
1Joel Msami, 2Dawah Lulu Magembe Mushi
1School of Spatial Planning and Social Sciences, joelmwanga@yahoo.com, Ardhi University
2School of Spatial Planning and Social Sciences, dimushi2000@yahoo.com, Ardhi University

Abstract
In the early 1990s to date, the private sector has continued to gain momentum in urban planning and service delivery. Among others, the penetration of neo-liberal ideology in policies and legislations empowered the engagement of private sector in urban planning domain. Subsequently many private firms have dominated the process of the preparation of details schemes including regularization of informal settlements in different cities, municipalities and towns in Tanzania. However, the institutional overlap and power relation and approach used by the private sector at the grassroot levels to mobilize resources to meet the cost of regularization of informal settlements are rarely documented and discussed. This paper uses the case of Gairo Town regularization project to illuminate on the existing institutions, actors and power relation in the private-led regularization projects and approach used to engage the community in financing the preparation of regularization schemes. Through household surveys, official and key informant interviews, observations and mapping, steps followed by the private firms to acquire the projects from the Planning Authority to the community levels were documented and analyzed. The findings show that when there are mutually beneficial interactions among private sector, politicians and grassroots institutions, the community contributes their financial resources to prepare regularization schemes of their settlements. The institutional overlap in terms of multiple allocation of actors in different institutional levels and power relations facilitate the resource mobilization for regularization projects in the informal settlements.

Keywords: regularization, institutions, projects, power and private sector.
1. INTRODUCTION

More than half the urban population in Africa, Asia and Latin America lives in urban centers with less than half a million inhabitants, many of them in market towns and administrative centers with between 5,000 and 100,000 inhabitants. These small towns are often located on trading routes, mining areas, lake shore, fertile soils for agriculture, administrative centres to mention a few. It is predicted that new urban growth will continue to occur in small and institutionally weak settlements (UN-HABITAT, 2009). Due to weak urban planning institutions and poor economic performance, there is inadequate capacity of governments to timely deliver urban infrastructure and housing for the new inhabitants. Similarly, the ability of residents to pay for available services are also very limited. As a result, settlements have been developed in unplanned areas where basic services are not adequately provided. The informal settlements are now forming dominant features in urban development patterns and forms.

It has been established that development of informal settlements is a process that follows complex growth paths, actions and decisions of different actors especially the urban poor. Experience shows that the growth trajectory of informal settlements comprises three interlinked developmental stages of infancy i.e. starting stage, usually characterized by a sparsely built settlement, consolidation i.e. booming stage, which often depicts a moderately built settlement and saturation stage which is usually crowded and highly densely built-up settlement (Kombe and Kreibisch, 2001).

In the past decades, and more specifically in the 1960s, the government approach towards informal settlements development was through slum and squatter clearance that involved annihilation of dilapidated informally built settlements. Starting in the 1970s, the government pursued squatter upgrading, a humane approach that involved in-situ provision of basic services to these settlements with modest demolition of houses. Even though these initiatives registered some positive results, they were accompanied with a number of shortfalls such as limited government resources to service all the settlements, dependence on external funding, lack of stakeholder participation, lack of maintenance and lack of effective cost recovery mechanisms.

Recent initiatives by the government to regularize and issue title deeds to improve tenure security to properties in informal settlements are commendable efforts towards the right direction. However, one of the key lessons we have learnt from the project’s execution so far is that impacts and outputs from this program would be much higher and more sustainable if land use planning preceded
adjudication and registration of private properties. This would facilitate and make it easier to negotiate and secure land for improvement of public services and facilities before individual property boundaries are adjudicated and registered.

Therefore, integration of informal settlements in the formal urban fabric has become a step towards a new form of managing urban development (World Bank, 2001). As such the regularization is considered a workable strategy of improving the living condition of such settlements and incorporating them into urban development strategies. It is also viewed as a strategy to achieve inclusivity of marginalised poor communities within city’s social-economic development (ibid).

Since the 1990s views toward informal settlement in Tanzania have changed quite dramatically both in policy and practice. Informal settlements are no longer seen by public authorities as a transitory phenomenon, rather as permanent and lasting fact of life.

The legal and policy framework in Tanzania has been established to facilitate regularization of informal settlements. For instance, sections 56-60 of the Land Act No. 4 of 1999 outline specific provisions to direct regularization of informal settlements. The Act spells out the key steps including actors and procedures for preparing schemes of regularization. According to the Act the powers to prepare, approve and declare schemes of regularization (S58 (3), and S 59, are vested in the Minister responsible for Lands, Housing and Human Settlements Development.

2. CONCEPTUALIZING POWER IN PLANNING

The debate of the diversity, difference and opposition in postmodernity planning theory make the question of power central in planning (Allmendinger, 2001). The power considered in this paper is the power of the authority as opposed to the power of science. The later was largely covered the modernity planning theory and diminished the social focus of planning (Coetzee, 2005). The new form of planning which focuses on democratization as argued by Fainstein (2003), has made the turning point in urban planning. With its central focus on cross-sectoral and socio-political dimensions, the democratic planning so to say, has impacted on the roles of planners, politicians and community in planning process. This form of conceptualisation of planning has led to the new power structure emanating from the community leaders including politicians and representation of community in the planning institutions. Therefore, the key conceptual variables to analyse the institutional overlaps and power relations resonate from the ethics, justice, power, equity, participation and sustainability.
In the 1990s many governments formulated development policies that were geared toward the engagement of non-governmental actors in service delivery, planning and implementation processes (Msami, 2014). Since then, the institutional landscape in planning has changed and many general and details plans are largely prepared by private sector in collaboration with the community. Regularisation of informal
settlements in Tanzania, for instance, is a typical example.

Regularisation, as one of the strategies emerged in the governing process, is a new paradigm in addressing issues emerging from informalities in land development. It has become an accepted way of solving problems associated with unplanned settlements in most African, Asian and Latin American cities (Magembe-Mushi, et al, 2012). International organisations, such as United Nations Development Program (UNDP), UN-Habitat and the World Bank define regularization as a planned process of physical restructuring of informal and unauthorized settlements into legal, official and administrative structures of land management. The process consists of two main components namely the judicial/tenure regularization and physical regularization (Magembe-Mushi, 2011). Tanzania, like other developing countries as aforementioned, has adopted the regularisation of informal settlements approach and fundamentally involve grassroots institutions, private sector, politicians, local leaders and local government authorities (URT, 1999). The essence is to mobilize resources for carrying out regularisation process and implement the regularisation schemes.

4. METHODOLOGY

Using a case of regularisation project in Gairo town in Tanzania (see map 1), the institutions and power relation and overlaps were identified and analysed. Through interviews with key-informants including Town Executive Officer (TEO), District Executive Director (DED), Local Leaders, Politicians and Town Planners and consultative meetings with the Regularisation Committee, this paper was able to harness the potentials of Institutional Overlap and Power Relations in Private-Led Regularization Projects in Informal Settlements. Households’ surveys were also conducted to get an insight on engagement of community in the regularization process. Together with the above-mentioned empirical data collection methods, this paper was complemented with desktop study which helped in providing background information, contextual and theoretical reviews on institutions, power relations and paradigm shift in managing urban development.

5. RESULTS AND FINDINGS

Gairo Town is situated in the mid-point between Morogoro and Dodoma Capital City along Morogoro-Dodoma Highway. It is located about 130 km from Dodoma city and about 327 km from Dar es Salaam which is the largest commercial city in Tanzania.

Dual roles of Gairo Town
Gairo Town, with an estimated population of 21,900 inhabitants in 2018, is relatively a small town. It is administrative centre of Gairo District as well as the Town Authority which is in transition to Town Council. It is economically a “central place” for Gairo district. As “a central place” it supplies services to the surrounding villages in Gairo District.

5.1. Regularisation project in Gairo

Regularization of informal settlements in Gairo Town started in 12th October 2017. The securing of the private firm which would regularize informal settlements in Gairo Town was done through procurement process where the private companies were invited to submit their financial quotations and present their experiences and approaches to be used in the course of the project of regularizing informal settlements. The Full Council which is the supreme organs in decision making approved one among 10, of the private firms to undertake the assignment. However, many private firms were engaged later in the regularization process in Gairo Town.

The regularization process started by sensitizing the local community (see plate 1), on the whole idea of regularization and the benefits of the project to the local community. The interview with the project coordinator indicated that the sensitization of the community took about three months prior to property inventory, negotiation of plot boundary, preparation of the regularization scheme, survey of the scheme and physical demarcation of the plot boundary and access roads. The sensitization, apart from explaining the concept and benefits of regularization, it provided the current legal and policy framework prepared by the government to regulate regularization process. Some of the legislations and polices include the Land Act 1990, the Urban Planning Act 2007 and the Human Settlement Development Policy 2000. The government also instituted the regularization of informal settlement and improvement of tenure security in all land uses in Tanzania in her National Five-Year Development Plan 2016/2017 – 2020/2021.

The sensitization process was facilitated by the private urban planning company which engaged local institutions including the Ward Executive Office, Village Government, District Planning Authorities and Town Executive Office. Among, others the cost of the regularization project was also put clear to the local community. Every households were required to contribute TZS 150,000 which is approximately USD 70 per plot.

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1 Interview with WEO-Magoweko Ward, May 2018., Review of Gairo Council Meeting

_African Journal of Land Policy and Geospatial Sciences, ISSN2657-2664, Issue no2, December 2018_
5.2. Operationalization of regularization project through grassroots institutions

Regularisation involves the spatial reorganisation of unplanned settlements and allows for the material creation and improvement of basic services such as community facilities and physical infrastructure including private properties and physical accessibility. To realise this, there are series of consultative meetings at grassroots levels which necessarily engage grassroots institutions in reaching consensus related to plot boundaries among the property owners. To operationalize the regularization, the local community in each “villages” appoints 5 people to form the Regularization Committee which will facilitate the regularization process by leading the private companies to reach all residents. This committee also forms the entry point for community capacity building in plan preparation and implementation. In addition, the Regularisation Committee mobilize the community to contribute their money to meet the cost of the project for their own benefits.

However, to facilitate effectively the regularization project “village” governments and the Ten Cells Units’ Leaders were actively engaged in property inventory and boundary negotiation and verification to avoid plot boundary conflicts during the plot demarcation.

The survey of the regularisation plan was done by plot demarcation where beacons were installed. The installation of beacons motivated the residents to contribute their money to the projects as they could see the physical mark on their plots. This was evidenced by the rate of payment after the beacon instalment as received by the private consultant firms. Table 1 shows the number of plots surveyed and their locations.

5.3 Institutional overlaps at the Gairo Town

Gairo town consists of two administrative wards namely Gairo ward and Magoweko ward. These two wards constitute the Gairo District Council. The town is in the transition period to town council and is currently under the “Town Executive Officer (TEO). It is not autonomous as it is still under the District Council. The TEO, oversee development activities in urban areas which is virtually under his/her jurisdictions. All decisions related to urban land development and service delivery are channelled to District Council which is legally the planning authority.

The town is governed by the Finance, Economics and Urban Planning Committee (FEUPC) which receive, discuss and endorse the regularisation plans and submit the same to the Council Management Team (CMT).
However, the FEUPC is also part of the CMT which is under the District Council. The plan is then sent to the Economics, Construction and Environment Committee (ECEC).

In terms of composition, the Finance, Economics and Town Planning Committee is composed of three (3) councillors who are selected by the Full Council (FC) of the District Authority, five (5) chairpersons from the Town “villages”³, of which one of them is selected as the Chairperson of the Town. There are also Sectoral experts from the District Council. The ECEC receive, discuss and endorse the plan and submit the same to the Ministry of Lands, Housing and Human Settlement Development through the Regional Administrative Secretary (RAS) for approval. However, decision to prepare urban development plan is initiated by the District Council and not the Gairo “Town Authority”.

The District Council is the supreme political organ at the District Level. It approved the engagement of private sector to undertake regularization project. It, among others, receives, discuss and endorse all development projects at the district level. The District Council is composed of councilors who are elected by the residents in their respective ward based on the majority votes. The District Council is chaired by the Council Chairperson who is selected among the councilors. The Council consists categorically of councilors (political figures) and technical experts which establish Council Management Team (CMT).

5.3. **Actors’ Power relation and their influence in resource mobilization for regularization project**

5.3.1. **The District Commissioner**

The District Commissioner is politically and administratively representing the Central government at the District Level and basically is the overall in charge of the district administration. During the regularization of informal settlement, the DC officially launched the project where District Executive Director (DED), Town Executive Officer (TEO), Councilors, Ward Executive Officers (WEOs), Village chairpersons and Gairo residents were invited and attended to the general meeting. The DC was the Guest of Honor and call upon all residents to participate in the regularization of their informal settlements. The DC regularly conducts meetings with the private companies to present and submit the progress report as per their work plan. The DC with her political power influences the residents in resource mobilization to meet the cost of regularizing their settlements. The DC considers the success of private–led regularization projects as part and parcel of the national success in its Five-Year Development Plan and the

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³The ward is composed of villages as they are still administratively under the District Council.
implementation of Ruling Part Manifestos. The latter is the key success factor of the DC.

5.4. **The Power of the District Executive Director**

The District Executive Director (DED) is the overall in charge of all technical activities that take place in the District. Like other projects, regularization projects are under the DED who is also the chairperson of the CMT where the progress and plans of the regularization of the informal settlements are presented and submitted by the private companies. During the final endorsement of the plans by the Full Council meeting, the DED becomes the Council Secretary. The DED, appoint one of the experts to monitor the private companies during the regularization process. The appointed expert collaborates with the private sector to ensure that the private companies receive the necessary supports from the District Authority. The DED also make sure that the local community participate in the projects and meets the cost of regularization as agreed during the meeting with the private companies.

5.5. **The Constituency Member of Parliament**

The constituency Member of Parliament was not appearing in the process of regularization directly but he was always aligned with the residents in making sure that the private companies meet the expectations of the local community and the District at large.

5.6. **The political Power of Councillors in regularization projects**

Councilors are the powerful persons when it comes to politics in regularization projects. As presented earlier, they are the one who form the Full Council which is the final decision maker at District Level. They are also closely associated with the residents and they embrace political power to influence participation of the community in regularization process. They also play roles in sensitization of the community about the regularization of their settlements and contribution of their resources to meet the cost of the projects. With this insight, all meetings with the residents during sensitization were chaired by the Ward Council to gain political and social legitimacy as well as influencing residents to pay for the regularization costs.

6. **DISCUSSION FROM FINDINGS**

The multiple location of actors in existing institutional landscape depicted by the regularization project at Gairo Town facilitated resource mobilization and operationalization of the regularization plan. The case of Gairo Town also shows that the institutions and powers of institutional actors and their
overlaps facilitate decision making, plan preparation and implementation. The case of Gairo Town also demonstrates that the institutions and institutional design are central to the planning project that creating better, more just, more liveable, and more sustainable urban development. Institutions are integrated and cannot work in separation. Findings are also in line with the neo-liberal ideology which advocates on the maximization of the roles of private sector in planning and provision of services and reduction of state’s role to facilitation. Institutions are therefore, part and parcel of governance and governing processes. The overlap of institutions which was found in Gairo Town also contributed in making sure that all important stakeholders are taken on board. Having both rural and urban characteristics the use of all institutions make it possible for all the interests to be adhered to during the regularization process. That is due to the fact that each institution represented the interest of its people and location. In that case the implementation of decisions made becomes easier and straightforward.

7. CONCLUSION

The engagement of private firms working with the grassroots institutions have influenced urban planning and resource mobilization for plan making and implementation. The findings show that when there are mutually beneficial interactions among private sector, politicians and grassroots institutions, the community contributes their financial resources to prepare regularization schemes of their settlements. The institutional overlap in terms of multiple allocation of actors in different institutional levels and power relations facilitate the resource mobilization for regularization projects in the informal settlements. Therefore, the multi-level institutional overlaps and their political or power of authority shape the planning landscape and urban development. It also facilitates the smooth planning process by having all the stakeholders in place. This institutional overlap also improves the position of these townships which are no longer villagers and not yet at the district level, considered to be orphans. With this arrangement and power relations the towns cease to be orphans and they are well integrated in the development of the district at large.

8. POLICY IMPLICATIONS AND RECOMMENDATIONS

Since 1990s, many developments policies in Tanzania have been encouraged none-governmental actors to participate in service delivery. However, little emphasis has been made to engage none-governmental actors and the grassroots institutions in urban planning. Issues of powers and power relations and how they influence urban planning and their outcomes are undervalued in legal and policy
framework of urban planning in Tanzania. With prevalence of diversity interests and powers in the planning domain and under the new model of democratization in planning, it is crucial to reflect both government and non-governmental actors and their institutions in all forms of planning and implementation in order to address the equity and sustainable urban development aspects. The roles of power influence of local leaders, administrators and those who are democratically in shaping the regularization process and their outcomes should be considered in planning policies and strategies. This situation will help the urban planners and managers to mobilize resources from both public, private sectors and other interest groups to implement plans such as regularization scheme.

Through the case of regularization project in Gairo Town, it is recommended that, in order to come up with a workable and sustainable regularization for the benefit of the government and the community, more time and transparency should be considered in public awareness and sensitization of the process. This will facilitate in solid decisions which will be easily implemented as it was seen in Gairo; once it is agreed during negotiation will be the same in the implementation level without going back to negotiations. That was also facilitated by the presence of all-important institutions and participation of the community, property owners.

It is also recommended that, there should be conducive situation which will allow all the institutions formal and informal as long as they have stake on regularization project to come together for a round table discussions. That will also hasten implementations of the regularization process.

It is recommended that regularization should not only be used as a solution for informal settlement development but should be used as prevention measures as well. The interventions should consider the stage of the informal settlement and if regularization will be the only solution. Other alternatives should be considered in dealing with informal settlements. A time frame should be set for settlements that qualify for regularization so as to prevent the proliferation of informal settlements.

9. REFERENCES
Institutional Overlap and Power Relations in Private-Led Regularization Projects

Planning Theory 10 (2) DOI 10.1177/147309521038995


Figure 1: Institutional actors and their Relations at the District Level

Key: TC=Technical Committee, CMT=Council Management Team, ECEC=Economics, Construction and Environmental Committee includes experts from the TC and CMT, FETP=Finance, Economics and Town Planning Committee.
Map 1: Location of case study area, Gairo Town

Plate 2: One of the Sensitization Meetings with the community
Table 1: Number of plots surveyed and Provisions of Public Facilities.

<table>
<thead>
<tr>
<th>S/N</th>
<th>Sub-ward (villages)</th>
<th>Number of plots at household level</th>
<th>Public areas/plots</th>
</tr>
</thead>
</table>
| 1   | Kichangani Informal Settlement       | 1159                              | - District Council
- 2 dispensaries’ plots
- Market Plot
- 2 Cemetery sites
- 3 religious’ sites
- TTCL site |
| 2   | Serengeti Informal Settlements      | 515                                | - 1 secondary school
- A valley for agriculture
- 1 church
- 1 bus terminal |
| 3   | Malimbika Informal Settlements      | 507                                | - 1 secondary school
- An area for tree planting and a valley for agriculture
- a pond
- 1 private school |

Source: Interview with Project Coordinator, CRM Land Consult (T) Ltd, April, 2018