

A glance at the Land Acts

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THIS legislation, hopefully will give room for modern conservation approach to take place for it provides accommodative procedures on the rights, ownership and management of land. The act repeals and replaces a number of legislation which among others is, the Land Ordinance, Cap 113 that was enacted in 1923. The Land (Law of property and conveyance) Ordinance, Cap 114, Right of Occupancy (Development Conditions) Act, 1963 cap 513 Land (Settlement of disputes) Acts 1963 cap 524, Range Development and Management Act, 1964 cap 569, Land Tenure (Village settlements) Act 1965 cap 588, Government Rents (Summary Recovery) Act 1965 cap 579 Rural lands (Planning and Utilization) Act, 1973 Act No. 14 of 1973.

The new Land Act was preceded by the National Land Policy of 1995 which categorically set out governments needs on administration of land in the country. As it was in the previous Ordinance the radical title remains under the President who is the trustee of the land for the benefit of all citizens of the United Republic of Tanzania.

The Land Act under section 4 (4) classifies land in three categories which are village land, General Land and Reserved Land. The village land is that part of land which is clearly defined in the village land Act, of 1999. The General Land is defined under reserve land is that part of land which is defined and declared under section 6 of the Land Act to include land which has been designated or set aside for reserve purposes.

The Act under section 6 (2) confers power to the President, to declare any piece of land to be a reserve Land. This follows a chain of procedures that have to be followed. This includes a right of occupancy of a particular land to be acquired revoked or surrendered in the general land.

The Commissioner for Land represents the power of the President as an institution. The Commissioner exercises the duties and functions to make sure that the implementation exercises of control and management falls under his or her capacity. For example, once an area has been declared a village Land or Reserve Land then it falls under the jurisdiction of the institution with its respective Laws. An area declared to be reserved land would fall under the division of wildlife under the Ministry responsible for natural resources. Therefore, and areas declared to be Wildlife Management Areas (WMA) A would automatically fall under wildlife division. And it expected to have user-friendly laws or regulations to encourage from designation village lands to be WMA's.

Under the Land Act, the most important part in this study was the reserved land. As it was provided for under section 6 of the Act, reserved lands which are relevant for reserves includes the Forest Ordinance Cap 389 the National Parks Ordinance, Cap 412 the Wildlife Conservations Act 1974 Ngorongoro Conservation Area Ordinance Cap 413 Town and Country Planning Ordinance Cap 378 and Marine Parks and Reserves Act 1994.

Other pieces of lands which are recognized as reserves include a piece of Land within a drainage system where water for certain areas originate, area established as a recreation group under the

provisions of Public and recreation Group Ordinance, the Land acquired under the Land Acquisition Act, 1967 and any land declared as hazardous land.

There is no doubt that under the Land Act features of the formation of the Wildlife Management Areas are well reflected through the Village Land Act of 1999(This will be clearly reflected in the village Land Act)

The Village Land Act No.5 of 1999

This is also a legislation which has same basis as the above Act and provides for accommodative provisions to give room for the modern conservation approach in particular to the Village land ownership, control and use. The Act came out after the repeal of various legislation relating to villages as mentioned above. Under the village Land Act there are provisions that empower the President to declare and transfer village land to reserved land. This may happen as a result of advice that the President may receive from Local Government Authority in that particular area.

Section 7 (1) of the Village Land Act, 5 of 1999 define village land to include:-

- a) All lands under Registered Village, (Under section 22 of the local government District Authorities) Act 1982.
- b) Land designated as village land under the Land Tenure (Village Settlement) Act 1967
- c) Land boundaries of which have been demarcated as village land under any law or administrative procedure whether formally approved or not.
- d) The boundaries of which have been identified and agreed upon by holders thereof under the jurisdiction of a village Council.(Such holder being, Village Council The Local Authorities with jurisdiction over Urban land or Per-Urban land, persons or Bodies with a right of occupancy.
- e) Land other than reserved land that the villagers claim prescriptive title over it for over at least 12 years and would include (i) Land on Fallow (ii) Land for pasturing cattle by the villagers or by persons doing so with the agreement of the villagers or in accordance with customary law and (iii) Land used for pasturing and grazing cattle.

It is also under section 12 of the village Land Act that village land has categories which include Communal Village Land, Allocate / occupied village Land. Whereby village communal land is that piece of land that will be available for occupation and use on a community and public basis. Communal village land is not available for individual occupation and use by any person through a grant of a communal or individual customary or derivative right or any other disposition.

It is therefore, under the same ground where the WMAs from the basis land use plan in the village. This means WMAs form part of natural resources management in the village.
