



# Institutional pluralism and pro-poor land registration: Lessons on interim property rights from urban Tanzania

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## ABSTRACT

While interim property rights are thought to achieve incremental improvements of tenure security and rights for the urban poor, there is surprisingly little research into the provision of starter documents in sub-Saharan Africa. Namely, how effective are interim property rights in responding to local demands for tenure security and rights in the long run and vis-à-vis other de facto and de jure tenure options? Drawing on an institutional analytic approach and mixed-method research, we study the Residential Licence programme of Tanzania, which offers short-term leases to around 220,000 plots in Dar es Salaam. This interim property right has undergone substantial *institutional drift*, with decreasing uptake rates, low renewal rates and poor updating of records. Today, landholders value other de facto and de jure proofs of ownership over and above the Residential Licence, which is now less perceived as pro-poor and fit-for-purpose. These results illustrate that interim property rights need maintenance and recalibration, or they will 'come adrift' amidst other *institutional layers*. Reflecting on the effects of *institutional layering* in property rights, this paper contributes to literatures on incremental land reform and demand for land titles, and it provides important policy recommendations relevant to urban Tanzania and wider contexts.

## 1. Introduction

In the 1990 s, a wave of land reforms in sub-Saharan Africa promoted private property rights to enhance tenure security and alleviate poverty (De Soto, 2000). However, land registration through leasehold and freehold is controversial and complex to implement (Boone, 2019): processes of planning, surveying and titling are costly (Enemark et al., 2014) and local administrative systems are often ill-equipped to sustain land registration efforts over time (Abubakari et al., 2018). Therefore, these programmes find limited uptake (see, for example, Bezu and Holden, 2014 on Ethiopia, Gochberg, 2021 on Uganda; Panman and Lozano Gracia, 2022 on Tanzania), and are particularly inaccessible to the urban poor (Enemark et al., 2014). Furthermore, land titles may not respond to the grassroots' demands for increments of tenure security and rights: in fact, they may even raise the risk of dispossession and typically fail to provide further rights, such as access to credit (Ho, 2014; Payne, 2001; Payne et al., 2009). Recognising that a variety of policy measures can enhance key dimensions of de facto, perceived and de jure tenure security (for early notions see Payne, 2001; UN-Habitat, 2008; for recent

literature, see Enemark et al., 2014; Hendriks et al., 2019; Lengoiboni et al., 2019; UN-Habitat/GLTN, 2012, 2016, 2019; Zevenbergen et al., 2013), many countries have adopted incremental approaches offering starter documents, cards or licences that grant administrative recognition ahead or instead of full statutory rights (Payne, 2002, 2020; Urban LandMark, 2010, 2013). In sub-Saharan Africa, examples include Angola and South Africa (Urban LandMark, 2013), Botswana (Yahya, 2002; Abdillah et al., 2022), Namibia (Christensen, 2017; MLR, 2016), Tanzania (Kironde, 2006; Kusiluka and Chiwambo, 2019) and Zambia (Honig, 2022; Mulolwa, 2016; Tembo et al., 2018). Provisional documents are also available in the DRC (World Bank, GLTN, UN-Habitat, 2016) and Mozambique (Hull et al., 2019; Van den Brink, 2008).

According to their proponents, incremental approaches are better suited to address the diversity of local demands for tenure security and rights (Payne, 2020) by aiming to embody criteria of inclusivity and participation, affordability, updatability and upgradability in line with pro-poor and fit-for-purpose land administration systems (e.g. Hendriks et al., 2019; Lengoiboni et al., 2019; UN-Habitat/GLTN, 2010, 2012, 2016, 2019; Zevenbergen et al., 2013). To achieve these goals, most

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interim programmes deploy simplified processes, such as identifying boundaries using satellite or aerial imagery, alongside community participation in establishing existing tenure arrangements (Enemark et al., 2014). Yet, interim documents are diverse regarding the rights they provide, their longevity, renewability and upgradability to full property rights. For instance, in Namibia starter titles are group-based: each holder has their own individual rights within a block of land that is owned under freehold by the state, a private individual or group of individuals. They can be sold, donated and inherited; but they cannot be mortgaged (Christensen, 2017). Conversely, the Indian state of Odisha has recently implemented an intermediate land title that can be inherited and mortgaged but cannot be sold. Some settlements also receive physical upgrade while others do not (Rao et al., 2022). This diversity of approaches is particularly well-suited to provide cross-country learning and policy recommendations. However, empirical research on the implementation of interim property rights is scarce and typically focused on the early stages of programmes, whereas land registration efforts are notoriously difficult to maintain over time (Abubakari et al., 2018; Ali et al., 2021). Thus, there is a need for empirical studies that evaluate the effectiveness of interim property rights as pro-poor and fit-for-purpose policies in the long run.

Almost by definition, interim property rights nest within pluralist institutional environments of multiple *de facto* and *de jure* options, which may impact the perceived effectiveness, acquisition and use of intermediate options. For example, personal networks and connections, informal documents, or other formal paperwork like utility bills and property tax receipts, may already be effective in addressing local demands for tenure security and rights at acceptable costs (Lahoti, 2022; Van Gelder, 2010). In other contexts, such as Botswana, tribal leases and longer-term leaseholds have become progressively more appealing than interim property rights, causing the suspension of the programme (Yahya, 2002). In addition, we note that the relationship between interim and full property rights is theoretically contentious. For some, the benefits of incremental approaches are always partial and instrumental to attaining higher steps along a linear continuum of rights (Hull et al., 2019). Thus, the upgradability of interim documents is a key feature of successful incremental policies (Lengoiboni et al., 2019). On the other hand, some scholars note that when interim titles are well implemented there is limited demand for second-stage registration (Bezu and Holden, 2014), while others criticise the implicit conception that individual leasehold and freehold should remain the end goals (Lahoti, 2022). Furthermore, recent research challenges the very notion that enlarging tenure options is necessarily beneficial for the poor. On the contrary, navigating multiple normative frameworks and hybrid institutional spaces can even enhance vulnerability and tenure insecurity (Nyenyezi Bisoka et al., 2020; Van Overbeek and Tamás, 2020).

We contribute to these important debates by illustrating how landholders seek tenure security in a context of institutional pluralism. To do so, the paper takes an institutional analytic approach to provide a case-study of the Residential Licence (RL) programme of Dar es Salaam, which has embodied Tanzania's incremental approach to tenure security since the early 2000 s. The programme deployed low-cost technology to demarcate about 220,000 plots, which were offered short-term leases to help improve tenure security for the urban poor (see Kironde, 2006; Kusiluka and Chiwambo, 2019; Parsa et al., 2011; Sheuya and Burra, 2016). However, exactly how effective the RL is in responding to local demands for tenure security and rights in the long run – especially vis-à-vis other *de facto* and *de jure* tenure options – remains unclear. Drawing on primary survey data with 1363 landholders, 104 interviews with community leaders, and further interviews with government officials, we show that the RL had good uptake in its early years due to expectations of gains in tenure security and rights. However, this interim property right has undergone substantial *institutional drift* with decreasing uptake rates, low renewal rates and poor updating of records. Instead, *de facto* proofs of ownership such as the unregistered sale agreement (SA) and property tax bill continue to be highly valued, while

the Certificate of Right of Occupancy (CRO) (a full leasehold) has gained substantial momentum. Thus, our research reveals that the RL has 'come adrift' amidst other institutional layers that are perceived as more accessible and/or more functional in responding to local needs of tenure security. Our research illustrates that interim property rights need maintenance over time and recalibration vis-à-vis other institutional layers; otherwise, they will drift, thereby undermining potentially pro-poor approaches to tenure security and rights.

By critically examining the effects of institutional layering in land tenure, our study contributes to two stands of academic literature. First, we add to literature on property rights reform by showing that the effects of layering are controversial and subject to contextual factors. This underscores the importance of more empirical, longitudinal and comparative research into the implementation of interim land titles. Second, the paper contributes to literature on demand for statutory land titles in much of urban Africa by demonstrating that landholders' evaluations of statutory rights depend, also, on the alternative tenure options available to them. In terms of policy recommendations, our evidence suggests that interim property rights might be particularly suitable in specific contexts where there is perceived insecurity of tenure, or as a radical alternative to other *de facto* or *de jure* tenure options, for example by offering communal tenure or non-alienable rights. While designing effective interim property rights is a challenge, our evidence also underscores the importance of long-term maintenance and recalibration as incremental policies should be flexible and adaptive to ever-changing institutional environments and evolving needs of the urban poor. In the case of Tanzania, these policy recommendations are timely given that the government has announced large extensions of the RL programme, including outside Dar es Salaam (World Bank, 2020).

The paper proceeds as follows. Section 2 sets out our institutional approach, reviewing literatures on incremental institutional change with a specific focus on institutional layering and drift. Section 3 outlines the methodology, while Section 4 provides an overview of the Tanzanian land reforms, discussing diverse proofs of ownership available in urban areas, including the RL programme. In Section 5 we present our empirical findings, which underpin our policy recommendations detailed in the conclusion (Section 6).

## 2. An institutional analytic approach

The institutional analytic approach implemented in this paper builds on North (1990)'s understanding of institutions as the "rules of the game" to help illuminate the practical roots of institutions and their structuring affects on political, economic and social processes (see also Hodgson, 2006: 2). In this view, institutions – such as regulations, policies, conventions, customs, and norms – can be formal or informal, explicit or tacit, and must be both created and accepted by people and/or organisations as "social guidelines for appropriate and legitimate behaviour" (Benner, 2021: 3). For example, property rights can be understood as sets of rules and strategies that define the ways in which individuals access, use and transact land and property. However, in order for them to be understood as institutions and not just written rules, they must become entrenched in the socio-economic and political matrix of social practice (Boone, 2014, 2018; Peters, 2009).

Precisely because of their reliance on social interaction, institutions are marked by contingency, both in the sense of being *dependent* on local agency whilst simultaneously being *open* to uncertainty and change (Bathelt and Glückler, 2014). Thus, they are always evolving in-and-through the local contexts in which they are embedded. Indeed, differences between formal policies and practiced institutions can emerge as agents reinterpret, reform or defect from the codified rules and strategies according to their own needs, possibilities and evaluative criteria (Streeck and Thelen, 2005). Importantly, these insights underscore the idea that institutions cannot be imposed 'top-down' by some 'master designer' (Streeck, 2005). For example, some scholars highlight that the implementation of property rights reform is mediated by a

variety of actors within communities (Manara and Pani, 2023a; Manara and Regan, 2022), local governance (Pedersen, 2012), government officials (Onoma, 2009) and national governments (Boone et al., 2019). Still others note that the outcomes of land reform are often partial and incomplete due to the ‘institutional bricolage’ of local agents (Cleaver, 2002; Manara and Pani, 2023a).

### 2.1. Institutional design for incremental change

Understanding institutional change and what affects it might have on socio-economic development has long been the focus of scholars from various disciplines including economic geography (e.g. Bathelt and Glückler, 2014; Benner, 2021), political economy (e.g. Mahoney and Thelen, 2009; Streeck and Thelen, 2005; Streeck, 2005) and political science (Capano, 2009; Capano and Howlett, 2009). Although there are various approaches to studying institutional change, there exists a broad distinction between theories of punctuated versus incremental change (Capano, 2009; Capano and Howlett, 2009; Koning, 2016; Pierson, 2004). According to the first view, institutional change is the result of exogenous shocks followed by periods of institutional stasis or inactivity. Conversely, a growing body of work suggests that institutional change is gradual and continuous, accomplished through the joint action of exogenous and endogenous forces. This scholarship includes the seminal work of Thelen and her co-authors, which theorizes five modes of incremental change, one being ‘institutional layering’ (Hacker et al., 2015; Mahoney and Thelen, 2009; Streeck and Thelen, 2005). This involves the “active sponsorship of amendments, additions or revisions to an existing set of institutions” to produce “path-altering dynamics” (Streeck and Thelen, 2005: 23–24). For instance, a typical example of institutional layering is the incremental privatisation of the welfare state through the gradual introduction of private services on top of, amidst, and/or partially replacing the public provision of services such as healthcare, pensions and schooling. In such cases, institutional layering is needed to unlock change by slowly (and less visibly) reducing support for, and compliance with, the existing public institutions. As Streeck and Thelen (2005): 23 put it:

“New dynamics are set in motion by political actors working on the margins by introducing amendments that can be initially ‘sold’ as refinements or corrections to existing institutions... to the extent, however, that they operate on a different logic and grow more quickly than the traditional system over time, they may fundamentally alter the overall trajectories of development as the old institutions stagnate or lose their grip.”

Since this seminal work, the concept of layering has been widely applied and adapted in the empirical literature (for a review see van der Heijden and Kuhlmann, 2017).<sup>1</sup> Still other scholars have made efforts to refine, develop and systematize the concept, thereby enhancing its analytical power (e.g. van der Heijden, 2011). Capano (2019), for instance, provides two important contributions. First, he shifts the definition of layering from a mode of institutional change to a mode of institutional *design*: “a specific means of formulating policies” (ibid: 594) that adds ‘new’, ‘formal’ and ‘designed’ elements to existing arrangements, such as new regulatory actors and new rules. In fact, policymaking might be more viable through institutional layering because contextual constraints, vested interests, and policy legacies hinder a government’s ability to engage in radical institutional design (Howlett et al., 2015). Second, Capano (2019) notes that layering can produce multiple and unintended effects. While it can be a strategy to prompt intentional change or stability by design, its effects can escape the control of policymakers and erode the functionality of the policy.

Indeed, integrating diverse institutional orders may produce tensions and trigger counter-reactions, such as other modes of institutional change.

For instance, layering might be a purposeful policy intervention instigated to spur or to resolve institutional conversion or drift, as described in empirical work by Emmenegger (2015) and Barnes (2008).<sup>2</sup> For these authors, whereas conversion involves re-designing existing institutions and policies to adapt to changing circumstances and/or to achieve “new ends” (Barnes, 2008: 636), institutional drift involves shifts in the effects of existing institutions as they become frozen amidst changing circumstances (Barnes, 2008).<sup>3</sup> Thus, if existing institutions are not actively maintained – ‘reset’, ‘refocused’, ‘recalibrated’, ‘renegotiated’ – they may be subject to ‘erosion’ and ‘atrophy’ through institutional drift, which might be caused by political manoeuvre and/or other spontaneous mechanisms that fail to maintain the old institution or allow it to decay (Streeck and Thelen, 2005, pp. 24).

Following a brief methodology, in the empirical sections we present the land reform of Tanzania arguing that the mode of institutional design is layering, wherein the government introduces an intermediate layer of property rights – the Residential Licence – among other de facto and de jure tenure options. Our evidence will show that the RL programme was not adequately maintained over time and recalibrated vis-à-vis existing and further layers that have been added in a pluralist institutional environment. Thus, this interim property right has ‘come adrift’, undermining a potentially pro-poor approach to tenure security and rights.

### 3. Methodology

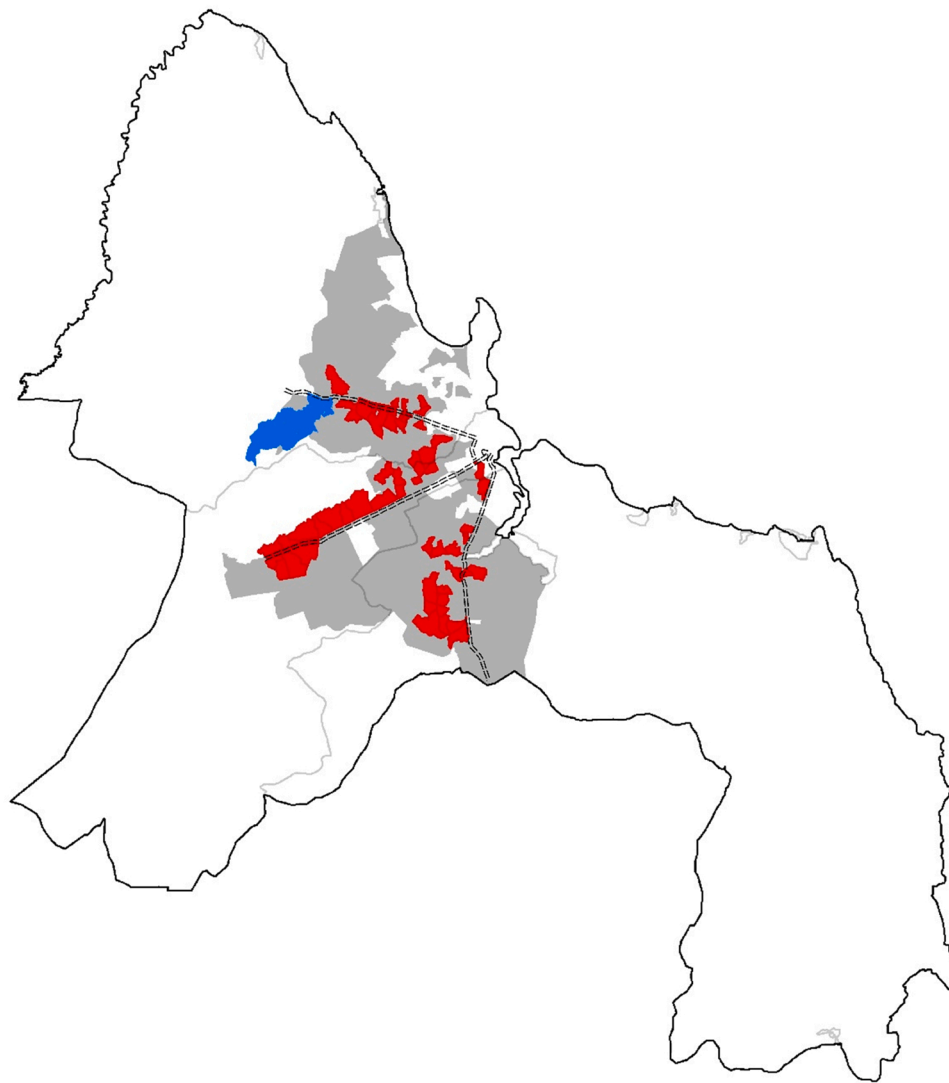
This paper is informed by research carried out over five years, comprised of primary survey data and in-depth interviews with community leaders (104), municipal officers (6) and numerous government officials. In 2018 and 2019, we conducted a Land Tenure Survey across fifty-two informal settlements in Dar es Salaam, corresponding to the darker (red) areas in Fig. 1. We administered two survey questionnaires in the local language (Swahili). However, our empirical analysis focuses on selected aspects of the long questionnaire, which was administered to 1363 respondents (heads of households). In addition to gathering demographics and plot characteristics, we asked respondents to rate the importance of having proof of ownership, what evidence they hold, what is their preferred evidence, and why. Where possible, we asked respondents to show us those documents. Furthermore, plot holders were tested on their knowledge of the RL and CRO (definitions and costs). Finally, respondents were asked to compare the functions of diverse proofs of ownership: SA, RL and CRO.

The selected settlements are situated in four Municipalities at various distances from the CBD (from two to nineteen kilometres), covering a large extent of the area under Phase I of the RL programme (pale grey area of Fig. 1). They present different characteristics regarding accessibility and land value, plot density and size, housing quality and infrastructure, which depend on distance from CBD, morphology and soil, proximity to natural hazards, the presence of local leaders, and

<sup>2</sup> Both Emmenegger (2015) and Barnes (2008) note that layering is a complex process, which may produce both drift and stability at the same time (Emmenegger, 2015: 95), or may both spur drift and/or conversion or be spurred by drift and/or conversion (Barnes, 2008: 637) – depending on the perspectives of the various actors involved.

<sup>3</sup> Van der Heijden and Kuhlmann (2017) note a lack of clarity regarding the boundaries between one mode of institutional change (say, layering) and another (for example, drift), arguing that diverse accounts of what sequence they come in, to what degree they may overlap, or how they may transition from one to another, has diminished the analytical weight of institutional change. However, Capano (2019) argues that examining the sequencing of layering and other modes of change can be theoretically coherent.

<sup>1</sup> For example, Thielmann and Tollefson (2009) use the concept of institutional layering to understand the development of land use planning in British Columbia, through the progressive addition of new goals.



**Fig. 1.** Study areas. Notes. The outer boundary is Dar es Salaam divided into three Municipalities (nowadays five): Kinondoni (west) Ilala (central), and Temeke (east). They are crossed by three main roads (dashed lines): respectively, Morogoro, Nyerere and Kilwa Road, which we used to access the study areas. About 160 mitaa or sub-wards (grey) were included in the RL programme phase I, from two to nineteen kilometres from the city centre. We collected data in fifty-two of these sub-wards (red), through two rounds of survey and interviews with chairmen. The blue area represents the Kimara Ward, where the government conducted a pilot programme of regularisation with CRO.

many other factors. Also, they have heterogeneous socio-economic profiles. For example, closer to the CBD, in Kinondoni municipality, Manzese is one of the most saturated unplanned settlements of Dar es Salaam. This is visible in the dense, overcrowded, and low-quality building construction, lack of open space, and limited infrastructure provision. Moving towards the peri-urban, it is possible to find walled or fenced properties, with beautiful habitations and internal courtyards. These traits are typical of the rising middle classes who relocate from the city centre to the expanding suburbs in search of their rural idyll and investment opportunities (Mercer, 2017). More detail on the sampling strategy can be found in Appendix A.

Each settlement in our sample corresponds to a sub-ward, or *mtaa*, which is the smallest administrative unit in the city. On average, our mitaa have around 1700 plots and 13,000 residents (according to local leaders' estimates). We conducted a first round of interviews with their local leaders between August and September 2018, and returned for follow-up interviews three years later (May and June 2021) to hear about progress of the RL programme and any engagement with regularisation schemes. On both occasions, we interviewed the mtaa chairperson, who is an elected political figure, remaining in charge for five years. Typically, the mtaa chairpersons undertake numerous formal and informal duties, including maintaining records of residents and their properties (e.g. for property tax purposes), or intervening in local land disputes (Manara, 2022; Manara and Pani, 2023a). They also play an

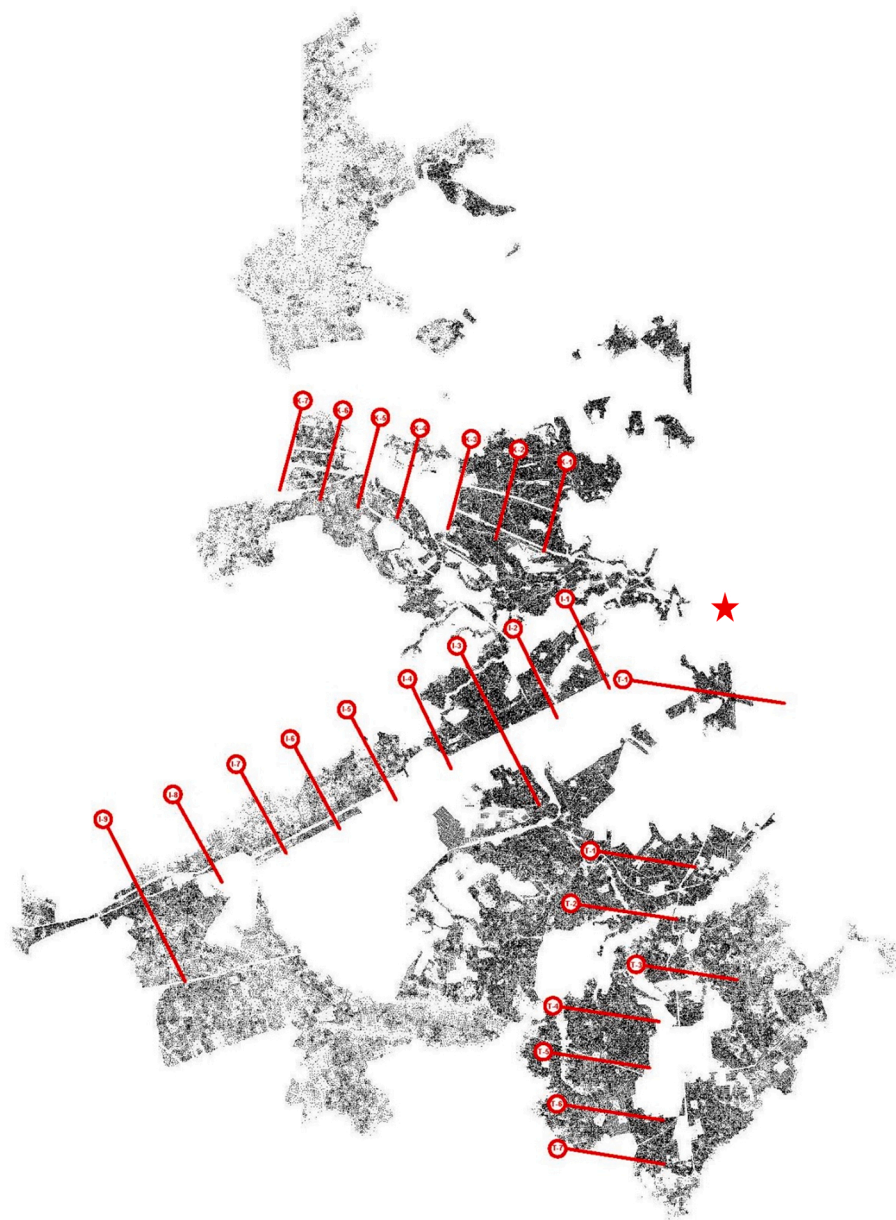
important role in the formalisation and regularisation of land (Manara and Regan, 2022; Wankogere and Alananga, 2020). In total, we conducted 104 interviews with mtaa chairpersons using semi-structured questionnaires. Fifteen leaders were interviewed twice due to their re-election in 2019. Sometimes, the mtaa executive officer (a municipality employee) was also present. All interviewees have been anonymized in the empirical sections. Fig. 2.

#### 4. An incremental approach to tenure regularisation

As with many other countries of Sub-Saharan Africa, Tanzania has seen increasingly rapid growth in its urban unplanned settlements since the colonial era (Kironde, 2006; Kombe, 1994). Largely fuelled by rural-urban migration, government strategies to keep the growth of such areas in check mainly involved slum clearance and household resettlement, particularly under colonial rule and early post-independence regulation (Kironde, 2006). However, as argued by Kombe (1994), a seeming lack of bureaucratic will and resources to provide incoming migrants with formally serviced plots, alongside a predominantly 'statist' approach to land management (all powers over land ownership being conferred to the President), has only spurred an informal land sector, which contemporary governments struggle to control (Kombe and Kreibich, 2000; Kombe, 2022).

Dar es Salaam is a prime example of Tanzania's urban settlements





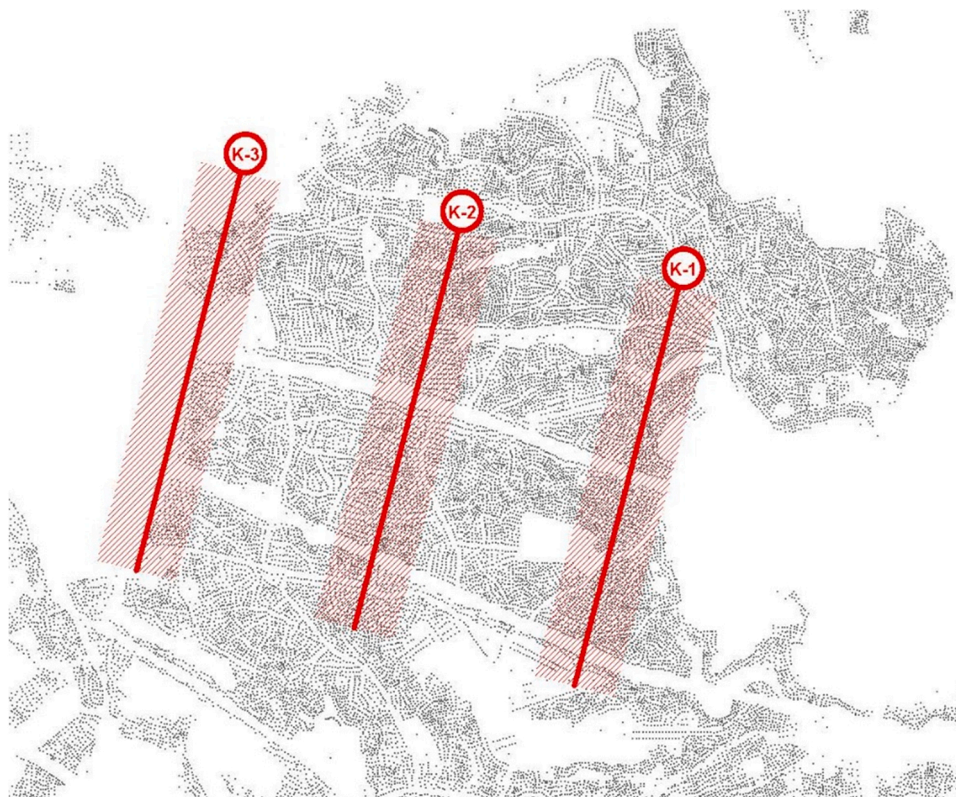
**Fig. 2.** Sampling strategy. Notes. Starting from the border with the planned city centre (CDB represented by the star), we drew meridians every 1.3 kilometres on average; we offset each meridian by 200 m creating a buffer of 400 m around the meridian (Fig. 3, below); from each buffer, we randomly selected four to eight plots proportional to the length of the meridian (Fig. 4, below). Our sampling strategy ensured that our sample is representative of the whole area eligible for the RL across the four municipalities of Ilala, Kinondoni, Temeke and Ubungu. Note, for pragmatic reasons, meridians were set out to cover areas accessible by public transport. Meridians are differently spaced across Municipalities to sample the highest possible number of *mitaa*.

issues. As a relatively young city, from the late 19th century it has experienced a rapidly increasing urbanisation rate and pattern of sprawling, low-density development (Brennan et al., 2007; Kironde, 1994; Lupala, 2002). Colonial and post-independence governments adopted explicitly anti-urban policies by systematically under-supplying housing and infrastructure, thereby fuelling the city's uncontrolled growth. Certainly, public resistance to slum clearance throughout the 1960s and 1970s prompted the government to drop its demolition policies and implement upgrading schemes instead. However, their scale was insufficient to keep up with demand leaving incoming migrants and the urban poor to fulfil their land and housing needs informally (Kironde, 2000; Kombe and Kreibich, 2000).

Although a shift towards private property rights can be traced to Tanzania's agricultural policy of 1982/83 (Pedersen, 2016), the country undertook substantial land policy reforms during the 1990s (Manji, 2006; McAuslan, 2013). This resulted in the Land Acts, URT (1995) and URT (1999), which stated that all urban land should eventually be recorded under statutory property rights. However, the Acts also sought to enhance tenure security for the urban poor by recognising existing

customary and informal users' rights (URT, 1995; URT, 1999). As a result, land tenure in urban Tanzania involves a continuum of tenure options including statutory, semi-formal and informal arrangements (Kironde, 2006).

To be clear: prior to the land reforms, urban landholders typically held just two types of ownership documentation: the unregistered sale agreement (SA) (*hati ya mauzo*) and/or the Certificate of Right of Occupancy (CRO). The former is a contract that ratifies informal land transactions, transferring land ownership from the seller to the buyer in exchange for a specified sum of money. The SA is signed by the vendor, the buyer and some local witnesses – most often, the *mtaa* chairman and neighbours. It may also be signed by an advocate, which is increasing in popularity, but still more expensive. Although not formally registered, the SA can grant *de facto* security and transfer rights, especially as local leaders use it to help prevent and arbitrate land disputes (Kombe and Kreibich, 2000; Panman, 2021; Parsa et al., 2011; Wolff et al., 2018). Furthermore, due to provisions in the URT (1999), it can be used as a collateral for loans with mainstream banks (Manara and Pani, 2023b). Instead, the CRO is a statutory leasehold, valid for 33, 66, or 99 years



**Fig. 3.** Example of meridians and buffers. Notes. We offset each meridian by 200 m creating a buffer of 400 m around the meridian.



**Fig. 4.** Example of clusters along one meridian. Notes. Within each buffer (red hatchings), we randomly selected four to eight plots (triangles) proportional to the length of the meridian. During preliminary site visits, we identified the selected plot owners and formed clusters of ten respondents composed of the selected plot owner, the most proximate plot owners eligible for the RL and their local leader (circles).



(typically 66 for residential use). The CRO is issued by the Ministry of Lands, Housing and Human Settlements Development (MLHSD) and granted, only, to regularised plots, which must be planned, surveyed with high-accuracy equipment (e.g. RTKs), demarcated with beacons, and registered in the Ministry's cadastre (MLHSD, 2016). When issued on an ad hoc basis, as it was at the time of the Land Acts, the CRO is largely inaccessible to the urban poor due to the complexity of getting one and its lack of affordability (Manara and Pani, 2023a; Manara and Regan, 2022). Therefore, very few informal landholders held the CRO prior to large-scale regularisation (see below).

#### 4.1. The Residential Licence: a new institutional layer

The major innovation of the Land Act URT (1999) was its introduction of the RL, a derivative property right with short-term validity (currently five years, but updateable), which is granted only in specific urban areas selected by the government for land formalisation. Indeed, numerous scholars have praised the RL programme for its 'pro-poor' approach to land tenure formalisation, which aims to increase tenure security via relatively accessible and affordable documents, while enabling informal settlers to upgrade their rights incrementally over time (Kironde, 2006; Kusiluka and Chiwambo, 2019; Sheuya and Burra, 2016).

According to Kironde (2006), the RL was designed to provide similar benefits to the CRO but at a much lower cost. For example, similar to the CRO, the RL grants the right to occupy land for recognised uses. Furthermore, it offers the same level of compensation in case of government expropriation.<sup>4</sup> Moreover, the RL is enforceable within formal tribunals in case of ownership, boundary and inheritance disputes. And it is legally transferable and collateralisable, thereby providing access to formal land markets and formal credit. Regarding cost, the RL also displays considerable strengths. For instance, unlike regularisation to CRO, plot formalisation does not need to comply with rigid planning standards and processes. This implies that high-density areas can be formalised without the requirement for land adjustment and/or land pooling. Further still, plot boundaries can be traced by hand over aerial pictures and transferred into a Geographic Information System (GIS) without the support of high technology equipment. Indeed, the final process of boundary confirmation involves the verbal validation of local leaders and neighbours. Hence, when it was first introduced in the early 2000 s, buying or renewing a RL cost just 5,600TSh (approximately 2.5 USD) with an annual land rent of 24TSh/sqm (Kironde, 2006). Today, first acquisition costs 20,000TSh, while a five-year renewal costs 10,000TSh, plus annual land rent (24TSh/sqm) (authors' interviews). That's around 10% the cost of acquiring the CRO – even with large-scale regularisation (Manara and Pani, 2023a; Manara and Regan, 2022).

Importantly, the government presented formalisation with the RL as an incremental 'steppingstone' to regularisation by helping to stop informal land subdivision, prevent further unplanned growth, enable the collection of information and revenues,<sup>5</sup> and unlock investment in housing and infrastructure – all with a view to facilitating regularisation to CRO in the long term.

#### 4.2. The Residential Licence programme in Dar es Salaam

In Dar es Salaam, the RL programme started in earnest in 2004. Aerial pictures showed that unplanned settlements covered some 80% of the city, or about 440,000 plots (Kironde, 2006). Settlements in four out of the five municipalities into which Dar es Salaam is currently divided (i.e. Ilala, Temeke, Kinondoni, and Ubungu, but not Kigamboni) were

selected for a pilot RL programme in two phases. Phase I targeted around 220,000 plots located in the higher-density settlements from two to nineteen kilometres from the city centre (Fig. 1). Plot identification involving GIS, local leaders and resident participation took about two years, and the first licence was issued in May 2005. While the program was initiated and coordinated by the MLHSD, in particular in setting up a RL database, once data collection was complete, responsibility for the RL programme was transferred to the municipal authorities, helping to limit costs and hopefully increase accessibility. Prior studies suggest that there was "little enthusiasm in the application, collection and utilisation of RL" (Kusiluka and Chiwambo, 2019, pp. 177), noting that only 44% of eligible landholders paid for and collected their licences by 2012 (Sheuya and Burra, 2016, pp. 448–449). By further examining the implementation of the RL programme through the lens of institutional layering, our research adds further depth to prior literature exploring why only a minority of landholders have a RL (see also Kironde, 2006; Kusiluka and Chiwambo, 2019; Parsa et al., 2011; Sheuya and Burra, 2016). In response to such low demand and limited financial returns, Phase II of the programme was suspended. It was reignited, just recently, in 2019 (see below).

#### 4.3. Further institutional layers

In practice, the RL constituted a new institutional layer in the property rights regime, as it introduced new rules and new actors of property recognition into the existing institutional environment. For instance, plot owners and plot boundaries were verified by communities then registered by the municipality (new actors). Ownership received statutory protection in exchange for regular monetary payments – land rents (new rule). However, it is important to note that the resulting institutional environment has continued to evolve as the Tanzanian government has since implemented other policies that further contribute to the institutional layering of property rights and tenure securities.

For example, in its Five Year Development Plan II (2016/17–2020/21), the government set out its ambitions to incentivise the proliferation of large-scale regularisation schemes, hoping to increase the uptake of CRO to far beyond the level achieved under ad hoc processes (Interviewee, government employee). Beginning with pilot programmes in seven urban centres<sup>6</sup>, including Dar es Salaam, in 2016, new rules on regularisation encouraged the involvement of private companies in the planning and surveying of entire mitaa designated for regularisation by the MLHSD. For instance, whilst the minimum plot size in newly planned high-density areas is 300 m<sup>2</sup>, planning standards were reduced to 90 m<sup>2</sup> for areas under regularisation. Moreover, for areas that are highly saturated, multiple contiguous plots, each as low as 70 m<sup>2</sup>, can be surveyed as a block, with individual landowners being issued Unit Titles. Indeed, as one interviewee pointed out, the Unit Title can constitute a viable alternative to both the individual CRO and the RL in some parts of the city. Similar adjustments have also been made to the cost of regularisation, which must be borne by individual landholders. When it became clear that allowing private companies to set their own prices would considerably dampen demand, the Minister set a price ceiling of 250,000TSh/plot for regularisation to the beacon stage<sup>7</sup>. This was subsequently lowered again to 150,000TSh/plot due to low-levels of participation; and it might be lowered further to 130,000TSh, although at the time of writing, this policy was to be confirmed. Certainly, large-scale regularisation schemes still face challenges and many remain incomplete, according to our survey data. However, such institutional

<sup>6</sup> Beyond Dar es Salaam, these include Kigoma-Ujiji, Lindi, Musoma, Singida, Sumbawanga, Tabora, where unplanned settlements covered on average 36% of the city area: from 57% in Musoma to 8% in Singida.

<sup>7</sup> Beyond setting the beacons, private companies are not involved in the acquisition of the CRO. Instead, individuals must complete the process with the MLHSD.

<sup>4</sup> Conditional on the RL being held for at least three years.

<sup>5</sup> Parsa : 703) et al. (2011) report official records on the estimated revenue from Phase I of the RL programme, including 587millionTSh from land rent, 1,087millionTSh from preparation fees and 131millionTSh from stamp duty.

strategies have been successful in substantially increasing the accessibility of regularisation to CRO in Dar es Salaam and other urban centres.

Constituting yet another layer of documentation that can be used as a proof of ownership to improve tenure security, the government implemented reforms to make property tax collection (tax paid on buildings) more effective by shifting responsibilities from the Local Government Authorities (LGAs) to the Tanzania Revenue Authority (TRA) (Fjeldstad et al., 2019). By 2016, the TRA was publicly emphasising the payment of property tax through media announcements on the radio, television and in newspapers, as well as sending text messages directly to taxpayers themselves. In 2021, a new round of devolution returned responsibilities to the LGAs, including getting mtaa leaders to list all buildings in their jurisdictions (except for *Swahili* or mud houses).

In conclusion, we see the layering of new policies and actors of property recognition affecting the institutional environment where the RL sits. This can profoundly impact the perceived effectiveness of the RL as a pro-poor and fit-for-purpose registration system, therefore affecting demand for the programme over time, and vis-à-vis other institutional layers.

## 5. Effects of institutional layering on interim property rights

### 5.1. Low demand or institutional drift?

While the literature reports limited demand for the RL, on the contrary our data shows a more nuanced account of programme implementation, suggesting that the demise of this interim property right is better understood as institutional drift. Indeed, about half of the eligible landholders have acquired a RL (48.6%), which shows substantial demand when the RL is assessed in relation to other proofs of ownership illustrated in Table 1.<sup>8</sup> For example, a lower percentage of landholders have the unregistered SA signed by either the local mtaa office (35.1%) or advocates (4%). However, many respondents held other de facto proofs of ownership, such as the property tax bill (74.9%) or other evidence from local leaders (14.2%).<sup>9</sup> Furthermore, our longitudinal research captured a real momentum for regularisation with CRO. When we conducted the Land Tenure survey in 2018, just over 2% of respondents had a CRO and about ten mitaa were engaging in regularisation schemes. In these communities, 78.3% of respondents were already taking part in the projects, while the rest could not afford the

costs of regularisation, or would like to join later if the programme turned out successfully. In the remaining communities, 86.3% of respondents stated that they wanted to have their plots surveyed and titled with CRO. In fact, three-years after our initial survey, we found that another ten mitaa had already started regularisation schemes. Thus, by the time of our second visit, about half of our surveyed areas were at some stage of the process, though many were encountering challenges and risks of stalling.

Importantly, the current rate of holding a valid RL is lower than initial uptake: just 17.5%. First, most acquisitions occurred at the beginning of the programme, with a peak in 2006 and 76% of all uptake happening by 2007. Second, the renewal rate has been consistently low and decreasing over time. For example, in one municipality, 22,867 RLs were issued in 2006, but just over 5500 were renewed in 2008, which decreased to 4200 in 2010 and then dropped to 2300 in 2015. As a further indicator of institutional drift, it was suggested that many cases of land ownership transfer have not been recorded following land sale, subdivision or inheritance, including for plots that have a valid RL. The same municipality recorded just over 2500 cases of land ownership transfer in over twelve years: a number that cannot possibly capture all actual land transactions, even according to municipal officers. Adding important insights to this evidence, local leaders explained that, “many buyers enquire about the process for a transfer of ownership, but few effectively go and get it” (ML/TMK/14). Subdivisions and inheritance would hardly be recorded because “people who subdivide the land tend to know each other” (ML/TMK/7) while “people who inherited from their parents think that the land is already theirs” (ML/TMK/1). Another leader added that in some cases “it is difficult to establish which of the heirs should put their name on the RL” (ML/TMK/15). In sum, the ownership structure might have changed quite a bit since the initial exercise of plot identification, but the RL database has not kept pace, indicating atrophy and drift.

There are multiple reasons why the RL has drifted over time, which we only briefly mention here, before discussing how competing institutional layers affect the perceived effectiveness of interim property rights. As a local leader in a central area typified: “at the beginning, there was a mentality that it is a title deed” (ML/KND/9). In this primary location, some residents had been evicted with unfair compensation, and boundary disputes were frequent. Thus, the chairman of a neighbouring community suggested that the relatively high uptake of RL, which in his opinion was around sixty-five percent, was due to people wanting to demonstrate their ownership through a government-backed document (ML/KND/6). Indeed, landholders who hold the RL (expired or renewed) indicated several expected benefits, including (primarily) fair compensation in case of government eviction and protection from boundary disputes, but also ease of inheritance, increased land value, access to formal loans, and ease of sale.<sup>10</sup> Just over a third of those who did not renew or acquire the RL said that price was an obstacle, while about half suggested that the process was also problematic, with 21% of those who did not renew focusing specifically on the hassle of conducting the process at the municipality. Furthermore, most respondents who did not acquire (52%) or renew (41%) the RL indicated a lack of awareness about the programme, including its continuation and actual benefits.

$$y_p = x'_p \beta + \lambda_{mp} + \varepsilon_{mp} \quad (1)$$

Using model (1), we deploy linear regression to examine correlations of key ownership characteristics and demand (or stated demand) for various proofs of ownership. The outcome variable  $y_p$  is an indicator

**Table 1**  
Proofs of ownership in informal settlements under RL programme, Phase I.

Proof of ownership	Obs	Mean	Std. Dev.	Min	Max
Has mtaa-SA	1363	0.351	0.477	0	1
Has advocate-SA	1363	0.04	0.195	0	1
Ever acquired RL	1363	0.486	0.5	0	1
Has RL (active by 2018)	1363	0.175	0.38	0	1
Has CRO	1363	0.024	0.154	0	1
Joined regularisation to CRO	184	0.783	0.414	0	1
Would join regularisation to CRO	1135	0.863	0.344	0	1
Property tax as proof of ownership	1363	0.749	0.434	0	1
Other evidence by local leaders	1363	0.142	0.349	0	1

Source: authors' research, Land Tenure Survey (2018).

<sup>8</sup> Administrative data present remarkably similar rates of acquisition (49%) and renewal (12.5%) of RL. The latter refers to one municipality only, and therefore our survey data are more comprehensive.

<sup>9</sup> These might be handwritten bills of sale signed by any street leaders (who assist the mtaa chairpersons locally), which are no longer in use and are typically replaced with SA signed by the mtaa chairpersons. Other de facto proofs of ownership included the Form 73 (6.9%) and the Letter of Offer (1.3%), which are part of the application for the RL and the CRO respectively. Our survey found no-one with a Unit Title.

<sup>10</sup> More specifically, most respondents ranked fair compensation in case of government eviction (52%) and protection from boundary disputes (19%) as first priority benefits. Fewer respondents chose ease of inheritance (10%), increased land value (9%), ease of access to formal loans (7%) and ease of sale (2%).



equal to 1 if plot  $p$  has a SA issued by the mtaa, ever acquired the RL, has active RL (by 2018), has CRO, joined or expressed a willingness to join a regularisation scheme and attain CRO (depending on the availability of the latter in their mtaa by 2018). Plot characteristics used as regressors ( $x'_p$ ) are described in Table 2. We control for fixed effects ( $\lambda_{mp}$ ) and cluster errors at the municipality level. Results in Table 3 show that the SA is more common amongst those with shorter length of tenure, those who purchased their plot (instead of gift/inheritance or occupation), and those who have two income earners in the household (instead of one). Households with higher monthly income are more likely to have acquired a RL, although only larger categories (200,000 TSh to 500,000 TSh) are statistically different from the baseline (less than 50,000 TSh). Those who report no tribal influence on ownership practices are more willing to participate in regularisation and attain the CRO. In Table 4 we

**Table 2**  
Summary statistics.

Variable	Mean (Std. Dev.)		Mean (Std. Dev.)
Year arrival on plot	.	Number of income earners	.
70 s or earlier	0.171 (.377)	None	0.016 (.126)
1980 s	0.171 (.377)	1	0.507 (.5)
1990 s	0.271 (.444)	2	0.35 (.477)
2000 s	0.357 (.479)	3 +	0.127 (.333)
last 5years	0.031 (.173)	Number of dependent children	.
Mode of plot acquisition	.	None	0.133 (.339)
gift/inheritance	0.189 (.391)	1	0.156 (.363)
purchase	0.809 (.393)	2	0.208 (.406)
other	0.002 (.047)	3	0.178 (.383)
Has other plots in Dar	0.293 (.456)	4	0.13 (.336)
Number residents	9.154 (5.704)	5 +	0.195 (.396)
Has tenants	0.528 (.499)	Follows tribal norms	.
Has land disputes	0.097 (.296)	very much	0.284 (.451)
Is local leader	0.092 (.29)	some	0.27 (.444)
Household monthly income	.	little	0.183 (.387)
under 50	0.114 (.318)	hardly	0.081 (.274)
50–100	0.219 (.413)	not at all	0.182 (.386)
100–150	0.156 (.363)	Tribal affiliation influences ownership	.
150–200	0.114 (.318)	no	0.511 (.5)
200–300	0.131 (.337)	yes	0.225 (.418)
300–500	0.147 (.355)	not applicable	0.263 (.441)
above 500	0.12 (.325)	Obs.	1363

**Notes.** Table reports mean and standard deviation of selected survey data (n = 1363).

replicate regressions on RL outcomes using fixed effects at the mtaa level (instead of the municipality) (cols 1–2), observations from self-identified plot owners (instead of the full sample) (cols 3–4),<sup>11</sup> and a logistic model (instead of OLS) (cols 5–6). These robustness checks confirm the positive relationship between income and RL acquisition found in Table 3. It is also suggested that those with other plots in Dar es Salaam are more likely to acquire the RL and maintain it active, while local leaders are less likely to have active RL (col 3–6).

## 5.2. What is enough evidence?

*“Why would they need the RL? People don’t think that the RL is evidence enough. We know that other squatter areas have already gone for the survey [meaning: regularisation with CRO]... it might happen to us... so, people don’t think it is worth having a land title before they see a surveyor coming to the area and putting in the beacons [survey markers].” (ML/TMK/21).*

This section argues that the availability of other institutional layers has contributed to the drift of the RL, by providing advantages of accessibility and/or functionality. For example, 35% of respondents hold an unregistered SA by the mtaa office, which is more accessible than the RL. It can be issued in few days – if not hours – and can also be prepared retroactively, by involving neighbours and prior owners (when available). Landholders think that their unregistered SA is useful for receiving fair compensation in case of eviction and preventing land disputes (which, we note, are the same expected benefits from the RL described above).<sup>12</sup> Some mitaa where we conducted our research had been involved in a city-wide upgrade programme and their leaders confirmed that the SA was considered for compensation (even if at lower rates).<sup>13</sup> Further, *“poor people need small loans”* (ML/TMK/5) that can be obtained with the unregistered SA, non-landed collaterals (e.g. chattels or vehicles) or group loans, therefore they may not need the RL to access larger capital (see also Sheuya, 2010). With regards to land disputes, the SA might be useful because it shows the linear measurements of the plot in units that are easily understood by uneducated people (e.g. feet), while the RL map is harder to read and it *“may not go with reality because it is not necessarily updated”* (ML/TMK/18). Thus, some leaders concluded that, while the RL is a stronger proof of ownership because of its formality, *“especially for those who have always lived here and know many people... the sale agreement is enough”* (ML/TMK/2).

Similarly, a staggering 75% of respondents showed us their property tax documents as a valued *de facto* proof of ownership. A full 24% indicated that this is the best proof of ownership that they currently have because it provides fair compensation in case of government expropriation (first-rank benefit) and protection from land disputes (second-rank benefit). First, it was noted that the property tax is more accessible than a RL. While the price was roughly the same,<sup>14</sup> the property tax was easier to pay. Landholders received a demand note at their mitaa offices and could pay via mobile phone from their homes. Second, the government has invested resources to raise compliance with property tax payment by conducting campaigns and enforcement activities, including through the involvement of mtaa offices (e.g. in the distribution of demand notes). In this way, TRA follows-up and keeps reminding people to pay at the local level. More importantly, people have perceived some announcements as threats: they think that, if they do not pay their property tax, they could be taken to court, arrested and

<sup>11</sup> The full sample also included some proxies of plot owners (14%), when the latter were not found at home. These were adult members of the plot owner’s household who could also make decisions for the household.

<sup>12</sup> The URT (1999) establishes that the unregistered SA gives a right to fair compensation and can be used as a valid collateral – upon the agreement of the lender.

<sup>13</sup> The Dar es Salaam Metropolitan Development Project.

<sup>14</sup> The property tax for one-story residential buildings is 10,000TSh, flat-rate per year. This is roughly the same cost of renewing the RL for five years.

**Table 3**  
Demand for diverse proofs of ownership.

VARIABLES	(1) Has mtaa-SA	(2) Acquired RL	(3) Active RL	(4) Has CRO	(5) Joined reg to CRO	(6) Would join reg to CRO
Length of plot tenure = 2, 1980 s	0.099 * (0.032)	-0.077 (0.034)	-0.069 ** (0.016)	-0.006 (0.020)	0.088 (0.075)	-0.042 * (0.015)
Length of plot tenure = 3, 1990 s	0.196 ** (0.042)	-0.000 (0.037)	-0.006 (0.024)	-0.010 (0.009)	0.014 (0.128)	-0.079 * (0.029)
Length of plot tenure = 4, 2000 s	0.333 ** (0.070)	-0.091 *** (0.015)	-0.066 ** (0.016)	0.006 (0.013)	0.024 (0.092)	-0.054 * (0.020)
Length of plot tenure = 5, last 5 years	0.371 ** (0.089)	-0.124 (0.070)	-0.051 (0.029)	-0.016 ** (0.004)	0.493 (0.212)	-0.043 (0.022)
Mode of plot acquisition = 1, gift/inheritance	-0.159 ** (0.033)	-0.123 * (0.043)	-0.040 (0.018)	0.001 (0.007)	-0.022 (0.082)	-0.020 (0.015)
Mode of plot acquisition = 3, other	-0.274 ** (0.076)	-0.219 (0.416)	-0.189 (0.099)	-0.022 (0.027)		-0.215 (0.307)
Has other plots in Dar	-0.004 (0.014)	0.055 * (0.017)	0.073 * (0.025)	0.002 (0.007)	-0.086 (0.091)	0.054 * (0.020)
Number residents	0.002 (0.003)	-0.005 (0.004)	0.001 (0.003)	0.000 (0.001)	-0.004 (0.004)	-0.001 (0.002)
Has tenants	-0.002 (0.029)	0.002 (0.037)	-0.008 (0.024)	-0.003 (0.011)	0.123 (0.067)	-0.023 (0.013)
Has land disputes	0.046 (0.048)	0.039 (0.086)	0.089 (0.060)	0.005 (0.011)	0.042 (0.034)	0.061 (0.033)
Household monthly income (1,000TSh) = 2, 50–100	-0.010 (0.021)	0.153 * (0.059)	0.060 ** (0.014)	0.021 (0.012)	0.411 (0.261)	0.072 (0.071)
Household monthly income (1,000TSh) = 3, 100–150	-0.006 (0.048)	0.118 (0.059)	0.023 (0.039)	0.026 *** (0.004)	0.354 (0.195)	0.044 (0.074)
Household monthly income (1,000TSh) = 4, 150–200	0.018 (0.034)	0.196 (0.086)	0.056 (0.055)	0.001 (0.018)	0.362 (0.248)	0.135 * (0.043)
Household monthly income (1,000TSh) = 5, 200–300	-0.049 (0.046)	0.228 *** (0.036)	0.014 (0.028)	0.013 (0.011)	0.565 (0.289)	0.094 (0.090)
Household monthly income (1,000TSh) = 6, 300–500	-0.001 (0.024)	0.161 ** (0.030)	0.041 * (0.016)	0.006 (0.008)	0.449 (0.293)	0.080 (0.052)
Household monthly income (1,000TSh) = 7, 500 +	-0.016 (0.061)	0.222 * (0.076)	0.159 * (0.057)	0.037 (0.031)	0.590 (0.267)	0.115 (0.070)
Number income earners = 0, None	-0.036 (0.050)	-0.011 (0.164)	-0.020 (0.058)	-0.011 (0.009)	-0.329 (0.265)	-0.021 (0.068)
Number income earners = 2, 2	0.039 ** (0.010)	0.003 (0.046)	0.010 (0.028)	-0.007 (0.012)	0.021 (0.079)	0.003 (0.022)
Number income earners = 3, 3 +	-0.026 (0.026)	-0.063 (0.066)	-0.033 (0.059)	0.020 * (0.008)	-0.083 (0.138)	-0.032 (0.050)
Number dependent children = 0, None	-0.066 (0.036)	-0.077 (0.062)	0.011 (0.030)	-0.019 (0.015)	-0.103 (0.054)	-0.040 (0.031)
Number dependent children = 2, 2	-0.041 (0.045)	-0.026 (0.108)	-0.031 (0.030)	-0.002 (0.019)	-0.086 (0.077)	-0.024 (0.026)
Number dependent children = 3, 3	-0.053 (0.032)	-0.002 (0.057)	-0.007 (0.020)	-0.020 (0.024)	-0.192 * * (0.038)	-0.008 (0.024)
Number dependent children = 4, 4	-0.030 (0.055)	-0.049 (0.063)	-0.033 (0.028)	-0.021 (0.018)	0.101 (0.135)	-0.005 (0.036)
Number dependent children = 5, 5 +	-0.022 (0.072)	-0.018 (0.084)	0.012 (0.029)	-0.028 (0.026)	-0.021 (0.104)	0.018 (0.069)
Follows tribal norms = 2, some	0.021 (0.026)	-0.044 * (0.017)	0.022 (0.037)	0.011 (0.005)	-0.009 (0.050)	0.033 * (0.013)
Follows tribal norms = 3, little	-0.018 (0.048)	-0.006 (0.066)	0.012 (0.083)	0.010 (0.009)	-0.033 (0.082)	0.032 (0.023)
Follows tribal norms = 4, hardly	-0.010 (0.049)	-0.014 (0.036)	-0.013 (0.049)	-0.018 (0.016)	0.225 * (0.080)	-0.023 (0.032)
Follows tribal norms = 5, not at all	-0.065 (0.036)	0.020 (0.048)	0.011 (0.054)	0.009 (0.004)	0.220 (0.143)	0.078 (0.034)
Tribal influence on ownership = 0, no	0.001 (0.023)	0.045 (0.020)	-0.003 (0.007)	-0.007 (0.010)	0.298 (0.180)	0.066 ** (0.011)
Is local leader	0.019 (0.035)	0.021 (0.025)	-0.045 * (0.017)	-0.003 (0.009)	-0.086 (0.084)	0.038 (0.016)
Observations	1363	1330	1330	1363	184	1135
R-squared	0.163	0.062	0.065	0.037	0.350	0.061

**Notes.** The outcome variable is an indicator equal to 1 if plot  $p$  has SA by mtaa (col. 1), ever acquired the RL (col. 2), has active RL (by 2018) (col. 3), has CRO (col. 4), joined a regularisation scheme to attain CRO (col. 5) or expressed a willingness to join a regularisation scheme and attain CRO (col. 6). In columns 2–3 and 5–6, we restrict the sample to plots without CRO (the RL must be surrendered before acquiring CRO). Column 5 includes plots where respondents are aware of on-going regularisation schemes in their mtaa, while these are excluded from the sample in column 6. Robust standard errors in parentheses. \*\*\*  $p < .01$ , \*\*  $p < .05$ , \*  $p < .1$

sanctioned. “*What has been effective is the shock and the fear of penalty,*” said one leader (ML/TMK/21). Landholders fear that they may “*lose their property*” (ML/TMK/6): “*their houses might be taken [expropriated or demolished]*” (ML/TMK/4, also ML/TMK/14 and ML/ILA/15). Thus, according to many leaders, the rate of property tax payment has

significantly increased in their neighbourhoods, and this has impacted the demand for the RL. “*There are many reasons why people do not renew their licences,*” reflected one chairman. “*But possibly the most important is that they feel secure enough because they pay property taxes... They feel that the government already knows they are the landowners*” (ML/TMK/15).

**Table 4**  
Demand for RL: robustness.

VARIABLES	(1) Acquired RL	(2) Active RL	(3) Acquired RL	(4) Active RL	(5) Acquired RL	(6) Active RL
Year arrival on plot = 2, 1980 s	-0.067 (0.034)	-0.048 (0.020)	-0.102 * (0.034)	-0.064 * (0.022)	0.721 ** (0.107)	0.600 *** (0.097)
Year arrival on plot = 3, 1990 s	-0.008 (0.035)	-0.005 (0.032)	-0.032 (0.025)	-0.006 (0.027)	0.998 (0.161)	0.963 (0.162)
Year arrival on plot = 4, 2000 s	-0.099 *** (0.012)	-0.075 *** (0.010)	-0.118 ** (0.031)	-0.071 ** (0.014)	0.679 *** (0.041)	0.625 *** (0.041)
Year arrival on plot = 5, last 5years	-0.136 (0.073)	-0.063 (0.045)	-0.209 (0.106)	-0.059 (0.045)	0.589 * (0.173)	0.692 ** (0.118)
Mode of plot acquisition = 1, gift/inheritance	-0.119 * (0.046)	-0.034 (0.018)	-0.114 * (0.040)	-0.038 (0.017)	0.590 *** (0.102)	0.728 ** (0.105)
Mode of plot acquisition = 3, other	-0.193 (0.414)	-0.099 (0.101)	-0.009 (0.480)	-0.146 (0.076)	0.391 (0.734)	
Has other plots in Dar	0.041 (0.022)	0.068 * (0.023)	0.061 ** (0.014)	0.080 ** (0.020)	1.263 *** (0.093)	1.673 *** (0.240)
Number residents	-0.003 (0.003)	0.003 (0.003)	-0.006 * (0.002)	0.000 (0.002)	0.980 (0.016)	1.004 (0.018)
Has tenants	-0.008 (0.044)	-0.022 (0.035)	0.010 (0.031)	-0.008 (0.020)	1.007 (0.159)	0.938 (0.163)
Has land disputes	0.062 (0.085)	0.093 (0.060)	0.048 (0.108)	0.097 (0.068)	1.183 (0.432)	1.808 (0.682)
Household monthly income = 2, 50–100	0.151 * (0.059)	0.060 ** (0.014)	0.135 ** (0.034)	0.040 (0.022)	1.932 *** (0.473)	1.542 ** (0.288)
Household monthly income = 3, 100–150	0.135 (0.063)	0.040 (0.037)	0.127 ** (0.026)	-0.003 (0.030)	1.676 ** (0.421)	1.170 (0.333)
Household monthly income = 4, 150–200	0.198 * (0.078)	0.061 (0.057)	0.190 (0.083)	0.035 (0.065)	2.322 ** (0.868)	1.480 (0.623)
Household monthly income = 5, 200–300	0.213 ** (0.037)	0.013 (0.039)	0.198 ** (0.053)	-0.008 (0.043)	2.648 *** (0.409)	1.049 (0.312)
Household monthly income = 6, 300–500	0.164 ** (0.037)	0.038 (0.022)	0.153 ** (0.042)	0.016 (0.034)	2.008 *** (0.293)	1.350 * (0.238)
Household monthly income = 7, 500 +	0.220 ** (0.066)	0.167 ** (0.052)	0.214 * (0.083)	0.124 (0.073)	2.595 *** (0.871)	2.734 *** (0.848)
Number of income earners = 0, None	-0.052 (0.192)	-0.041 (0.076)	0.022 (0.172)	-0.019 (0.061)	0.942 (0.683)	0.768 (0.402)
Number of income earners = 2, 2	0.002 (0.049)	0.013 (0.029)	0.013 (0.052)	0.024 (0.036)	1.013 (0.198)	1.062 (0.209)
Number of income earners = 3, 3 +	-0.071 (0.074)	-0.033 (0.059)	-0.035 (0.072)	-0.014 (0.054)	0.763 (0.214)	0.788 (0.371)
Number of dependent children = 0, None	-0.044 (0.054)	0.027 (0.026)	-0.101 (0.081)	0.029 (0.021)	0.719 (0.185)	1.045 (0.240)
Number of dependent children = 2, 2	-0.008 (0.105)	-0.024 (0.019)	-0.036 (0.131)	-0.010 (0.014)	0.894 (0.407)	0.781 (0.171)
Number of dependent children = 3, 3	0.006 (0.057)	-0.001 (0.012)	-0.015 (0.079)	0.017 (0.012)	0.993 (0.242)	0.933 (0.136)
Number of dependent children = 4, 4	-0.037 (0.067)	-0.028 (0.014)	-0.040 (0.076)	-0.023 * (0.008)	0.807 (0.214)	0.753 (0.161)
Number of dependent children = 5, 5 +	-0.005 (0.079)	0.008 (0.042)	-0.006 (0.095)	0.037 (0.065)	0.926 (0.331)	1.080 (0.178)
Follows tribal norms = 2, some	-0.040 * (0.017)	0.018 (0.038)	-0.054 * (0.020)	0.017 (0.036)	0.832 *** (0.058)	1.163 (0.369)
Follows tribal norms = 3, little	-0.002 (0.071)	0.005 (0.083)	-0.013 (0.061)	0.028 (0.083)	0.976 (0.270)	1.078 (0.674)
Follows tribal norms = 4, hardly	-0.009 (0.043)	0.015 (0.047)	-0.007 (0.013)	0.004 (0.047)	0.944 (0.141)	0.892 (0.312)
Follows tribal norms = 5, not at all	0.026 (0.050)	0.013 (0.056)	0.021 (0.043)	0.029 (0.046)	1.089 (0.224)	1.073 (0.462)
Tribal affiliation influences ownership = 0, no	0.049 (0.022)	0.008 (0.009)	0.042 * (0.015)	0.001 (0.007)	1.210 ** (0.099)	0.969 (0.046)
Is local leader	0.028 (0.021)	-0.041 * (0.016)	0.049 (0.030)	-0.042 ** (0.011)	1.094 (0.111)	0.704 *** (0.087)
Observations	1330	1330	1150	1150	1330	1327
R-squared	0.106	0.118	0.060	0.066	0.046	0.067

**Notes.** The outcome variable is an indicator equal to 1 if plot  $p$  has ever acquired the RL (cols. 1,3,5) or has active RL (by 2018) (cols. 2, 4, 6). From the survey sample, we exclude plots with CRO (the RL must be surrendered before acquiring CRO). In columns 1–2, we control for mtaa fixed effects, instead of municipality level fixed effects. In columns 3–4, we restrict the sample to respondents who self-identified as plot owners, as opposed to their proxies. In columns 5–6, we run the same regressions as in Table 3 using a logistic model (instead of OLS). Robust standard errors in parentheses. \*\*\*  $p < .01$ , \*\*  $p < .05$ , \*  $p < .1$

Therefore, “this document has value” (ML/TMK/19).

As noted in the opening quote of this section, the RL is often, largely, compared to full property rights – the CRO – which is increasingly accessible in the informal settlements and is perceived as more effective in providing tenure security and rights. Often, local leaders referred to

the RL as “*hati ndogo*” (small title) (ML/TMK/17): “a permit to own land in squatter settlements” (ML/KND/2) or “an informal identification, not a proper document” (ML/KND/10). Instead, the CRO was called “*hati kubwa*” (big title) (ML/TMK/17): “a real proof of ownership” (ML/KND/1); “a long lasting form of property rights that creates significant boundaries



for the plot" (ML/KND/9). Government policies facilitating regularisation and lowering its price raised hopes that the CRO would eventually become attainable to lower and middle-income earners. Furthermore, government campaigns on the proclaimed benefits of regularisation convinced most landholders that the CRO could provide significant benefits over and above the RL. Notably, 85% of respondents believed that the CRO would secure higher chances of fair compensation in case of forced eviction,<sup>15</sup> higher land values (89%), increased ease of sale (86%), increased access to formal credit (45%),<sup>16</sup> and access to larger loans (91%). Thus, the increasing accessibility of long-term leaseholds and expectations of higher functions are both contributing to the drift of the RL. "Now most people want the title deed CRO," explained one leader, "since it is much better than the RL, this has no longer the same value... the CRO has replaced the RL... it is the way to go" (ML/KND/10).

### 5.3. Pro-poor and fit-for-purpose?

By demonstrating that the RL has drifted over time and does not provide 'enough evidence' (ML/TMK/21) vis-à-vis other institutional layers, the prior sections raised doubts over its current adequacy as a pro-poor and fit-for-purpose land recordation system. This section shows that a lack of maintenance and recalibration of the RL have contributed to the demise of the programme by compromising key aspects of participation, affordability, and functionality in responding to the needs of the urban poor.

While the RL programme was to a large degree inclusive and participatory in the early stages of plot identification, today, the formal processes of the RL are disconnected from local communities. For example, processes to uptake, renew and update the RL start at the mtaa office through local leaders singing specific forms to testify the ownership of the applicant, but further visits are due at the ward and the municipality. The process of ownership transfer could take three to six months. In theory, all processes should conclude at the mtaa office, with local leaders updating printed copies of the RL database, but these were distributed once at the beginning of the project, and in many cases, they are now unreadable or unavailable. The frequency and quality of reporting is ultimately down to the goodwill of RL holders and local leaders, who are typically not trained or even informed by the municipalities. As a result, the RL programme is no longer perceived as participatory, and this lack of community engagement gradually contributed to the RL drifting over time (see also Manara, 2022). By contrast, we note that the SA is almost entirely managed at the mtaa level, while higher-level government involves local leaders to facilitate data collection and campaigning for programmes to mainstream both the PT and CRO.

The prices of acquisition and renewal for the RL are relatively low, and land rents are negligible, but people lack essential information, which raises doubts over the programme's affordability. Only a small minority of respondents could estimate the costs of first acquisition (28%) and five-year renewal (7.3%).<sup>17</sup> Local leaders further referred to the "waste of time" (payments are made at the municipality) and the "fear" of "extra costs", such as arrears and penalties on missed payments (ML/TMK/3), which "the poor cannot afford" (ML/KND/2). We note that landholders can retroactively renew their RL with no penalty, but other processes require extra charges building up to large expenses. For example, if applicants were not identified during fieldwork activities by 2006, they must pay the municipal office for a site visit. Furthermore, a

transfer of ownership requires an official valuation report and a SA witnessed by an advocate, with total fees approximating the costs of CRO (Manara and Pani, 2023a).<sup>18</sup> In sum, some prices are simply unpredictable, while others are objectively unaffordable to low-income earners. Conversely, the prices of SA (signed by the mtaa chairperson) and PT are clearly set and communicated, and payments occur at the local mtaa office (for SA) or via mobile (for PT).

It remains to be seen if the RL responds to local demands for tenure security and rights by the urban poor. At the beginning of the programme, many landholders acquired the RL to lower the risk of government eviction and secure fair compensation, and more generally to protect themselves from land conflicts (including boundary and inheritance disputes, see section 'Low demand or institutional drift'). Having names written on documents and boundaries drawn on maps was certainly important to our respondents; but renewing the RL was less effective in providing further gains of tenure security (especially given the costs). As one leader explained, "the fact is...if you were identified in 2005... especially if you acquired the RL...then you are kind of safe" (ML/TMK/8). Another leader reflected that, "those who renewed probably wanted to take a loan, or sell, or do something with it...But for me, why bother? If I ever need these things, I can always renew it later on" (ML/TMK/3). While renewing the RL was not instrumental to achieve further tenure security, other proofs of ownership became more effective to this end, namely, the PT, which is associated to threats of eviction, and the CRO, which is deemed to provide higher compensation and better policing of boundaries through actual survey markers.

It is also important to explore if the RL had any function as a 'stepping-stone' to CRO, which the landholders increasingly demanded. When the programme was initially promoted as a 'stepping-stone' to regularisation, the government suggested that higher rent and more information would support settlement upgrade, making these areas eventually eligible for CRO. Despite this rhetoric, the two systems "cannot communicate with one another and are not meant for this purpose" (interview with government official), a point that was understood by government officials, mtaa chairmen and residents alike. For instance, the parcel layouts in the RL database cannot be used as a base for the survey map, in part due to strict tolerance requirements imposing the adoption of sophisticated technology for the legal approval of the CRO. Therefore, plot owners had to start the regularisation process from scratch and pay all fees, even if they had acquired and renewed the RL over the years. To avoid the duplication of interests on the same plot, the law required that these landholders surrendered the RL before they could uptake the CRO, causing implications that did not consider the specific needs of the urban poor.

Namely, those who have stopped renewing their RL (over 30% according to our survey) are at a distinctive disadvantage during the regularisation process compared to those who do not live in the RL areas, including many wealthier locations in the city. For example, those who do not have a valid RL must now pay all arrears, including renewal fees and land rents, before they can acquire full property rights. Additionally, everyone with a valid RL must then pay a substantial amount as a surrender fee. The availability of interim property rights was then making the attainment of full leaseholds more cumbersome and expensive, rendering tenure security far less pro-poor, and raising major concerns at the grassroots level, as recounted by one mtaa chairperson:

*"About 136 plot owners were told that they should bring evidence that they are the owners, for instance their RL. Then they [the government] said that people who have the RL should surrender it through writing a letter to the authority. We had no awareness of this before... But then what happened? They introduced something called 'surrender fee' of 50,000TSh. Then, somewhere in the middle it emerges that these residents*

<sup>15</sup> In line with our study (manara, 2022), respondents think that having full property rights does not reduce the probability of eviction but raise the chances of fair compensation if eviction occurs.

<sup>16</sup> In fact, 31% of respondents believe that interim and full property rights provide same accessibility to formal loans, which is to a large extent correct when one talks about business loans (Manara and Pani, 2023b).

<sup>17</sup> Price is about 20,000TSh for acquisition and 10,000TSh for renewal.

<sup>18</sup> An official valuation may cost up to 200,000TSh. Similarly, a SA by an advocate might cost up to 5% of the selling price.

*suddenly have to pay for all their debts on the RL... These costs are high and not affordable. For many years the people did not renew and did not pay the land rents... And the government has also ignored these issues... And now they are demanding these payments to get us through regularisation... so it is chaos!" (ML/KND/12).*

## 6. Conclusion

In sub-Saharan Africa and more generally in the Global South, several governments experiment with incremental approaches to tenure security, for example by providing for interim, junior or starter titles that grant administrative recognition ahead or instead of freehold or leasehold documents. While these approaches are thought to better address local demands of the urban poor by embedding the principles of pro-poor or fit-for-purpose land recordation systems, to date, little has been examined regarding the implementation and perceived effectiveness of interim property rights in specific contexts. To address this gap, we have examined the RL programme of Dar es Salaam, Tanzania, which offers short-term leases as an intermediary institutional layer among other de facto and de jure options. Our results have demonstrated that, whilst the RL received substantial demand in the early stages, it has since undergone considerable institutional drift, which is clearly illustrated by decreasing uptake rates, low renewal rates, and poorly updated records. Our data has shown that the RL is not valued enough vis-à-vis other proofs of ownership, including the unregistered SA, property tax, and CRO, which are perceived as either more accessible or more functional in addressing current needs of tenure security and rights. We have argued that the RL programme has not received proper maintenance and re-calibration vis-à-vis other institutional layers, jeopardizing criteria of participation, affordability and functionality that are central to pro-poor land registration.

Our empirical evidence suggests policy recommendations that have wide applications beyond the Tanzanian case. In contexts where people suffer from tenure insecurity – for example when de facto proofs of ownership are inadequate and de jure documents are inaccessible – interim options might be effective in responding to needs at low costs, just as the RL did in its early stages. Therefore, interim options should be encouraged, especially through ad-hoc projects targeting selected areas of cities with significant perceived risks and grassroots' demand for higher tenure security. However, the updating of records should be organised sporadically and through community participation (essentially replicating the initial efforts of plot identification), instead of leaving individuals to renew their documents, which represented a major hurdle in the RL programme. Furthermore, frequent payments like annual land rents should be avoided, since they may raise concerns of affordability where people fear the extra-costs of time and arrears. Indeed, the experiences of the RL programme demonstrate that perceptions of affordability do not depend solely on objective prices. Importantly, keeping such projects at the neighbourhood scale might be helpful to maintaining key aspects of participation over time, for example by enabling processes and payments to occur at the locally.

Even in other contexts where the risk of forced displacement is relatively low, interim property rights might still be appealing to the urban poor, especially if they constitute radical alternatives vis-à-vis the already existing de facto and de jure options. For instance, their appeal could be heightened if they provide selected rights from the property rights bundle, which people particularly value, such as inheritance rights, or diverse forms of ownership like collective rights (e.g. see the Namibia case – Christensen, 2017; MLR, 2016). In our study, this was clearly not the case as the RL is merely a temporary version of the CRO, and supposedly delivers similar benefits to other proofs of ownership, but at higher costs (compared to SA and PT) or less effectively (compared to PT and CRO). Furthermore, our evidence underscores that interim property rights need frequent revision over time: designing appropriate options is important, but so too is keeping them flexible and

adaptive to the needs of the urban poor. For instance, maintaining key aspects such as participation and affordability, requires the continuous involvement of communities and communication across mtaa offices and municipalities. The functionality of interim property rights should be reviewed as landholders' needs for tenure security and rights change over time, reflecting the ever-evolving accessibility and functionality of other tenure options. Thus, further communication with authorities administering property taxes and long-term leaseholds would certainly help to re-calibrate functions of interim property rights.

In urban Tanzania, de facto ownership rights are relatively accessible and there is growing demand for de jure rights, especially the CRO. In our view, the RL should be offered only in specific settlements if demanded from the bottom-up, for example, where de facto rights are weak, but landholders cannot access the CRO. Otherwise, land policies should focus on strengthening the existing institutional layers and maintain the RL programme, where it is already on-going (instead of triggering new extensions). Furthermore, it is both urgent and vital to clarify exactly how the RL works as a 'stepping-stone' to CRO, ensuring that the urban poor who took up the RL are not disadvantaged in the regularisation process. It might also be worth exploring other incremental approaches to tenure security, for instance through Unit Titles (see Section 4.3), which seem like a more radical alternative to existing proofs of ownership, but are still under-experimented.

In conclusion, by showing how people value diverse proofs of ownership in relation to one another, this study has provided new evidence to help illuminate the complex implementation of land reforms via institutional layering, and one specific driver of low demand for land titles in contexts of institutional pluralism. Illustrating how the RL was cut adrift through the subtle working of power – as government authority focused attention and resources to other programmes (for instance to raise compliance with property tax and land regularisation) – our research speaks to recent debates that question whether a plethora of tenure options can effectively increase choices towards higher tenure security, especially if diverse options are understood along a linear continuum to full leasehold (Lahoti, 2022; Lengoiboni et al., 2019; Nyenyezi et al., 2020; Van Overbeek and Tamás, 2020). Clearly, there is no simple answer to these questions, and more empirical, longitudinal and comparative research is needed to understand the effectiveness of diverse incremental approaches to tenure security and rights.

## Declaration of Interests

None.

## Data Availability

The data that has been used is confidential.

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