

Implementation of New-wave Land Reforms: Decentralisation and Local Governance of Land in Tanzania

Rasmus H. Pedersen¹

¹Danish Institute for International Studies, DIIS, Politics and Governance, Copenhagen, Denmark

rhp@diis.dk

This paper analyses the implementation of Tanzania's land law reform. The reform has been highlighted as a model for other countries in Sub-Saharan Africa to follow because it vests power in existing, elected local governments, which should improve the prospects for implementation. However, not much is known about the implementation of the current new-wave reforms with their decentralised land administrations and land titling regimes. Based on empirical field research, conducted in two villages in mainland TZ, this paper opens the black box and probe the processes at work when decentralising land reforms are implemented at the local level. It argues that with decentralisation, the prevailing dichotomies between state and local level institutions, between formal and informal tenure systems, which guide both research and practitioners, are being challenged. The findings indicate that there is an urgent need to direct more attention to the finer details of how to establish viable land administration institutions at the local level.

Though current reforms contain major new features, they tend to be evaluated in old-fashioned terms. Two major bodies of literature can be identified which have revolved around differing opinions about the advantages and disadvantages of private and common property regimes respectively. One group of scholars tends to focus on insecurity of tenure as a major impediment to economic growth, recommending formal titling, often referring to success stories in Asia. Another group of scholars, primarily anthropologists, stresses that it is state-led reforms, i.e. the very titling programs recommended by the former, that cause insecurity of tenure, rendering local land rights negotiable. They point out that implementation deficits may reduce vulnerable groups' security of tenure and recommend strengthened customary institutions as an alternative.

Though both groups recommend building on local practices as a way to address the implementation deficits of previous reforms, they have not changed their analytical frameworks after the new-wave land reforms with their decentralised management were introduced. A few recent case studies suggest that decentralised bodies responsible for administering land and natural resources may still encounter significant problems, but do not tell us how these outcomes are produced.

This paper identifies an incoherent land administration structure as a major impediment for reform implementation. Implementation processes are far more systemic than diffuse outcomes and research into previous reforms may indicate. Impeccable land laws are not enough; governance and implementation are key.