

TRAINING TITLE	THE DIABOLICAL ASPECT OF LAND DISPUTE ARISING FROM CO-OWNERSHIP IN TANZANIA: INVOKING THE PREVENTION METHODS
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SYNOPSIS

Land conflicts are increasing in many parts of Tanzania. Previous conducted researches have invested much on farmer-pastoralist conflict, leaving behind other aspects of land conflicts or disputes. Co- ownership of land is another source of land conflict. The Land Act, under Section 159 (1) recognises co-ownership of land. However, the law makes it very clear that, although the land can be owned jointly, such landed property is undivided. It further specifies that the co-ownership of landed property allowed in Tanzania, may be either joint occupancy or occupancy in common. These kinds of co- ownership may lead to conflicts due to their nature and effects. Failure to know which kind of co-ownership suits what kind of relationship and its effects upon death, may result to ownership conflict linked to inheritance within a family or clan, and or ownership conflict due to lack of certificate of right of occupancy of the land.

Joint Occupancy/ Joint Tenancy

This is the type of co-occupancy by more than one person of undivided landed property and owners do not have specific shares. In this kind of ownership, upon the demise of one of the owners, the interest of such land automatically passes to the surviving occupier. Under this type of co-occupancy, a joint occupier may transfer his interest therein *inter vivos* only and only to the co-occupier and if any disposition is to be made, then it must be made jointly by joint occupiers. Taking into account the strict nature of this mode of land ownership, the Land Act in Section 159 (8) states in clear terms that; “*Joint tenancy capable of being created shall be for spouses only.*” Although other people apart from spouses may create this kind of ownership, leave of the court of law must first be obtained.

Tenancy in Common/ Occupancy in Common

Under this kind of co-occupancy, the co- occupiers jointly own undivided landed property but there are defined shares of the co-owned property. This is in accordance with Section 159 (3) of the Land Act, and the law makes it clear that it is mandatory that any instruments made in favor of two or more persons under tenancy in common, must specifically indicate the shares of each common occupiers. This kind of co – ownership is more flexible compare to the joint occupancy. However, just like joint occupancy, tenancy in common also has been report to cause land disputes that affects relationships and societal developments. Taking into account that, land is a vital commodity for various socio-economic activities, efforts shall be made to prevent land disputes. This training therefore, invites different stakeholders to learn various methods of land dispute prevention for the purpose of enhancing smooth-transaction in land.

EXPECTED OUTPUT

In this three days' workshop training course, we will spend some time to discuss in details these two types of co-ownership of land created by our law. This discussion will enable us to determine which kind of co-occupancy suits what kind of relationship and the legal effects embody each type of co-ownership of land. Lastly, there will be a discussion on prevention methods in order to avoid land conflicts and disputes arising from co-ownership of land.

WHO SHOULD ENROLL?

This practical workshop training course, is designed for members and officers of all Land Courts, Urban Land Officers, Village Land Officers, Legal Officers, Legal Practitioners, Officials from the Office of Commissioner for Lands, Co-owners of Land, Real Estate Agents, Real Estate Developers, Real Estate Consultants, Land Registration Officers, Real Estate Investors, Trainers in Higher Learning Institutions, and Private Citizens.

LEARNING OUTCOMES

After successfully completing this course, participants will be able to: -

1. Develop a comprehensive understanding on the nature of co-ownership of land in Tanzania.
2. Analyse types of co-ownership of land permitted by the Land Laws in Tanzania.
3. Understand legal effects of each type of co-ownership of land.
4. Analyse sources of conflict in co-ownership of land.
5. Understand and fulfil the specific responsibilities and obligations in prevention of land disputes that may be caused by co-ownership of land.
6. Advise clients on suitable type of co-ownership of land befitting their relationship.
7. Understand suitable methods for prevention of land disputes in co-ownership.
8. Conduct legal risk assessment on co-ownership of land.
9. Advise clients on suitable method of preventing land disputes in co-ownership of land.

COURSE CONTENTS

1. An Overview of Land Laws and Institutions in Tanzania
2. Situational Analysis of Land Disputes in Tanzania
3. Nature of Co-ownership of Land
4. Types of Co-ownership of Land
5. Legal Effects of Co-ownership of Land
6. Legal Risk Assessment in Co-ownership of Land
7. Methods of Prevention of Land Disputes arising from Co-ownership
8. Advisory and Negotiation Skills in Prevention of Land Disputes arising from Co-ownership
9. Manifesto for Prevention of Land Disputes in Co-ownership of Land

METHODOLOGY

The training will employ various teaching methods that ensure gaining knowledge and skills on the area of preventing disputes in co-ownership of land. Teaching methods include but not limited to: Lectures; Discussions; Team-Play, Role-Play, Questions and Answers Segment; Case Studies; Knowledge Exchange; and Presentations.

DATE AND LOCATION OF THE TRAINING

The training will be held at FOREST SUNSET HOTEL, in Morogoro Municipality from May 28th to May 30th, 2025.

COURSE FEES AND MODE OF PAYMENT

The training fee for this course is TZS 800,000/= per participant in physical attendance and TZS 500,000/= per participant in online attendance. In physical attendance, the training fee will cover facilitation, training material, breakfast, lunch, evening tea and certificates of attendance. While in online attendance, the training fee will cover facilitation and certificates of attendance. All payments should be made to the following bank account: -

BANK: CRDB BANK PLC

BRANCH: MZUMBE BRANCH

ACCOUNT NAME: MU SHORT COURSE AND CONSULTANCY

ACCOUNT NUMBER: 01J1076853301

Kindly indicate the name of the participant, contacts and the organisation in the description of the depositing slips. Course fees must be paid in full prior to course start dates. **Proof of payment shall be submitted to**

1. rmukama@mzumbe.ac.tz
2. Copy to; nyamwero.nyamwero@mu.ac.tz

FACILITATORS

The course will be facilitated by the following Experts:

1. Dr. Rosemary Jotham Mukama (PhD)
Land Law Expert and Lecturer
Faculty of Law
Mzumbe University
Lead Facilitator
2. Adv. Nyamwero Bwire Nyamwero
Land Law Expert and Assistant Lecturer
Faculty of Law
Mzumbe University
Co – facilitator

REGISTRATION AND ENQUIRIES

For any further information, registration, request for invoices or any other clarifications, do not hesitate to contact the following person: -

Adv. Nyamwero Bwire Nyamwero

Coordinator,

Mobile: +255 758 329477

nyamwero.nyamwero@mu.ac.tz