



# Youth Land Rights in Tanzania: Challenges, Opportunities and Policy Options

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Tanzania's youth population (defined as women and men between the ages of 15 and 35) constitutes about 35% of the country's population.<sup>2</sup> With changing global and regional trends that call for inclusive socio-economic development, youth have been identified as key drivers for economic transformation in many countries. Tanzania is no different. In Tanzania, youth engagement in agriculture is considered vital, given the fact that youth form the largest part of the population and labour force in the country.<sup>3</sup> However, effective youth engagement in agriculture and youth economic empowerment is constrained by extreme poverty resulting from high unemployment rates; inadequate access to land; and limited youth participation in decision-making processes that affect their lives, including within the agriculture sector.<sup>4</sup> Unleashing the potential of youth through more secure land rights is crucial for nation building and development anchored in agriculture. The agriculture sector is the main source of employment for youth: it employs more than three-quarters of youths in Tanzania<sup>5</sup>, contributing about 29% to the country's GDP and producing more than 70% of the country's food.<sup>6</sup> Tanzania's youth population has huge potential to support the country's quest for agricultural transformation, accelerated industrialization and attainment of middle-income status in line with the country's National Development Vision 2025. Young people with secure land rights could play a key role in the overall progress and growth of Tanzania's economy.

For Tanzanian youth to fully engage in agriculture, improved access to productive resources is critical; access to land and security of tenure could be one of the strategies to enhance youth engagement in agriculture. Acknowledging the centrality of inclusive land access and tenure security in agricultural growth and productivity, Tanzania's land policy and legal reforms developed in the 1990s contain provisions to ensure that land rights and tenure security are protected for different groups, enabling them to engage in agriculture. However, the legal frameworks give little attention to youth land rights. Rather, youth are regarded as impliedly protected as adults under the existing frameworks, which leaves out the unique needs youth have when it comes to land access. To fully integrate youth issues in the national land policy, a deliberate youth lens, one that acknowledges Tanzanian youth as a distinct population category with unique land rights needs and challenges, should be applied to ensure

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<sup>1</sup> This policy brief summarizes the key findings from a broad youth land rights assessment conducted by Landesa Tanzania that examined the context of youth land rights in Tanzania, challenges, and recommend policy actions for the government to ensure increased youth access to land in Tanzania.

<sup>2</sup> National Bureau of Statistics & Office of Chief Government Statistician: Basic Demographic and Socio-Economic Profile Report Tanzania Mainland, April, 2014

<sup>3</sup> The Integrated Labour Force Survey of 2014

<sup>4</sup> According to the NBS, two thirds Tanzania population is rural based and depend on agriculture for its livelihoods.

<sup>5</sup> <https://www.cimmyt.org/news/are-high-land-rental-costs-pricing-african-youth-out-of-agriculture/>

<sup>6</sup> The National Strategy for Youth Involvement in Agriculture 2016-2021

that the complex institutional, legal, programmatic, individual, familial, and community barriers to youth access to land are addressed comprehensively.

### **Youth access to land and policy frameworks in Tanzania**

The National Land Policy (1995), the Land Act, no. 4 and the Village Land Act no. 5 both of 1999, provide for the right of every citizen to own land within the United Republic of Tanzania. This right gives life to article 24 of the Constitution that provides for every person to own property including land.<sup>7</sup> These frameworks also guarantee equal rights between men and women to access, own, and control land. However, the land policy and legal frameworks do not contain youth-specific provisions nor do the frameworks recognize the challenges that youth face in accessing, using, controlling, and owning land. Because customary norms often leave youth, especially young women, out of village level land allocation processes, and because youth face delayed inheritance and challenges accumulating resources to purchase land, the absence of youth-specific provisions or references in land policies and laws makes it difficult for young women and men to enjoy their legal land rights in practice.

Strides have been made in other sectoral policies geared towards increasing youth involvement in agriculture to reduce youth underemployment and unemployment while transforming the agriculture sector. For example, the National Agriculture Policy, 2013, the National Strategy for Youth Involvement in Agriculture, 2016-2021, and the National Youth Development Policy, 2007, all acknowledge the important role of youth access to land and finance for agricultural growth and youth economic empowerment. The National Strategy for Youth Involvement in Agriculture of 2016-2021 directs all Local Government Authorities (LGAs) to allocate land for youth groups that are interested in agribusiness. While promoting youth access to land through local government allocation is a promising initiative, the lack of youth-specific provisions in the main land policies and laws could complicate or discourage LGAs and other actors from implementing the youth land allocation provisions in the National Strategy for Youth Involvement in Agriculture and other policy frameworks. To ensure policy consistency and effective implementation of strategies and policies promoting youth access to land, the government should review the existing land laws and policy to be in consistence with the national youth development policy, the national agriculture policy and the youth engagement in agriculture strategy.

### **Youth engagement in land related decision and policy making processes**

Tanzania's rural land administration is centered at the village level—the lowest level in the government administration system. Rural people depend on the village administration to allocate land and identify

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<sup>7</sup> *Attorney General v Akonaay and Another* (Civ App. 31 of 1994) [1994] TZCA 1

how land within the village will be used. The land laws mandate the Village Council, operating through the Village Assembly, to decide on village land allocation to individuals or groups of people.<sup>8</sup> In practice, however, village meetings are rarely attended by youth, and when youth do attend, they do not effectively participate in decision making.<sup>9</sup> Most decisions are made by elders. Youth participation in village land matters is limited by customs and traditions wherein some communities do not consider or value substantive youth participation or contributions in community decision making processes.<sup>10</sup> In addition, lack of information and technical skills also limit participation of youth in land related decision and policy making processes. Above the village level, youth participation in land-related decision-making processes is even more limited as most of the policy and legal developments/reforms are less consultative of youth and other community members. Fewer opportunities exist for youth land interests to be raised, or challenges and demands to be considered and integrated into land administration and policy decisions at the district, regional, and national levels.

### **Mechanisms for youths' access to land in Tanzania**

Landesa conducted a youth land rights assessment in 2020. This study identified five common mechanisms by which youth access land in Tanzania. Each of these mechanisms has had limited success in addressing youth landlessness because of individual, structural, family, and community barriers that combine to reduce the scope and efficacy of youth access opportunities. Unless targeted and strategic policy and practical actions are taken to promote youth access to land in significant numbers, youth landlessness and exclusion in land related decision-making processes will persist.

- i. **Land purchase and rental** happens when young men and women access land through land sales or the rental market. Sales and leases can be formal or informal. Either way, youth are typically challenged by a lack of capital to purchase or rent land, and collateral requirements make it difficult for youth to access credit or finance to buy or rent land. Youth, especially young women, also have limited access to vital land information and social networks to participate in the land market. Because the land market is characterized by informal land transactions that tend to benefit relatively wealthier individuals, most rural Tanzanian youth are unlikely to gain long-term access to land through the land sales and rental market without youth focused policy, clear and less complex transaction processes, and cost incentives from the government.
- ii. **Allocation** happens when youth are granted land by formal allocation authorities such as municipal and village authorities. Allocation processes are sometimes competitive. In these

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<sup>8</sup> The Village Land Act No. 5 of 1999.

<sup>9</sup> <https://www.landesa.org/resources/tanzania-youth-land-rights-assessment/>

<sup>10</sup> <https://www.landesa.org/resources/tanzania-youth-land-rights-assessment/>; see also, Mahjabeen. H, 2015: Youth Employment in Tanzania: Taking Stock of Evidence and knowledge gaps.

cases, youth mostly fail to participate due to resource limitations. Inability to pay costs associated with land allocation limits or prevents youth from accessing land through formal land allocation. Lack of specific policy provisions on prioritization of youth needs during land allocation is also another challenge linked to formal government land allocation processes.

- iii. **Inheritance** happens when youth (or others) receive land as a bequest from family, friends, or a legal entity. Tanzania's legal system allows for application of customary law on inheritance matters, which mostly limit and discriminate against youth, especially girls. Challenges associated with inheritance include the longer time it takes for youth to realize their inheritance rights, and absence of opportunity to choose the size, quality, and location of the land.
- iv. **Family land allocation**<sup>11</sup> allocation from the family land is done in form of gift and borrowing or grant of land for periodic use. Youth have no control as to when they can receive land from their parents and the quality and quantity of the land. **Gift** happens when one person or entity gives someone else rights to land, and the transfer is typically based on love and affection.<sup>12</sup> This avenue is not a predictable mechanism for youth to access land, however, in some cases it can provide youth with land when inheritance, allocation or the market do not. Therefore, encouraging youth enter intergenerational bargain with parents for transfer of land is vital to reducing youth's reliance on inheritance to access land.

### Key obstacles to youth land rights in Tanzania

Despite the potential that youth present for helping to transform the country's economy to a semi-industrialized state through participation in the agriculture sector, as is well laid down in national plans and priorities, youth face several challenges that prevent them from accessing land and contributing to agriculture sector growth. Ensuring significant youth engagement in agriculture and other land-based livelihoods has been a challenge. The main factors inhibiting youth access to land and effective engagement in agriculture and other land-based economic opportunities include:

- i. **Youth reliance on inheritance:** most rural youth in Tanzania gain access to land through inheritance, as in other parts of sub-Saharan Africa. Inheritance is normally governed by

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<sup>11</sup> Family allocation entails allocation from both nuclear and extended family land.

<sup>12</sup> A study conducted in Makete district in Njombe region showed gifts in terms of land are rarely given in recent years compared to years before 1990's when residents were practicing community life, they gave land (intervivos) as gifts. The practice later changed after realizing of the value ie. commoditization of land. Gift scored gift 3%, preceded by inheritance 56%, purchase 27%, and allocation 4% see <https://www.diva-portal.org/smash/get/diva2:1081194/FULLTEXT01.pdf>. Also, gift is currently not very common in most part of Tanzania. Although it rarely happening during weddings or graduations from parents or guardians

customary norms and practices that discriminate against youth<sup>13</sup> especially girls who face discrimination and are placed at the third tier of inheritance.<sup>14</sup>

- ii. **Unfavorable land tenure systems and customary practices:** the existing land governance systems do not specifically recognize youth land rights. Without explicit attention to youth issues in the land laws, youth may continue to be marginalized in land-related decision making and in governance bodies that allocate land. In the absence of specific pro-youth provisions in land policies and laws, customary practices often take precedence over formal laws and, currently, these customary rules tend to limit youth access to, use, control, and ownership of land.
- iii. **Limited access to finance to buy or rent land:** the majority of Tanzanian youth lack capital and are unable to access finance in local banks and credit institutions due to restrictive lending conditions such as high interest rates and collateral requirements. Youth may not have formal employment, may not have a credit history, and are regarded as a risky group to offer credit, hence many youth do not qualify for loans that are often needed to purchase or rent land.
- iv. **Underdeveloped land market:** commoditization of land has led to expansion of both informal and formal markets due to increase in demand for productive/arable land. However, the current land market is not well developed. Processes to purchase rights to land are complex, time consuming, and costly which limit potential buyers and transactions and, in other cases, encourages informal transactions. Reducing some regulatory complexities could, potentially, help youth access land.
- v. **Limited youth engagement in land related decision making and policy making processes from the village to the national level:** cultural practices that see youth as “unexperienced” and less wise or well-informed compared with elders limits youth participation in land-related decision making. In addition, youth may lack information and technical skills related to land use and land markets. Both limitations hinder youth’s effective

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<sup>13</sup> Under customary practices inheritance mean division of land properties among heirs who are mostly male heirs, also regarded as responsible for the maintenance of widows and children belonging to the family. In the context of limited land and competition for resources, the rights of widows and their children to remain on family property and within the family group often conflicts with the interests of other family members. Male relatives tend to take over their brothers’ roles and responsibilities including land and properties ownership. If the mother is the deceased, land and properties are impliedly assumed to be left to her husband, hence not distributed to her children, thus these practices discriminate youth from they are inheritance rights. see [https://www.researchgate.net/publication/260121813\\_Inheritance\\_Poverty\\_and\\_HIVAIDS\\_Experiences\\_of\\_widows\\_and\\_orphaned\\_youth\\_heading\\_households\\_in\\_Tanzania\\_and\\_Uganda](https://www.researchgate.net/publication/260121813_Inheritance_Poverty_and_HIVAIDS_Experiences_of_widows_and_orphaned_youth_heading_households_in_Tanzania_and_Uganda)

<sup>14</sup> The Customary Law (Declaration Order) No. 483 of 1963.– there is no community land that can be given to individuals. Interpretation of community land in the context of Tanzania as stipulated under section 12(1)(a) of the Village Land Act, 1999. Community land - is the village land that is used communally as communal village land, or land used by group of people in agreement with village council and not available for individual use.

participation in land governance and policy making processes hence, their needs and priorities in relation to land access and rights are rarely considered by policy makers and land allocation authorities.

### **Policy recommendations for increasing youth access to land and participation in land decision making processes:**

Based on findings from Landesa's youth assessment, which identified the common mechanisms by which youth access land and the key obstacles they face, the following policy and programmatic options are recommended in support of the Government of Tanzania's efforts to increase youth access to land and bolster agriculture sector growth and youth economic opportunities:

- ✓ **Land reforms to favor the youth:** The government should develop suitable land reform policies that will recognize youth and allocate land for youth agricultural projects in urban and rural areas. Successful land reforms necessitate awareness raising and creation, to local and national level government authorities mandated with land allocation, youth and youth groups, and other youth actors including CSOs to enhance their understanding of youth land rights, the importance of youth access to land, unique needs for youth and the potential opportunity youth present on transforming the country's economy. The Government should consider adding to National Land Policy a sub-part acknowledging youth-specific challenges, needs, and policy statements/provisions on prioritization of youth in land allocation and promoting youth participation in decision and policy making processes. Also, the Government should consider amending the Land Act and Village Land Act to include specific and explicit provisions on youth access to land and the need for prioritizing allocation of land to prospective youth farmers and entrepreneurs in any new land distribution, including redistribution or reallocation of underutilized farms. A revised policy should also link youth land access to other related sectors like agriculture, ICT, entrepreneurship skills, employment, etc.
- ✓ **Local Government Authorities** should set aside agricultural land for youth to rent in line with provisions in the National Strategy for Youth Involvement in Agriculture, 2016-2021.
- ✓ **Pro-Youth Land Allocation:** both local and central government should improve land delivery systems, in particular the land allocation and land use planning, adopting a youth lens by (i) identification of specific land for youth use under the general land category and encouraging villages to set aside land specifically for youth during land use planning and allocation processes; (ii) promote engagement of youth in land use and allocation programs; (iii) conduct awareness raising, sensitization and capacity development to the National Land Use Planning Commission (NLUPC) on youth issues and needs to ensure that the commission

understands and support pro youth land use planning and allocation and (iv) re-directing/re-allocation of district level revenue from the land sector to support the land use and allocation processes particularly land certification so that youth would not have to worry about the associated costs of acquiring and utilizing land, to mention few.

- ✓ **Pro-Youth Market Mechanism:** The Government could develop model land rental or leasing contracts that take the specific needs of youth in relation to land into consideration. Also, re-directing some of district level land revenues to cater for costs and capacity needs of local government authorities responsible for delivery of land administration services would help promote a more efficient land market. Further, the government could improve the land market by reducing the complexity of land transactions, which have multiple requirements and many layers of government control.<sup>15</sup> This would make the transaction process easier, less costly, and streamlined which could enable more youth to access land through market. On reducing informalities in the land market, the government could consider simplifying the process by removing some of the requirements and fees associated with the transactions and land certification. Perhaps this could lead to less/fewer fees paid but more registrations and transactions being registered and conducted through formal processes. The government should also consider conducting a cost-benefit analysis to identify the revenue implications of the existing land registration and transactions process. This would provide clarity on the likely benefit for the government of making the registration process easier.
- ✓ **Pro-Youth Credit Facilities:** The government, through its agencies and in collaboration with the private sector, should develop a pro-youth and pro-rural credit and finance facility to underwrite the costs of youth accessing land through formal processes. For example, in Nicaragua, the government has legal frameworks that require setting aside financial resources specific for supporting women's ownership and control of land<sup>16</sup>, the same could be done for youth in Tanzania. Funds could either be sourced from Youth Development Funds<sup>17</sup> which are made of 40% of the 10% internal revenues of each local government authority in Tanzania, and set aside for youth, women (40%) and people with disability (20%) development and issued

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<sup>15</sup> USAID Land Tenure Profile page 12-13 available at [https://www.land-links.org/wp-content/uploads/2016/09/USAID\\_Land\\_Tenure\\_Tanzania\\_Profile.pdf](https://www.land-links.org/wp-content/uploads/2016/09/USAID_Land_Tenure_Tanzania_Profile.pdf) Requirements include the requirement for pre-sale notification of the Land Commissioner about the intended transaction; requirement that the Commissioner acknowledge such notification as a condition for registering the transaction; prohibition of sale of land rights held for less than three years; the ability of the Land Commissioner to void a land transaction anytime, fees payable etc. Government control include approval requirements from different authorities central government, municipal, village council etc.

<sup>16</sup> <http://www.fao.org/3/i8785en/i8785en.pdf>

<sup>17</sup> Established under section 37A of the Local Government Finance Act Cap 290 R.E 2019



in form of soft loans.<sup>18</sup> Therefore 20% out of the 40% youth development fund could be directed to increasing youth access to land in terms of soft loans to facilitate youth who desire to hire or purchase land for productive purposes. The Government should also explore opportunities to partner with banks to facilitate access to land, finance, and entrepreneurship skills for youth to encourage investment in their land and reduce risks associated with loan repayment. Moreover, the government could conduct an assessment to explore models that have worked for other groups like Hand-in Hand microfinance<sup>19</sup> to be adopted in a youth friendly manner. Moreover, explore the reasons for what keeps microfinances from being youth friendly, and any other ways or strategies for the government to bring youth together and incentivize repayment of loans Etc. Understanding of the dynamics around youth access to credit/ finance, what works and what does not work, will enable the government to take appropriate approaches to addressing the access to credit challenge.

- ✓ **Behaviour Change Awareness:** - the government in collaboration with the private sector and CSOs should design and introduce programmes on Print Media, Community Radio and TV Stations aimed at changing the attitude of parents towards young people, and youth's perceptions that the agriculture sector is not for them and agribusiness is not profitable. Through established programs a pool of Role Models could be created to showcase youth who have accessed land and succeeded in agribusiness to trigger positive youth attitudes to agribusiness, and positive attitudes towards youth as agribusiness entrepreneurs.
- ✓ **Strengthen youth engagement in land governance and administration:** the government should promote effective youth participation in land registration and land related decision and policy making processes through engagement of youth-led groups and organizations. At the local government level, the government could consider experimenting with using a youth-quota of 25% of seats for youth representation in village councils and ensuring representatives of youth issues at the district level are trained and capacitated on youth land rights issues enough to safeguard youth interests and needs. Establishing youth help desks in the Ministry of Land and at Regional or District Land offices, and offering capacity development trainings as well as incentivizing youth champions in the Ministry of Land and land agencies, could increase youth participation in land governance.
- ✓ **Inheritance reforms** the Government should consider amending inheritance laws that allow for discriminatory socio-cultural norms related to girls' inheritance. Four decades ago, in 1968, a high court Judge declared "*what is the justification for treating sons differently*

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<sup>18</sup> Soft loans are set aside from the local government authorities' own sources of income/revenues; loans are not subjected to interest charge, i.e., zero interest rate; beneficiaries are given three-month grace period; no legal action is taken against defaulters instead alternative measures are employed to ensure the loans are recovered.

<sup>19</sup> <http://www.handinhandinternational.org/what-we-do/youth/>

*from daughters? “it is quite clear that this traditional custom has outlived its usefulness. The age of discrimination based on sex is long gone and the world is now in the stage of full equality of all human beings irrespective of their sex, creed, race or color”.*<sup>20</sup> Reforms should borrow a leaf from the provisions of the Constitution,<sup>21</sup> the African Charter on Human and Peoples Right,<sup>22</sup> and the International Covenant on Civil and Political Rights,<sup>23</sup> on prohibition of discrimination based on sex , as well as The Convention on the Elimination of All Forms of Discrimination against Women CEDAW provisions which require state parties to the Convention to amend or abolish customs that discriminate against women.<sup>24</sup>

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<sup>20</sup> Ndeamtzo v. Malasi, [1968] HCD 127, 99 (Tanz. High Ct. 1968) as quoted in Tamar Ezer, 2006 : Inheritance Laws in Tanzania: the impoverishment of widow and daughters available at [https://www.researchgate.net/publication/265667263\\_Inheritance\\_Law\\_in\\_Tanzania\\_The\\_Impoverishment\\_of\\_Widows\\_and\\_Daughters/link/5585887408aeb0cdaddf6207/download](https://www.researchgate.net/publication/265667263_Inheritance_Law_in_Tanzania_The_Impoverishment_of_Widows_and_Daughters/link/5585887408aeb0cdaddf6207/download)

<sup>21</sup> Article 7 and 13 (4) of the Constitution of the United Republic of Tanzania of 1977

<sup>22</sup> Article 18 of the African Charter on Human and Peoples Right of 1981

<sup>23</sup> Article 26 International Covenant on Civil and Political Rights

<sup>24</sup> <http://cirddoc.org/cedaw-decision-on-tanzania/> see also <https://www.un.org/womenwatch/daw/cedaw/>