

Reforms Yet More Reforms of Land Courts in Tanzania: Reflections on Two Decades of the District Land and Housing Tribunal

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ABSTRACT

Context and background

The need to have a strong and independent judicial system that deals with land conflict settlement was one of the driving factors that guided land reforms in Tanzania in 1990s. The current institutional framework which deals with land conflicts in Tanzania was established by the Land Dispute Courts Act in 2002 and was made operational in 2003. It is now over two decades since the Land Dispute Courts Act was made operational in Tanzania. The Act was the response to the call that sought the establishment of an independent, expeditious, and just system for adjudication of land disputes, as echoed by the National Land Policy of 1995 as amended in 1997.

Goal and Objective:

The objective of the paper is to carry out an assessment of land courts in Tanzania over the twenty years since they have been established. Specifically, the paper answers the following questions three questions- First, what kind of reforms have taken place and their implication to the administration of justice? Second, what is the status of establishment of the District Land and Housing Tribunals (DLHTs)? And what is the outlook of cases in the DLHTs?

Methodology:

The paper is mostly based on desk research and uses reports from the Ministry of Lands, newspapers, commissioned government reports, and the literature on the subject. Additionally, the paper is informed by extensive review of the Written Laws (Miscellaneous Amendments) Acts.

Results:

Firstly, in the two decades since the establishments of DLHTs, there have been more than eight amendments of the law establishing the land courts which have direct bearing on the DLHTs. Even for experienced land rights practitioners, it is difficult to be up to date on all these changes, and as such, this has contributed to the miscarriage of justice. Secondly, the overall establishments of DLHTs in each district in Tanzania has been very slow and, to date, not all districts in Tanzania have DLHTs. Tanzania has 139 districts and as of May 2025, 115 DLHTs have been established. Therefore, there are many people who still have difficulties accessing DLHTs because they are far and therefore costly to access. Thirdly, the DLHTs have a backlog of cases and that over 40% of newly instituted cases and pending cases exist in 10 out of the 115 DLHTs. Thus, twenty years since the establishment land courts, Tanzania has yet to achieve the envisioned principle of having an independent, expeditious, and just system for adjudication of land disputes.

Keywords

Land courts, District Land and Housing Tribunal, reforms, two decades, Tanzania

1. INTRODUCTION

In January 1991, the then President of the United Republic of Tanzania formed a Presidential Commission of Inquiry into Land Matters. The commission inquired into several issues relating to land including the system of land dispute settlements. The commission received overwhelming evidence to the effect that the machinery and procedures for settling land disputes was fraught with problems on several levels. Firstly, there were multiple authorities involved in settling land disputes. Members and organs of the executive from the ward to the national level, local and central government, and ruling party leaders and organs exercised jurisdiction over land disputes (URT, 1994).

Secondly, there was inordinate delay as well as lack of certainty and finality in the resolution of land disputes. Even disputes which had been apparently resolved were resurrected before a different body or a different officer sometimes at the same level of administrative hierarchy. Thirdly, the procedures for settling disputes, particularly by the administrative and party organs, were both unknown and arbitrary. Fourthly, partly as the result of the problems mentioned, people had lost faith in the existing machinery (URT, 1994).

The Commission then recommended a hierarchical system which starts with Baraza la Wazee la Ardhi at the Village level, followed by Circuit Land Courts, then High Court of Tanzania (Land Division), and the Court of Appeal of Tanzania. In its recommendation on an improved land dispute settlement system, the commission was guided by the principles of -efficiency and legitimacy, closeness to the people physically, openness and transparency, and accessible language of court – including that of recording proceedings and writing judgements -at all levels should be Kiswahili (URT, 1994).

In 1995, the National Land Policy therefore adopted the fundamental principle in land disputes settlement which envisages the establishment of an independent, expeditious, accessible and just system for the adjudication of land disputes which will determine and dispose cases without undue delay (URT, 1995). The envisaged system of land dispute settlement was provided in the 1999 Land Act through section 167 which mandated the Court of Appeal (CA), the High Court (HC), the District Land and Housing Tribunal (DLHT), the Ward Tribunal (WT), and the Village Land Council (VLC) as having jurisdiction over land matters. In 2002, The Land Dispute Courts Act was enacted which provided for the establishment of the land dispute settlement machinery. This Act (the Land Dispute Courts) became operational in 2003, slightly over two decades ago.

This paper focuses on the District Land and Housing Tribunal (DLHT), one of the courts established by the Land Dispute Courts Act, as a case study to reflect on the achievements of two decades of land courts in Tanzania. My choice of DLHT is informed by three factors. First, I find it one of the two unique creatures of the law and the only one with decision making powers. The other one is the Village Land Council which has mediation powers only. Others- the Ward Tribunal, the High Court, and the Court of Appeal existed and have powers to dispense justice. For instance, the Ward Tribunals are established through Ward Tribunal Act of 1985 and the High Court and the Court of Appeal through the Constitution of the United Republic of Tanzania of 1977 as amended from time to time. Second, there is substantial data available on DLHT which can be used to analyze and reflect

on progress. And, finally, my own research interest on land dispute settlement resulted in my carrying out an assessment of the DLHT in 2013 to mark the occasion of one decade of the land courts in Tanzania (Massay, 2013). This paper, therefore, builds on my previous work.

The objective of the paper is to carry out an assessment of land courts in Tanzania over the twenty years since they have been established. Specifically, the paper answers the following three questions- First, what kind of reforms have taken place and their implication to the administration of justice? Second, what is the status of establishment of DLHTs? And what is the outlook of cases in the DLHTs? The paper is mostly based on desk research and uses reports from the Ministry of Lands, newspapers, commissioned government reports, and published literature on the subject. Additionally, the paper is informed by an extensive review of the Written Laws (Miscellaneous Amendments) and Acts.

Four main arguments are advanced in this paper that are discussed in further detail in later sections. Firstly, numerous amendments to the law over the last two decades make it difficult for land rights practitioners to stay informed about current developments. There have been more than eight amendments of the law (the Land Dispute Courts Act, 2002) establishing the land courts which all have a direct bearing on the functioning of DLHTs. Even for experienced land rights practitioners, it is difficult to remain up-to-date on all these changes, thereby contributing to the miscarriage of justice. Secondly, the overall establishment of DLHTs in each district across Tanzania has been very slow. As of May 2025, DLHTs have been established in only 115 out of the total Tanzania's 139 districts. Therefore, there are many people who still have difficulties accessing DLHTs because existing DLHTs are far and therefore costly to access. Thirdly, all the DLHTs have backlog of cases and moreover, over 40% of newly instituted cases and pending cases exist in 10 out of the total 115 DLHTs. Thus, twenty years since the establishment land courts, Tanzania has yet to achieve the envisioned principle of having independent, expeditious, and just system for adjudication of land disputes. Finally, in light of these three main areas of excessive amendments, distance of DLHTs for some districts, and significant backlog of cases, I argue that the current system of land dispute settlement is ineffective as it has inadequate coordination. Policy makers will benefit by returning to the drawing board first set up by the 1994 report of the Presidential Commission of Inquiry into Land Matters and take guidance from the 2020 report of the Law Reform Commission (URT, 2020) which has proposed a new structure land dispute settlement system as well as the National Land Policy of 1995 (Revised edition of 2023) which calls for an overhaul of the existing land dispute settlement system.

This paper is divided into five parts. The first part, covered in this section, is introduction which sets the stage for the paper. The second part discusses the law establishing land courts in Tanzania and its amendments. The third part discusses the pace of establishing DLHTs and the current coverage across the country. The fourth part is on the state of land disputes in the DLHTs and, the final part, is conclusion. In the next part, I will discuss at length the Land Dispute Courts Act enacted in 2002, the law which establishes the DLHT.

2. THE LAW ESTABLISHING DISTRICT LAND AND HOUSING TRIBUNAL AND ITS REFORMS

In Section 2, after setting out some key provisions in the principal legislation Land Dispute Courts Act enacted in 2002 establishing the DLHTs (section 2.1), I examine how it has been amended or reformed over time. Throughout this section, I have provided limited citations to only those

provisions which relate to or have a direct bearing on the DLHTs. Overall, I argue that the law establishing DLHTs is perhaps one of the most amended laws in Tanzania which makes it ever harder, even practitioners, to keep abreast of all the changes. This, as this section argues, is a major contributing factor to the miscarriage of justice.

2.1 Original/principal legislation

The Land Dispute Courts Act of 2002 (herein after cited “the Act”) establishes a DLHT with jurisdiction over land matters within the district, region or zone in which it is established. The Act empowers the Minister for Lands to establish in each district, region, or zone a court to be known as DLHT. It is composed of not more than seven assessors, three of whom are women, appointed by the Minister for Lands after consultation with the Regional Commissioner, and a chairperson, who must be a lawyer, appointed by the Minister for Lands and sworn in before taking the office by a Judge of the High Court. A quorum is constituted by the Chairperson and two assessors, regardless of gender balance, and in reaching a decision the chairman is supposed to take into account the opinion of the assessors but is not bound by their opinion. The Chairperson also has special powers to decide on certain matters alone, such as objections based on point of laws, application for execution of orders and decrees and interlocutory applications. The DLHT Chairperson can be removed from the office by the Minister after holding an inquiry.

The DLHT enjoys original, appellate and revisional jurisdiction over land matters. Original jurisdiction of the DLHT is confined to the pecuniary value of the subject in dispute. If the subject is immovable, the limit is fifty million Tanzanian Shillings and if the subject is movable or can be computed to monetary compensation the limit is forty million Tanzanian Shillings. Since the pecuniary jurisdiction of the Ward Tribunal is limited to three million Tanzanian Shillings it can be argued that the pecuniary jurisdiction of the DLHT is above three million but limited to either forty or fifty million Tanzanian shillings for movable and immovable property respectively. The DLHT equally enjoys appellate as well as revisional jurisdiction over matters emanating from Ward Tribunals.

A party can access the DLHT himself/herself or through a relative or an advocate by filing an application in a prescribed form. The other procedures will ensue, such as issuing summons to the respondent, submission of written statement of defense or reply to the memorandum of appeal in case of an appeal, hearing of the case and delivering of the judgment and issuing of the decree. Hearing of the case can be either in Kiswahili or English language but the language of the record is English. If the party is aggrieved by the decision of the DLHT, he or she can appeal to the High Court (Land Division).

2.2 Reforms through amendments of the law

Over the period 2004 to 2021, a number of smaller and larger amendments were made on a regular basis regarding administrative and procedural processes. Such changes were made in order to reduce backlog and inefficiencies. The result was that it created not only a new set of procedures but also ambiguity as to jurisdictional authority. In 2004, an amendment was made regarding who has mandate to administer oath of the Chairperson of the DLHT. This was achieved through the Written Laws (Miscellaneous Amendments) Act number 12, section 25 (2) which originally required the

Chairperson of the DLHT to take an oath to be administered by the Regional Commissioner in the region where the court is established. This was deleted and replaced by “the Chairman of the Tribunal (DLHT) shall before holding office take an oath before a Judge of the High Court” and that this requirement shall not apply where “a Resident Magistrate is appointed to be Chairman to the Tribunal.”

Soon after, in 2005, through the Written Laws (Miscellaneous Amendments) Act No 11, section 37 was amended by including subsection 2 which reads “where the Land Division of the High Court is not operating within any given district, the Land and Housing Tribunal shall have the jurisdiction to determine disputes involving public cooperations specified under subsection (1) (d)” which are proceedings involving Public Corporations specified in the Rent Restriction (Exemption) (Specified Parastatals) Order, 1992.

In 2009, the then Chief Justice of Tanzania, His Lordship Mr. Justice Augustino Ramadhani appointed all judges of the High Court to be judges of the High Court (Land Division), with effect from the 1st day of December 2009 (Rwegasira, 2012; LRC, 2014; Mramba & Lamwai, 2017; LRC, 2020). The following year in 2010, section 17 of Act No. 2 of 2010 Written Laws (Miscellaneous Amendments) amended section 167 (1) (b) by disestablishing the Land Division of the High Court. Henceforth, land matters became just part of civil matters as they had been before the establishment of the Land Division. The Land Dispute Courts Act itself was also amended by Act No. 2 of 2010 by substituting everywhere in the Act the word ‘Land Division’ with the word ‘High Court’. Such amendment has, however, been challenged for creating a hiatus of jurisdictions. In the case of *Samwel George Mhina v. Justine Ernest Massawe and Another*, the Commercial Division of the High Court ruled that the Land Division has been disestablished (*Commercial Case No. 118 o 2011 (Unreported)*) (Mramba& Lamwai, 2017). This case simply reiterated the amendment made by Act No 2 of 2010 which disestablished High Court Land Division. Similarly, Act no 2 of 2010 extended the application of regulations by DLHT, where there is inadequacy in the regulations, to use of Civil Procedure Code.

A number of years later in 2016, section 41 of the Land Dispute Courts Act was amended by redesigning the numbering of subsections and including a timeframe for appeal from DLHT to High Court. This was now to be forty-five days after the date of decision or order provided that the High Court may, for good cause, extend the time of filing an appeal either before or after the expiration of such period of forty-five days.

In 2017, a number of amendments were made. In section 2 of the Act was amended to help create better alignment with other legislation. Here, the term “District Council” was redefined to have the meaning of “Council” ascribed to it under the Local Government (District Authorities) Act of 1982 and the Local Government (Urban Authorities) Act of 1982” while deleting the word “District Council” in section 10(1) of the Act itself. The amendment was made to clarify the contradiction as to whether the WTs in urban areas, municipalities and city councils have jurisdiction over land matters regardless of the value of the subject matter.

Furthermore, section 23 of the Act was amended by deleting the words “one chairman” appearing and substituting for it the words “at least a Chairman” to allow the DLHT to have more than one chairman. This allowed the appointing authority to appoint more than one chairman in one tribunal depending on the workload. Section 28 of the Act was amended by inserting a new subsection (2) to

require the Registrar of DLHTs to have an additional qualification of having a degree in law from a recognized university and experience in the field of law for a period of not less than ten years. This was done to ensure that the Registrar of DLHTs has sufficient knowledge and experience for proper management of DLHTs.

Additionally, section 33 of the Act was amended by raising the pecuniary jurisdiction of DLHTs from fifty million Tanzanian shillings to “three hundred million” for recovery of possession of immovable property; and on other claims from forty million Tanzanian shillings to two hundred million Tanzanian shillings. This was done to expand the range of DLHTs’ pecuniary jurisdiction so as to reduce the number of cases that would be filed in the High Court.

Section 44 of the principal Act was also amended by adding subsection (2) that requires the High Court after having made any findings as to the correctness, legality or propriety of any decision, order or regularity of any proceedings on the matter forwarded to it under subsection (2), to remit the file to the DLHT within fourteen days from the date of the order. The amendment was made to resolve the problem of unnecessary prolonged delays in dispensing justice in land matters caused by delays in remitting files to the trial tribunals by the High Court.

Furthermore, section 55 of the Act was amended by making a provision for the protection of chairman, member, officer, servant or agent of a VLC, WT or DLHT. Section 56 was amended to empower the Minister responsible for Land matters to make regulations for the conduct, appointment and removal of chairpersons and assessors. The amendment was effected to avoid arbitrary removal of a chairman from office. The Minister was also empowered to make regulations prescribing the general guidance and conduct of court brokers. The regulations are intended to regulate the operations of DLHT brokers.

In 2018, the Act was further amended by adding a new section 41A empowering the Chief Justice to vest any resident magistrate with jurisdiction ordinarily exercisable by the High Court after consultation with the Minister responsible for legal affairs and the Attorney General. The objective of this provision was to reduce backlog of land cases in the High Court.

In 2021, various amendments were made regarding the language of the record and judgement. Through an amendment of the Written Laws (Miscellaneous Amendment) Act number 1, section 32 of the Act which provided for English or Kiswahili to be the language of the Tribunal while English was the language of the record and judgement of the Tribunal was repealed. Additionally, the Interpretation of Laws Act of 1972 was amended to the effect that, notwithstanding any other written law, the language of the courts, tribunals, and other bodies charged with the duties of dispensing justice shall be Kiswahili. The next year, through GN No. 66 of 2022, the then Chief Justice of Tanzania, Prof. Ibrahim Hamis Juma clarified the circumstances and conditions for the use of English language in courts which are: either of the parties or their representatives to the proceedings are not Swahili speakers, the matter is about international investment dispute, the matter is about foreign trade or business, the matter involved finance and monetary affairs, the matter is about tax and taxation, the matter relates to international, regional or sub-regional affairs, the law governing the matter subject of litigation and the practices and procedure thereto are not available in Kiswahili language, matters of science and technology are involved, or for any other reason the interest of justice demand so.

In 2021, through Written Laws Miscellaneous Amendment Act number 3, section 13 was repealed- which vest the Ward Tribunals (WTs) powers to entertain and decide on land matters except only to mediate on land matters. It additionally put a requirement for WT to certify that it has failed to settle the matter amicably before the matter is taken to DLHT. Any party is allowed to waive this certification of WT and take it directly to DLHT if the matter is not determined by WT within thirty days. Similarly, section 15 on pecuniary jurisdiction of WT and section 16 of powers of WT were also repealed. Moreover, section 20 on the time to appeal to DLHT from WT and section 21 on powers of Minister to make rules on appeal from WT were repealed.

Moreover, section 25 of the Act was amended to allow appointment of the chairmen to be done from among legally qualified persons in accordance with the Public Service Act and that the names of appointed chairmen be published in the Gazette. This amendment was significant in that it changed the tenure of chairmen from a three-year contractual period to one that was permanent and pensionable. Furthermore, new sections – Sections 28A on appointment of tribunal brokers and process servers, 28B on establishment of Appointment and Disciplinary Committee for Tribunal Brokers and Process Servers, and 28C on powers of the Minister to make rules in consultation with the Chief Justice, were newly introduced

As is clear, there were many amendments over this period from 2004 to 2021 and indicate that that the establishment and function of DLHT has been on a roller-coaster. The overall impression is that it has been learning by doing or by trial-and-error in which, as the implementation progresses, the systemic problems are fixed. Abdon Rwegasira (2018) provides a detailed account of two challenges namely, ignorance of law and disgraced court proceedings, in the enforcement of land rights in courts. He argued that there are many cases whereby, as the result of ignorance of the law, citizens instituted legal proceedings which are dismissed by courts either at the end of trial or on appeal. The ignorance of the law, he argued, is not only of the lay disputants, but the lawyers and the court as well (Rwegasira, 2018). I would ask, therefore, how could one overcome ignorance of the law with all these numerous changes? On a positive note, and in a way remedy the problem, in April this year (2025), the Government of Tanzania launched a Revised Laws of Tanzania of 2023, a compendium of all laws with amendments – making it easier for lawyers, judicial officers, practitioners and the public to access laws.

Having discussed the amendments of the law establishing DLHTs, I will now turn to the pace of establishing the DLHTs from the time the law became operation to present. I will discuss this in the next section in which I argue that the establishment of DLHTs has been too slow.

3. ESTABLISHMENT OF DLHTS IN DISTRICTS – TOO SLOW!

As of May 2025, it was clear that although 115 DLHTs had been established across Tanzania, 24 more were needed to make sure all 139 districts have DLHTs (MLHHSD, 2025). This is the existing situation even though there was a distinct acceleration in creation of new DLHTs from 2021 after an initial slow process. Between 2009 and 2021, only 21 tribunals had been established, which is an average of almost 2 tribunals every year. However, the trend distinctly changed in the four years after that (see Table 1). From 2021 and 2025, 55 tribunals were established at an average of 14 tribunals each year. This sudden increase has been attributed to the Land Tenure Improvement Program, a

multimillion-dollar project funded by the World Bank that supported, among other things, the establishment of DLHTs (MLHSD, 2020).

Table 1: Number of functioning DLHTs from 2009 to Present

Financial Year	Functioning DLHTs
2009/2010	39
2010/2011	39
2011/2012	39
2012/2013	39
2013/2014	41
2014/2015	41
2015/2016	47
2016/2017	50
2017/2018	53
2018/2019	53
2019/2020	55
2020/2021	55
2021/2022	60
2022/2023	80
2023/2023	92
2024/2024	104
2025/2026	115

Source: Compiled by Author from MLHSD Budget Speeches 2009/10-2025/26

Other than the budgetary limitations which could be the main factor for the snail's pace in establishments of DLHTs, three other factors also can explain the slow progress: namely, limited availability of buildings/office spaces to host DLHTs, fewer Chairmen to preside over the DLHTs, and delays in appointments of assessors who are supposed to advise the Chairmen before making orders or judgements.

Limited availability of buildings/office spaces to host DLHTs. In 2011, the Ministry of Lands through the Minister – Hon. Prof. Anna Tibaijuka made remarks in her Budget speech in Parliament that indicated the need for DLHT buildings. She noted that, “up to now the Ministry has not secured enough funds to establish DLHTs in each District as required by the law. Therefore, contributions of buildings from District Councils are critically important to establish new DLHTs in all districts” (MLHSD, 2011). Similar remarks were made in 2024 by the Minister of Lands- Hon. Jerry Silaa in parliament when he said, “I call upon regional secretariat and district offices to provide office buildings in order to establish the remaining 35 DLHTs” (MLHSD, 2024).

Fewer DLHT Chairpersons. It has been observed that there are situations where DLHTs have been established in terms of buildings/office spaces but there were no Chairpersons to preside over them. As such, it became common for one Chairperson to preside over multiple DLHTs. In January 2022, the registrar of DLHTs Ms. Stella Tullo made the following remarks: “in order to bring services closer to the people, chairmen of DLHTs will go to the districts where DLHTs have no chairmen” (Matukiomedia, 2022). She continued to say “out of 72 DLHTs that are currently established, 28 have no Chairpersons” (Matukiomedia, 2022). It is serious to have, as of January 2022, no chairpersons for 40% of the established DLHTs. Moreover, in June 2022, the Judiciary team led by the Principal Judge Hon. Mustapher Siyani after touring DLHTs made the following remarks “there are areas we toured where we found only one chairman providing service to the whole region” (Judiciary, 2022).

In addition to fewer chairpersons, for the period from 2003 (when the law became operational) and October 2021, their tenure had been contractual. DLHT Chairpersons, after being appointed by the Minister, only held office for a term of three years with that being subject to renewal at the pleasure of the Minister. The fate of contract renewal may, in one way or the other, be determined by decisions made in the course of discharging duties. This scenario negatively impacts negatively chairpersons, especially when it affects impartiality in decision-making when the appointing authority is party to the matter or has interests (LRC, 2020). Luckily, the law was amended in October 2021 and the appointment of chairpersons of DLHT was subsequently done in accordance with the Public Service Act whereby their tenure became permanent and pensionable.

Delays in appointment of assessors. A DLHT is duly constituted when it is presided over by a chairperson and not less than two assessors. The law requires the presence of two assessors to fulfill the quorum on the commencement of hearing. This position of the law was upheld by the High Court in the case of *Moses David Vs Alouis Anthony Ghiselli (Land Appeal No 16 of 2017 HC Bukoba (unreported))* when it was of the view that there cannot be a tribunal without assessors. The same position was upheld by the Court of Appeal where it was held that at least one of the assessors must be among the assessors who must be in attendance throughout the trial to enable the DLHT to make an informed and rational opinion (LRC, 2020). The reality on the ground is that assessors' appointments are often delayed and this delays decisions in DLHTs.

The remarks from the Minister of Lands -Hon Dr. Angeline Mabula in 2022 at the Parliament revealed the concern: "I call upon the regional and district administrations to initiate process of getting assessors six months before the end of the tenure of current assessors to avoid encumbrances to people caused by adjournments of their cases for lack of assessors" (MLHHS, 2022). Similar calls were made by the various Ministers of Lands in Parliament in 2011, 2015, 2020, 2024, and 2025.

In the next section, I will discuss the outlook and status of cases in the DLHTs. I will show that DLHTs are overburdened with pending and new cases. To address the problem, I recommend that there is need to prioritize the few DLHTs with many cases.

4. CASES IN THE DLHTS – TOO MANY!

At the outset, I would like to say that the data used here are those from the Ministry of Lands's budget speeches which are often delivered at the Parliament between April and June of the financial year. Since the preparation of budget speeches takes months, it is hard to tell the exact time when the data was produced. For the purpose of this paper, it is fair to say that this is likely to be April or May 2010 when the data provided is for the financial year 2010/2011.

The annual data collected was for instituted cases, determined cases, and pending cases for the period from 2009/2010 to the present (see Table 2). Instituted cases are the cases which have been filed or opened. Determined cases are those that have been decided and concluded and pending cases are those which are still in court and have not been decided. The general trends from this table indicate that there has been an increasing trend of pending cases from 2009/2010 until 2021 with the lowest being 13,203 cases in 2009/2010 and highest of 28,615 in 2019/2020. Moreover, there has been an overall decreasing trend of pending cases from 27,801 cases in 2021/2022 to 11,725 cases in 2025/2026. Additionally, the total number of instituted cases in 2010 when there are 39

DLHTs is almost the same as the total of cases instituted fifteen years later in 2025 when there are 115 DLHTs.

Table 2: Number of Cases in DLHTs

Financial Year	Instituted Cases	Determined Cases	Pending Cases
2009/2010	9,219	7,756	13,203
2010/2011	12,643	10,092	15,754
2011/2012	10,428	8,528	17,654
2012/2013	12,074	9,831	19,897
2013/2014	11,548	11,432	18,444
2014/2015	13,338	13,749	18,033
2015/2016	14,342	18,785	13,590
2016/2017	26,245	18,571	21,564
2017/2018			
2018/2019	24,412	17,320	24,600
2019/2020	15,995	11,980	28,615
2020/2021	15,841	19,360	25,096
2021/2022	25,485	30,211	27,801
2022/2023	17,698	20,180	26,031
2023/2024	18,234	23,412	15,710
2024/2025	14,093	15,550	14,023
2025/2026	12,523	14,888	11,725

Source: Author using -Budget Speeches MLHHSD 2009/2010-2025/2026

In 2013, when DLHTs were ten years old, it was overburdened with 19,897 pending cases. Of these, some 60% (11,853 cases) were concentrated in only 10 Tribunals out of the total 39 operating DLHTs until May 2013 (Massay, 2013). In 2022, when DLHTs were 19 years old, it was overburdened with 26,031 pending cases out of which 40% (10,323 cases) were concentrated in only 10 tribunals out of 80 operating DLHTs until May 2022.

Moreover, when we look more closely at selected DLHTs, we find a trend that those DLHTs with numerous pending cases continue to face the same problem over time. Of the 10 DLHTs with many pending cases in 2013, six (Ilala, Kinondoni, Morogoro, Temeke, Mbeya and Dodoma) remain those DLHTs with many pending cases in 2022. Interestingly, there is no significant variation in the number of pending cases in those six tribunals in 2013 and 2022 (see Table 3).

Table 3: 10 DLHTs with Many Pending Cases

Tribunals with Many Pending Cases in 2022			Tribunals with Many Pending cases in 2013		
Rank	Tribunal	No of Cases	Rank	Tribunal	No of Cases
1.	Kinondoni	1,602	1	Mwanza	2039
2.	Musoma	1,456	2	Temeke	1703
3.	Morogoro	1,351	3	Kinondoni	1317
4.	Ilala	1,189	4	Ilala	1269
5.	Mbeya	928	5	Morogoro	1199
6.	Arusha	844	6	Bukoba	1120
7.	Temeke	838	7	Mbeya	892
8.	Moshi	725	8	Babati	796
9.	Dodoma	724	9	Dodoma	769
10	Iringa	666	10	Chato	749

Source: Compiled by Author – Using MLHHSD Speeches 2009/2010-2025/2026

As for the tribunals with many newly filed/instituted cases, I find that DLHTs are overburdened with 17,698 cases as of May 2022 out of which 42% (7,486 cases) are in 10 DLHTs out of the 80 existing

tribunals. Of the 10 DLHTs with many filed cases in 2013, 5 (Ilala, Kinondoni, Musoma, Babati, and Mwanza) are in the list of 10 most burdened tribunals with filed cases as shown in Table 4

Table 4: 10 DLHTs with Many Instituted Cases

Tribunals with Many Instituted Cases -2022			Tribunals with Many Instituted Cases in -2013		
Rank	Tribunal	No of Cases	Rank	Tribunal	No of Cases
1.	Kinondoni	1,661	1	Pwani	819
2.	Morogoro	1,031	2	Bukoba	750
3.	Mtwara	760	3	Dodoma	647
4.	Ilala	724	4	Kinondoni	626
5.	Musoma	672	5	Ilala	625
6.	Babati	584	6	Babati	569
7.	Temeke	563	7	Musoma	549
8.	Iringa	503	8	Korogwe	463
9.	Songwe	501	9	Ifakara	436
10	Mwanza	485	10	Mwanza	429

Source: Compiled by Author – Using MLHSD Speeches 2009/2010-2025/2026

From the data shown above, I argue that even with the increase in the number of DLHTs in two decades, there are only a few tribunals that are still mostly overburdened with filed and pending cases. This indicates that the Ministry of Lands could make a strategic decision to put more financial and human resources in those tribunals to address the problem. Future researchers should consider doing deeper dive research on few tribunals with most instituted and pending cases to understand the causes and to provide specific recommendations on the same.

5. CONCLUSION- REFORMS YET MORE REFORMS

Throughout this paper, the following three key findings have been addressed. Firstly, numerous amendments to the law over the last two decades make it difficult for land rights practitioners to stay informed about current developments. There have been more than eight amendments of the law (the Land Dispute Courts Act, 2002) establishing the land courts which all have a direct bearing on the functioning of DLHTs. Even for the experienced land rights practitioners, it is difficult to remain up to date on all these changes, thereby contributing to the miscarriage of justice. This problem is remedied with the launch of the Revised Laws of Tanzania- 2023 Edition, earlier this year- 2025. Secondly, the overall establishment of DLHTs in each district across Tanzania has been very slow. As of May 2025, DLHTs have been established in only 115 out of the total Tanzania's 139 districts. Therefore, there are many people who still have difficulties accessing DLHTs because existing DLHTs are far and therefore costly to access. Thirdly, all the DLHTs have backlog of cases and moreover, over 40% of newly instituted cases and pending cases exist in 10 out of the total 115 DLHTs. Thus, twenty years since the establishment land courts, Tanzania has yet to achieve the envisioned principle of having independent, expeditious, and just system for adjudication of land disputes.

Just ten years after the operationalization of the law that established land courts in Tanzania, the Land Courts Dispute Act of 2002, the Law Reform Commission of Tanzania conducted a study on the institutional framework of land dispute settlement in Tanzania in 2013. One of the foundational problems observed by the Commission is the existence of multiple authorities overseeing the overall land dispute machinery in Tanzania. For instance, DLHTs are under the Ministry responsible for land matters, the WT and the VLCs are under the Ministry responsible for local government affairs, and the High Court and the Court of Appeal are under the Ministry of Justice and Constitutional Affairs.

Coordinating across these multiple authorities and geographical scales inhibits efficiency and effectiveness of the land courts contrary to the constitutional principle of the separation of powers. Likewise, there is no chain of command and supervisory mechanism that ties all land courts from the highest to the lowest court (Massay, 2013; LRC 2014) The situation has not basically changed over time because the same problem was echoed in another Law Reform Commission Report on the Institutional Framework of Land Dispute Settlement in Tanzania conducted in 2020 (LRC, 2020).

Besides the main issues raised by the analysis in this report, some of the other challenges observed by the Law Reform Commission reports of 2014 and 2020 which related to DLHTs are the funding, taxation of bill of costs, land courts costs, execution of decree and application of Evidence Act in the DLHTs (LRC, 2020). Based on its most recent report on land dispute settlement, the Law Reform Commission made the following key recommendations; First, the DLHTs should be aligned with the Judiciary and their functions be taken over by District Courts. Second, the Land Dispute Courts Act should be repealed. Third, WTs should retain its mediatory and reconciliatory powers on land disputes, and its adjudicatory roles should be transferred to primary courts (LRC, 2020). The rationale for these recommendations is to improve coordination by mainstreaming land courts in the normal judicial system- thus, getting rid of the current system.

For over two decades of land courts in Tanzania, there have been a wide range of reforms which include, disestablishment of High Court (Land Division) and mandating all High Courts in Tanzania to entertain land matters, expanding the pecuniary jurisdiction of DLHTs, removing WTs adjudicatory powers over land matters, strengthening the tenure of DLHT Chairpersons by creating permanent and pensionable positions, and making Kiswahili the language of the court, to mention a few.

Alas, the reforms are yet to be over! The Law Reform Commission wants the DLHTs to be aligned with the Judiciary and their functions to be taken over by the District Courts. Rather ironically, these recommendations are taking the land dispute settlement system back to the one that pre-existed the current system which the Presidential Commission of Inquiry into Land Matters diagnosed in 1992 in order to improve. I think it is high time that our policy makers go back to the report of the Presidential Commission and see how they can, for example, bring the principles of legitimacy and physical accessibility for the people as they diagnose the problems in the current system. For instance, I see that policy makers have forgotten the Presidential Commission's observation that traditional methods of dispute settlement through Elders (Wazee) still command substantial credibility (URT, 1994). This is something which I have not discussed in this paper, but it is worth looking at as we get to the drawing board. Moreover, I find that DLHTs are yet to be fully operationalized countywide with offices, financial and human resources. It is therefore hard to get rid of a system which was under supported on the grounds that it is ineffective. Specifically, I would say that the current system is caught between two issues: it is under supported and yet even if it was supported, it would still be ineffective for lack of coordination.

Presently, the country is on a new round of rethinking. The National Land Policy 1995 (Revised Edition 2023) which was launched in March 2025 recognizes systemic problems in the current land court system and recommends a review of the Land Disputes Courts Act in order to enhance

efficiency and coordination of land dispute resolution institutions (URT, 2023). Thus, it is fair to say, more reforms are yet to come!

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Godfrey Massay- conceptualization, legal analysis, writing, and revision of the manuscript.

7. REFERENCES

- Judiciary (2022). Malalamiko yanayotokea kwenye Mabaraza ya Ardhi yanaichafua Mahakama: Jaji Kiongozi. <https://www.judiciary.go.tz/web/index.php?r=posts%2Fwebview&id=1224>
- LRC (2014). Report on the Review of the Legal Framework on Land Disputes Settlement in Tanzania. LRC, Dar es Salaam.
- LRC (2020). Report on the Review of Legal Framework Governing Land Dispute Settlement in Tanzania. Ministry of Constitutional and Legal Affairs. Dodoma.
- Massay, G.E (2023). Adjudication of Land Cases in Tanzania: A Bird Eye Overview of the District Land and Housing Tribunal, Open University Law Journal 2013, Vol.4, No.2, pp.173-174.
- Matukiomedia (2022). Msajili Mabaraza aja aa Mikakati ya Kupunguza Mashauri ya Ardhi Nchini. <https://www.matukiodaimamedia.co.tz/2022/01/msajili-mabaraza-aja-na-mikakati-ya.html>
- MLHSD (2009). Hotuba ya Waziri wa Ardhi, Nyumba na Maendeleo ya Makazi, akiwasilisha Bungeni Makadirio ya Mapato na Matumizi ya Wizara kwa Mwaka 2009/10
- MLHSD (2010). Hotuba ya Waziri wa Ardhi, Nyumba na Maendeleo ya Makazi, akiwasilisha Bungeni Makadirio ya Mapato na Matumizi ya Wizara kwa Mwaka 2010/11
- MLHSD (2011). Hotuba ya Waziri wa Ardhi, Nyumba na Maendeleo ya Makazi, akiwasilisha Bungeni Makadirio ya Mapato na Matumizi ya Wizara kwa Mwaka 2011/12
- MLHSD (2012). Hotuba ya Waziri wa Ardhi, Nyumba na Maendeleo ya Makazi, akiwasilisha Bungeni Makadirio ya Mapato na Matumizi ya Wizara kwa Mwaka 2012/13
- MLHSD (2013). Hotuba ya Waziri wa Ardhi, Nyumba na Maendeleo ya Makazi, akiwasilisha Bungeni Makadirio ya Mapato na Matumizi ya Wizara kwa Mwaka 2013/14
- MLHSD (2014). Hotuba ya Waziri wa Ardhi, Nyumba na Maendeleo ya Makazi, akiwasilisha Bungeni Makadirio ya Mapato na Matumizi ya Wizara kwa Mwaka 2014/15
- MLHSD (2015). Hotuba ya Waziri wa Ardhi, Nyumba na Maendeleo ya Makazi, akiwasilisha Bungeni Makadirio ya Mapato na Matumizi ya Wizara kwa Mwaka 2015/16

- MLHHSD (2016). Hotuba ya Waziri wa Ardhi, Nyumba na Maendeleo ya Makazi, akiwasilisha Bungeni Makadirio ya Mapato na Matumizi ya Wizara kwa Mwaka 2016/17
- MLHHSD (2017). Hotuba ya Waziri wa Ardhi, Nyumba na Maendeleo ya Makazi, akiwasilisha Bungeni Makadirio ya Mapato na Matumizi ya Wizara kwa Mwaka 2017/18
- MLHHSD (2018). Hotuba ya Waziri wa Ardhi, Nyumba na Maendeleo ya Makazi, akiwasilisha Bungeni Makadirio ya Mapato na Matumizi ya Wizara kwa Mwaka 2018/19
- MLHHSD (2019). Hotuba ya Waziri wa Ardhi, Nyumba na Maendeleo ya Makazi, akiwasilisha Bungeni Makadirio ya Mapato na Matumizi ya Wizara kwa Mwaka 2019/20
- MLHHSD (2020). Environmental and Social Management Framework (ESMF) for Land Tenure Improvement Project (LTIP). Dodoma
- MLHHSD (2020). Hotuba ya Waziri wa Ardhi, Nyumba na Maendeleo ya Makazi, akiwasilisha Bungeni Makadirio ya Mapato na Matumizi ya Wizara kwa Mwaka 2020/21
- MLHHSD (2021). Hotuba ya Waziri wa Ardhi, Nyumba na Maendeleo ya Makazi, akiwasilisha Bungeni Makadirio ya Mapato na Matumizi ya Wizara kwa Mwaka 2021/22
- MLHHSD (2022). Hotuba ya Waziri wa Ardhi, Nyumba na Maendeleo ya Makazi, akiwasilisha Bungeni Makadirio ya Mapato na Matumizi ya Wizara kwa Mwaka 2022/23
- MLHHSD (2023). Hotuba ya Waziri wa Ardhi, Nyumba na Maendeleo ya Makazi, akiwasilisha Bungeni Makadirio ya Mapato na Matumizi ya Wizara kwa Mwaka 2023/24
- MLHHSD (2024). Hotuba ya Waziri wa Ardhi, Nyumba na Maendeleo ya Makazi, akiwasilisha Bungeni Makadirio ya Mapato na Matumizi ya Wizara kwa Mwaka 2024/25
- MLHHSD (2025). Hotuba ya Waziri wa Ardhi, Nyumba na Maendeleo ya Makazi, akiwasilisha Bungeni Makadirio ya Mapato na Matumizi ya Wizara kwa Mwaka 2025/26
- Mramba, S.J & Lamwai, M.R (2017). The Land Dispute Settlement in Tanzania Mainland and Zanzibar: A Comparative Analysis. LST Law Review, Vol. 2, Issue No. 1 -27
- Rwegasira, A (2018). Challenges in Enforcement of Land Rights in Courts in Tanzania. Tanzania Journal of Development Studies, Vol. 16. No.1 pp. 113-133
- Rwegasira, A. (2012). Land as a Human Right: A History of Land Law and Practice in Tanzania. Dar es Salaam, Mkuki na Nyota.
- URT (1994). Report of the Presidential Commission into Land Matters: Land Policy and Land Tenure Structure, Vol.1.

8. NATIONAL LEGAL INSTRUMENTS

- URT (2023). The National Land Policy 1995 (Revised Edition of 2023)
- URT (1995). The National Land Policy (Revised Edition of 1997)
- The Land Dispute Courts Act, No 2, 2002
- The Land Act, No 4, 1999

The Village Land Act, No 5, 1999

The Written Laws (Miscellaneous Amendments) No 12 Act, 2004

The Written Laws (Miscellaneous Amendments) No 2 Act, 2005

The Written Laws (Miscellaneous Amendments) No 3 Act, 2010

The Written Laws (Miscellaneous Amendments) No 2 Act, 2016

The Written Laws (Miscellaneous Amendments) No 13 Act, 2017

The Written Laws (Miscellaneous Amendments) No 3 Act, 2018

The Written Laws (Miscellaneous Amendments) No 1 Act, 2021

The Written Laws (Miscellaneous Amendments) No 3 Act, 2021

The Government Notice No. 66 -Interpretation of Laws (Use of English Language in Courts) (Circumstances and Conditions)- Published on 4/2/2022

9. KEY TERMS AND DEFINITIONS

Reforms: refer to the process of making changes to something in order to improve it, typically by correcting faults or shortcomings.

Jurisdiction: refers to the authority of a court or other legal body to hear and decide a case, or the geographic area where that authority applies.