



LEGAL UPDATE: OWNERSHIP OF LAND IN TANZANIA BY NON-CITIZENS

August 2025

“...a non-citizen cannot inherit landed property in Tanzania. Doing so would be to circumvent the spirit in section 20(1) of the Land Act.”

1. Introduction

The Court of Appeal of Tanzania, in its recent landmark decision in *Attorney General v. Emmanuel Marangakisi & Others*, Civil Application No. 278/01 of 2023, [2025] TZCA 870, has provided authoritative guidance on the long-debated question of whether non-citizens may inherit land in Tanzania.

This decision clarifies the interpretation of **section 20 of the Land Act, Cap. 113 R.E. 2019**, the **National Land Policy, 1997**, and related statutes, and settles the conflict between prior High Court rulings that had permitted non-citizens to acquire land through inheritance. In this piece of writing, we are going to briefly dissect the decision and point out key aspects of the judgement.

2. Background of the Case

- The matter arose from the estate of the late **Diana Ranger (née Anagnostou)**, a naturalized Tanzanian who passed away in 2006, leaving landed property in Upanga, Dar es Salaam.
- Her heirs, all of Greek descent and non-citizens, sought to inherit the property.
- The High Court initially allowed transmission of the land to the foreign heirs, reasoning that inheritance was not the same as a grant or allocation of land.
- The Attorney General later intervened, challenging the interpretation of the law.

The Court of Appeal ultimately overturned the High Court’s ruling, holding that non-citizens cannot inherit land in Tanzania, except under investment provisions of the Tanzania Investment Act.

3. Key Legal Principles Established

(a) Section 20 of the Land Act, Cap. 113 R.E. 2019

- Expressly prohibit allocation or grant of land to non-citizens, save for investment purposes through the Tanzania Investment Centre (TIC).
- The Court held that this prohibition extends to inheritance, as inheritance confers occupancy rights equivalent to ownership.

(b) Transmission vs. Transfer of Land

- The Court distinguished between transfer (by parties) and transmission (by operation of law upon death).

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- While transmission is a lawful mode of passing land, it cannot override statutory restrictions—meaning non-citizens cannot benefit from transmission of land rights.

(c) National Land Policy, 1997 (Clause 4.2.4)

- Reinforces that land shall not be allocated to non-citizens except for investment.
- Prohibits foreigners from acquiring customary land by purchase or transfer.
- The Court emphasized that the policy intent was to safeguard Tanzanian land for Tanzanian citizens.

(d) Constitutional Dimension (Article 24, Constitution of 1977)

- Guarantees the right to own property subject to the law.
- The Court clarified that such rights are not absolute; they must be exercised within statutory limitations such as the Land Act's restrictions.

(e) Supremacy of Land Act (Section 181, Land Act)

- Provides that where there is conflict between the Land Act and any other statute, the Land Act prevails.
- Therefore, probate and succession laws cannot authorize transmission of land to non-citizens where the Land Act prohibits it.

4. Implications of the Decision

1. Inheritance by non-Citizens

- Non-citizens, including heirs of Tanzanian citizens, cannot inherit land in Tanzania unless it is for investment purposes under TIC.

2. Role of Executors & Administrators

- Executors and administrators must comply with the Land Act when distributing estates. Attempting to vest land in a non-citizen heir would be unlawful.

3. Government Authority

- The Attorney General is empowered to intervene in succession matters affecting land where government or public interest is at stake.

4. Existing Precedent Overruled

- Earlier High Court interpretations allowing foreign heirs to inherit land (e.g., reasoning based on section 4(6) of the Land Act preserving pre-1999 rights) are no longer good law.

5. Comparative Authorities

The Court reinforced its reasoning by reference to prior authorities, including:

- *Mahendra Kumar Covindji Monani v. Tata Holdings (T) Ltd.* [2005] TZCA 254 – principle against retrospective impairment of rights.
 - *Attorney General v. Nassoro Athumani Gogo* [2007] TZCA 241 – statutes must not impair vested rights unless expressly stated.
 - *Katani A. Katani v. Returning Officer Tandahimba* [2012] TZCA 8 – proper statutory interpretation requires considering the mischief the law intended to cure.
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6. Practical Guidance

- **For Tanzanians with foreign heirs:** Alternative estate planning measures (e.g., sale, gift during lifetime, or corporate structuring under TIC) must be considered.
 - **For investors:** Land rights remain available under TIC frameworks, Export Processing Zones, and derivative rights, but inheritance alone is insufficient.
 - **For practitioners:** When advising on probate and succession involving land, strict compliance with the Land Act and Land Policy is now obligatory.
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7. Conclusion

This decision cements the principle that land in Tanzania is primarily for Tanzanian citizens, with limited exceptions for approved investment. It resolves lingering ambiguity between succession law and land law, ensuring that statutory restrictions under the Land Act and national policy prevail.

The judgment will have wide-reaching implications for estate planning, foreign family members of Tanzanian citizens, and practitioners handling cross-border inheritance disputes.

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