housing and Human Settlements Development

### General Response

The Ministry has received positively the findings and recommendations for performance audit and proper interventions will be done to improve the coordination and supervision of regularization projects countrywide.

### Specific Response

S/N	Recommendation	Response	Planned Action and Timeline
<b>The Ministry of Lands, Housing and Human Settlements Development should:</b>			
1	Enforce the regularisation guidelines to enhance guidance, consistency, accountability and efficiency in managing regularisation of unplanned settlement	The Ministry will enhance enforcement of guideline in every regularization project to increase performance	Each financial year
2	Integrate regularization activities in its plans and prioritise its implementation at Regional Land Offices and LGAs	Regularization activities will be mainstreamed in annual budget and increase the budget share for regularization	Each financial year
3.	Collaborate with PO-RALG to review the correct administrative setup where the Land sector officers are accountable to the Ministry of Land. The set-up should aim to decentralize and enhance accountability to the respective LGAs.	The Ministry will continue to Collaborate with PO-RALG and other key Ministries in reviewing and enhancing Land Sector administrative set up to ensure smooth implementation of Ministry's activities	By end of June 2023
4	Devise mechanisms that will ensure regularisation activities are finalized on time	Review of the current mechanism will be done to reflect the current needs by enhancing coordination and	Each financial year

S/N	Recommendation	Response	Planned Action and Timeline
		supervision in regularization activities	
5	Strengthen coordination, monitoring and reporting of regularisation functions at Regional Land Offices so that regularisation activities are swiftly implemented in a timely manner.	Coordination, supervision/monitoring reporting system at all levels will be enhanced	By 30 June 2023
6	In collaboration with LGAs/PO-RALG review the current regularisation agreements/contracts and enforce their implementation. Where necessary a standard contract template should be devised and put in place to address weaknesses in the contracts	In collaboration with LGAs, A mechanism will be put in place to review the current contracts. Also the standard contract template will be prepared in order to address weaknesses revealed in the contracts	By 30 June 2023
7	Establish a mechanism that will ensure that, all identified land parcels or settlements designated for regularization are planned, surveyed and titles issued on time	The existing mechanism will be reviewed to improve the implementation	Each financial year
8	Develop, in collaboration with PO-RALG, a coordination mechanism that will ensure regularization activities are coordinated from National level and at Regional Land Offices and Local Government Authorities levels	In Collaboration with PO-RALG, the Ministry will review the coordination mechanism that will ensure regularization activities are coordinated at all levels	By 30 June 2023
9	Prepare regularisation monitoring and review plans and Key Performance Indicators and ensure that they are adequately implemented and met	The Ministry will review the performance indicators and enhance monitoring strategies on regularization	By 30 June 2023
10	Ensure that LGAs timely report on regularisation activities and	The Ministry has prepared tools for LGA	Each financial year



---

S/N	Recommendation	Response	Planned Action and Timeline
	make follow-ups on the issues recommended and monitoring reports, as well as compile regularisation data on timely basis	reporting on progress report on each stage of implementation of regularization. At the Ministry level the reporting is being done monthly	



## Appendix One (B): Recommendations Issued to the President's Office - Regional Administration and Local Government

### Specific Response

S/N	Recommendation	Response	Planned Action and Timeline
<b>The President's Office - Regional Administration and Local Government should:</b>			
1	Prioritise regularisation of unplanned settlements activities and embed them in its annual plans/budgets and ensure that they are implemented.	Agreed	Alongside scrutinization of RSs and LGAs Annual Plans and Budgets by PO-RALG, Regularization activities will be emphasized and prioritized
2	Commit more resources to ensure that regularisation activities in the LGAs are implemented on a timely basis.	Agreed	Strategized M&E for regularization activities to be done in F/Y 2023/24
3	Ensure LGAs carry-out inspections and supervision of the current regularisation contracts to ensure that they are executed and complied with as per agreements	Agreed	Guidance to be given to LGAs in F/Y 2022/23. <ul style="list-style-type: none"> <li>PO-RALG to liaise with MLHSD for collaborative co-oversight of regularization activities</li> </ul>
4	Establish a mechanism for subsidizing/supporting the remaining regularisation activities to ensure that they are executed and completed by 2023.	Agreed	It cannot be realistic to complete remaining backlog of targeted areas for regularization by before end of FY 2022/23 in June 30th 2023 as LGAs are currently tied up with FY 2023/24 plan and budget preparations.  Time is also limited to review the guideline for regularization and source out unbudgeted

S/N	Recommendation	Response	Planned Action and Timeline
			funds to close the regularization backlog.
5	In collaboration with MLHSD, review the institutional set-up of Officials working under LGAs on the matters related to land to ensure that there is clear line of responsibility and accountability at LGAs' level.	Agreed	A Team of experts from PO - RALG, MLHSD and UTUMISHI has been established to review the institutional set-up of placing the land staff on a proper plan.
6	Enhance sharing of regularisation information in all activities undertaken by private companies during regularisation.	Agreed	Guidance will be given to LGAs by June, 2023 to effect sharing of information on regularisation.
7	Ensure LGAs prepare monitoring plans with key performance indicators for measuring performance of private companies engaged in planning and surveying of unplanned settlement during regularisation.	Agreed	In consultation with MLHSD, instructions will be given to LGAs by June, 2023 to accommodate monitoring of the interventions done by private entities.
8	Ensure Regional Land Offices and LGAs conduct monitoring, reporting on the results of monitoring, follow-up on the recommendations and take necessary remedial measures in case the private companies and LGAs fail to honour the agreements/contracts.	Agreed	Emphasis will be given to harmonize effective co-working between LGAs, RSs and Regional Land Offices by June, 2023.
9	Institute mandatory mechanisms for LGAs in addition to the form presented in the guidelines issued in 2021, to be used to monitor and assess and report the performance of regularisation activities carried-out by private companies. The mechanism should provide	Agreed	PO-RALG will work with MLHSD in review of the Guideline for Regularization activities.  Follow-up on regularization activities alongside other land and land-related matters in LGAs will be

S/N	Recommendation	Response	Planned Action and Timeline
	sufficient and informative information to allow effectively assessment and used for decision making.		included in the M&E Programme of PO - RALG
10	In collaboration with MLHSD, put in place a mechanism to ensure that LGAs plays their statutory role and transparently select, monitor and report to the PO-RALG the performance of private companies involved in regularisation activities.	Agreed	Directives will be given to RSs and LGAs by June, 2023 to also submit quarterly reports to PO - RALG besides MLHSD for second or third eye quality assurance to meet interests, needs, aspirations and expectations of targeted communities.
11	Ensure adequate staff on land matters that includes town planners, surveyors and land officers are adequately recruited in the LGA and Regional Land Offices among other things to carry out regularisation activities.	Agreed	The Government will be advised to accordingly consider adequately staff experts in the land sector standing around 50% at the moment in its Annual Plans and Budgets.

## Appendix Two: Audit Questions and Sub-Questions to be used during the Main Study

This part provides the list of five main audit questions and their respective sub-questions used during the audit.

Audit Question No.	Audit question
<b>Audit Question 1</b>	<b>To what extent are regularisation activities effectively managed?</b>
Sub-Question 1.1:	To what extent are identified unplanned areas planned?
Sub-question 1.2:	To what extent are planned land plots surveyed in a timely manner?
<b>Audit Question 2</b>	<b>Do LGAs adequately plan for the implementation of regularisation activities implemented by private companies?</b>
Sub-Question 2.1:	<i>To what extent do LGAs plan for the resources to facilitate implementation of regularisation of land plots?</i>
Sub-question 2.2:	<i>Do LGAs effectively plan for conducting the awareness programs to ensure adequate coverage on regularisation of land plots to the community?</i>
Sub-question 2.3:	<i>Do LGAs adequately identify areas for land plots regularisation?</i>
Sub-question 2.4:	<i>Do LGAs adequately plan for procurement of qualified private companies for Planning and Surveying of land plots?</i>
<b>Audit Question 3</b>	<b>Do LGAs ensure that contracted private companies effectively execute planning and surveying activities in the regularisation of land plots and issues title deeds in the regularisation of unplanned settlement?</b>
Sub-question 3.1:	<i>Do LGAs effectively implement planned activities on regularisation to achieve intended targets?</i>
Sub-question 3.2:	<i>Do LGAs have mechanism in place to ensure the procured private companies engaged in planning and surveying of land plots for regularisation have relevant qualifications and resources?</i>
Sub-question 3.3:	<i>Do LGAs have mechanism in place to ensure availability of fund for financing planning and surveying of land plots?</i>

<b>Audit Question No.</b>	<b>Audit question</b>
<i>Sub-question 3.4:</i>	<i>Do LGAs have mechanism for managing payment made to private companies engaged in planning and surveying of land plots to ensure adequate utilization of mobilized fund?</i>
<i>Sub-question 3.5:</i>	<i>Do LGAs effective monitor and evaluate performance of private companies engaged in regularisation of land plots?</i>
<i>Sub-question 3.6:</i>	<i>Do LGAs have mechanisms to ensure that all approved survey lay out plans are issued with invoices for title deeds?</i>
<i>Sub-question 3.7</i>	<i>Do LGAs have mechanism to ensure that all owners of unplanned settlements issued with invoices timely pay for invoices and timely issued with title deeds?</i>
<b>Audit Question 4</b>	<b>Do MLHSD and PO-RALG adequately coordinate planning and surveying activities implemented by private companies among regional land offices, planning authorities, and other stakeholders?</b>
<i>Sub-question 4.1:</i>	<i>Does PO-RALG have mechanism in place for information sharing with LGAs, MLHSD and other stakeholders to ensure intended targets in the regularisation of land plots are achieved?</i>
<i>Sub-question 4.2:</i>	<i>Does MLHSD have mechanism to coordinate land regularisation activities among regional land offices and planning authorities to ensure private companies adequately discharge their duties?</i>
<b>Audit Question 5</b>	<b>Do MLHSD and PO-RALG effectively monitor and evaluate planning and surveying activities implemented by private companies?</b>
<i>Sub-question 5.1:</i>	<i>Do MLHSD and PO-RALG adequately plan for monitoring of regularisation activities?</i>
<i>Sub-question 5.2:</i>	<i>To what extent do MLHSD and PO-RALG monitor the implementation of regularisation of land plots implemented at Regional land Offices and Planning Authorities (LGAs)?</i>
<i>Sub-question 5.3:</i>	<i>Do MLHSD and PO-RALG adequately conduct follow up, take corrective measures on issues identified during monitoring of regularisation of land plots, and provide feedback?</i>
<i>Sub-question 5.4:</i>	<i>To what extent do MLHSD and PO-RALG evaluate the performance of Private Companies engaged in planning and surveying of land plots?</i>

### Appendix Three: List of Officials Interviewed and Reasons for Interviews

This part provides the details of the interviewed officials from various entities covered in the audit

Entity	Officer Interviewed	Reason for Interview
Ministry of Lands, Housing and Human Settlements Development	Director: Survey and Mapping	Assessing the extent of managing planning schemes and extent of design guidelines and circulars.
	Assistant Director: Physical Planning and Design	To assess the extent of planning and budgetary consideration on regularisation of unplanned settlements.
	Assistant Director: Settlement Regularisation Section	To assess the extent to which the Ministry assists planning authorities in regularizing unplanned settlements.
	Director: Human Settlement Development Division	To assess the extent to which the Ministry ensures effective human settlement regularisation to formalize unplanned settlement
	Commissioner: Land Administration	To assess the extent to which the Ministry ensures all planned and surveyed land plots are issued with title deeds (Certificate of Right of Occupancy)
President's Office-Regional Administration and Local Government	Director: Division of Urban and Rural Development	To assess the extent to which the PO-RALG coordinates key stakeholders in the regularisation activities and how private companies are regulated at the regional and local government level.
Regional Secretariats (Dodoma, Dar es Salaam, Songwe Mbeya and Kigoma)	The Regional Administrative Secretary	To assess the extent of coordination of regularisation activities as carried out by planning authorities (LGAs)
	Assistant Administrative Secretary - Infrastructure (AAS-Infrastructure)	

Entity	Officer Interviewed	Reason for Interview
	Regional Assistant Commissioner of Lands	To assess the extent of monitoring of regularisation activities at LGAs
LGAs (Dodoma CC, Mbeya CC, Kigoma MC, Buhigwe DC, Tunduma TC, Mbarali DC, Ilala MC and Kibaigwa Township Authority)	City/Municipal/Town /District Executive Director	To assess the extent of planning (Planning Officer), land surveying (Land Surveyor) and issuance of title deeds (Land Officer)
	City/Municipal/Town/ District Land Officers	
	City/Municipal/Town/ District Planning Officer	
	City/Municipal/District Land Surveying Officer	

*Source: Auditors Analysis on the Interviewed Officials (2022)*





## Appendix Four: Selected LGAs in the Visited Regions

This part provides for selection of regions and LGAs which were visited during the audit

Regions	Name of the Planning Authority (LGA)	Number of Identified Land Parcels	Selected LGAs
Kigoma	Buhigwe District Council	13,000	Kigoma Ujiji MC and Buhigwe DC
	Kakonko District Council	0	
	Kasulu District Council	0	
	Kasulu Town Council	13,502	
	Kibondo District Council	1,885	
	Kigoma District Council	950	
	Kigoma Ujiji Municipal Council	1,4874	
	Uvinza District Council	5,323	
Dar es Salaam	Kigamboni Municipal Council	36,522	Ilala MC
	Kinondoni Municipal Council	59,375	
	Temeke Municipal Council	87,841	
	Ubungo Municipal Council	181,390	
	Ilala Municipal Council	239,443	
Dodoma	Dodoma City Council	336,843	Dodoma CC and Kibaigwa Township Authority
	Kibaigwa Township Authority	6530	
	Kondoa District Council	7590	
	Kondoa Town Council	6970	
	Mpwapwa District Council	0	
	Chamwino District Council	6,669	
Mbeya	Mbeya District Council	30,253	Mbeya CC and Mbarali DC
	Mbeya City Council	38,952	

---

Regions	Name of the Planning Authority (LGA)	Number of Identified Land Parcels	Selected LGAs
	Mbarali District Council	60,000	
Songwe	Mbozi District Council	6,892	Tunduma Town Council
	Momba District Council	1,401	
	Ileje District Council	533	
	Songwe District Council	0	
	TundumaTown Council	3,161	

*Source: Auditors' Analysis of Data Collected from MLHSD, 2022*



## Appendix Five: List of Documents Reviewed

This part provides the details of the documents that were reviewed as part of data collection

Entity	Title of the Document	Reason for Review
Ministry of Lands, Housing and Humans Settlements Development	Strategic Plans	To assess the attainment of strategic objectives, and Targets set for regularization of unplanned settlements by the Ministry
	Annual Operational Plans and Budget	To assess budgetary estimates, expenditure and performance of regularization of unplanned settlements.
	Annual Progress Reports	To assess the performance of the Ministry in regulation of private companies engaged in planning and surveying in regularization of unplanned settlements.
	Procurement files	To assess the extent of monitoring procurement of private companies engaged in regularization of unplanned settlements as carried out by LGAs
	Land Use Plans	To assess the extent of land use plans in the country
	Master plans	
	Monitoring and Reports Evaluation	To assess the extent of performance of private companies engaged in regularization of unplanned settlements and actions taken to improve the noted weaknesses
President's Office-Regional Administration and Local Government	<ul style="list-style-type: none"> <li>• Strategic Plans;</li> <li>• Annual Plans and Budget;</li> <li>• Annual Performance Reports;</li> <li>• Monitoring and Evaluation Reports</li> </ul>	<ul style="list-style-type: none"> <li>• To assess the attainment of strategic objectives, and Targets set for regularization of unplanned settlements by the Ministry</li> <li>• To assess budgetary estimates, expenditure and performance of regularization of unplanned settlements</li> <li>• To assess the performance of the Ministry in regulation of private companies engaged in</li> </ul>

Entity	Title of the Document	Reason for Review
		<p>regularization of land plots through LGAs</p> <ul style="list-style-type: none"> <li>• in planning and surveying in regularization of unplanned settlements</li> </ul>
LGAs (Mbeya CC, Dodoma CC, Mbarali DC, Tunduma TC, Kibaigwa Township Authority)	<ul style="list-style-type: none"> <li>• Annual Plans and budget;</li> <li>• Annual Performance Reports;</li> <li>• Monitoring and Evaluation Report</li> </ul>	<ul style="list-style-type: none"> <li>• To assess the extent of planning for activities, budgetary estimates, expenditure and performance of regularization of unplanned settlements</li> <li>• To assess the performance of the Ministry in regulation of private companies engaged in planning and surveying in regularization of unplanned settlements</li> <li>• To assess the extent of LGAs in monitoring performance of private companies in regularization</li> </ul>



## Appendix Six: Details on Government Strategies on Regularisation of Unplanned Settlements

This part provides for details of reviewed National Strategies and that are in line with Regularisation of Unplanned Settlements

S/N	Strategy	Description	Related target form each of the strategy
1	MKURABITA <sup>31</sup> Strategic Plan for the Year 2021/2022 - 2025/2026	The strategy provides that formalization of land resources in the country as one of the tools to implement the government's goals in facilitating citizen participation in the middle economy. It aims to reach 60 Local Government Authorities (LGAs) for rural land formalization to continue to contribute in reducing poverty in rural areas.	Community engagement through awareness in formalization of land resources including unplanned settlements
2	National Five Year Development Plan II (FYDP II) OF 2016/17 - 2020/21	The FYDP II provides for formalization of (informal) settlements. According to the plan, Tanzania's urban areas and cities are characterised by low levels of productivity. As such, inadequate urban infrastructure and basic services constrain the potential economic benefits to be derived from the growth of cities due to disconnections between people, industries, and markets.  The strategic direction of	To ensure there are planned and serviced urban settlements with functioning town planning procedures.

<sup>31</sup>President's Office - State House, June 2021, MPANGO WA KURASIMISHA RASILIMALI NA BIAHARA ZA WANYONGE TANZANIA

S/N	Strategy	Description	Related target form each of the strategy
		FYDP II was to ensure that, increasingly, Tanzania be characterized by planned and serviced urban settlements with functioning town planning procedures, including improved solid and liquid waste management, use of sustainable transport and cleaner energy. The Plan also addresses critical implications of rapid urban population growth on settlements.	
3	National Five Year Development Plan III (FYDP III) OF 2021/22 - 2025/26	The strategic direction of FYDP III will be to ensure land tenure security to economic agents and promote planned and serviced urban settlements with functioning town planning procedures, including improved solid and liquid waste management, use of sustainable transport and cleaner energy. Interventions in this section will also address critical implications of rapid urban population growth on settlements; and promote and facilitate planning, surveying and titling of land parcels for investment and human settlement.	To ensure there are planned and serviced urban settlements with functioning town planning procedures.
4	Draft Medium-term Strategic Plan (2021/22 - 2025/26) of MLHSD	According to Objective G of the Strategic Plan on Human Settlements enhanced, the Ministry of Lands intends to improve the social, economic	To improve the social, economic and environmental quality of human settlements and the

---

S/N	Strategy	Description	Related target form each of the strategy
		<p>and environmental quality of human settlements and the living and working environments of all people, in particular the urban and rural poor.</p> <p>This involves provision of adequate shelter for all; Improving human settlements management; sustainable land-use planning and management; integrated provision of environmental infrastructure: water, sanitation, drainage and solid-waste management; sustainable energy and transport systems in human settlements; human settlement planning and management in disaster-prone areas; and sustainable industry activities.</p>	living and working environments of all people, in particular the urban and rural poor.

## Appendix Seven Details of Staffing Level at the Visited LGAs

This provides detail of land cadre staff from LGAs visited during the audit.

LGA	Cadre	Required	Available	Staffing Gap	Staffing Gap (%)
Dodoma CC	Town Planners	6	11	5	(83)
	Surveyors	6	9	3	(50)
	Cartographers	6	4	2	33
	Land Officer	6	13	7	(117)
Mbeya CC	Town Planners	6	5	1	17
	Surveyors	6	1	-5	83
	Cartographers	6	1	5	83
	Land Officer	6	7	1	(17)
Tunduma TC	Town Planners	6	2	4	67
	Surveyors	6	1	5	83
	Cartographers	6	0	6	100
	Land Officer	6	2	4	67
Mbarali DC	Town Planners	6	4	2	33
	Surveyors	6	3	3	50
	Cartographers	6	1	5	83
	Land Officer	6	3	3	50
Kibaigwa TA	Town Planners	0	0	0	0
	Surveyors	0	0	0	0
	Cartographers	0	0	0	0
	Land Officer	0	0	0	0
Kigoma Ujiji MC	Town Planners	6	1	5	83
	Surveyors	6	2	4	67
	Cartographers	6	0	6	100
	Land Officer	6	1	5	83
Buhigwe DC	Town Planners	6	1	5	83
	Surveyors	6	3	3	50
	Cartographers	6	0	6	100
	Land Officer	6	0	6	100
Ilala MC	Town Planners	6	6	0	0
	Surveyors	6	1	5	83
	Cartographers	6	5	1	17
	Land Officer	6	12	0	(100)