

Zanzibar: Sustaining the Environment at the Confluence of Cultures

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Summary

This article describes briefly the background and latest development improving land and environmental management in Zanzibar, the island of spices and white, sandy beaches. Zanzibar has been the meeting point of cultures from West and East, including the Africans, Arabs, Indians and Europeans. The land is very scarce resource in Zanzibar. Increasing population and rapidly progressing urbanisation are the main catalysts for change in terms of land and environment. The severe competition for access to natural resources endangers mainly the poor. Rapid changes in customary tenures have taken place when land has become more valuable. The coastal communal lands and the coral rag have become subject to strong private and commercial interests due increasing tourism activities and have largely lost their communal status. In and around the Zanzibar town there is a huge and expanding area of informal, but permanent and serviced, settlements which are potential for accelerating health and socio-economic problems. Sustainable management of land and environment is, therefore, crucial for the future of Zanzibar.

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1. HISTORY AND CULTURE

The dhows were transferring merchandises between the Arabian Peninsula, India and Africa already in the 8th century and in the 15th century the Europeans, Portuguese, Germans and British, were the latest to make their influences into the Zanzibar culture that still can be seen in the daily life of the Zanzibaris.

Zanzibar has had a very important role through its history in the trade between the East and Africa as well as West and East. The first recorded visitors came to Zanzibar in 975AD. They were Shirazis from Persia and they intermarried with the local African population and settled in Zanzibar.

Later the Arabs mainly from Oman settled in Zanzibar and established permanent trading post. Gradually Zanzibar became a central point for trade for spices, ivory and slaves. The Arabs soon became dominant land owners in the island. Other early settlers were Indians who became shopkeepers, doctors and moneylenders.

The Portuguese established a trade post in 14th- century but in the late 17th and 18th century the British and German were the most influential foreign settlers in the island. In 1890 Zanzibar became British Protectorate until the independence in December 1963 and the revolution in January 1964. The union with Tanganyika in April 1964 established the current state of Tanzania.

The island has preserved its colourful heritage especially in the narrow streets of Stone Town, the UNESCO World Heritage Site, and in the decorations of the buildings and old palaces and mosques.

Under the British Protectorate from 1890 to 1963 there were some activities to establish surveys and formalize land tenure with a range of tenures that reflected the cultural background (African, Arabic, South Asian and European) of the islands. The revolution in 1964 then had significant impact on the land tenure system. The revolutionary government declared all land to be public and started to launch programmes to confiscate and distribute land, particularly in agricultural areas to the people.

2. GEOGRAPHY AND POPULATION

Zanzibar consists of two main islands, Unguja and Pemba, and several other islets some of which are uninhabited. Zanzibar is located in the Indian Ocean, about 30 kilometers off the east coast of Africa between latitudes 5 and 7 degrees south of the Equator. The Island has a total area of 2,654 square kilometers.

Zanzibar is part of the United Republic of Tanzania, but semi-autonomous. It has its own Government, a legislative assembly known as the House of Representatives, the Executive, headed by the President of Zanzibar and its own Judicial System. The land tenure issues are regulated by several acts adopted in late 1980's and beginning of 1990's. Administratively Zanzibar is divided into five regions, 10 districts, 50 constituencies and 296 shehias.

In 2002 Zanzibar had a population of 981,754 with a growth rate of 3.1 % and a population density of 370 per square kilometres. The current population of Zanzibar is estimated about 1,200,000. Of the total population, 40 % lived in urban area and the remaining 60 % settled in rural areas. The population growth rate is mostly attributed to high fertility rate of 5.3.

As seen from the basic statistics the land is very scarce resource in Zanzibar. The times when Zanzibar was the centre of trade between East and West has gone long time ago. The tourism and related activities are now the main source of employment and incomes. The growth of tourism, however, has resulted in increased demand for land for hotels particularly along the east coast. The largest urban area, Zanzibar Town, has grown very rapidly and the planning and construction of the infrastructure has not been able to control and manage the urban growth. The proper management of land and environment should be a top priority for the government.

3. ZANZIBAR DEVELOPMENT VISION 2020

In 2000, Zanzibar launched the Zanzibar Development Vision 2020 which provides social, political, cultural and economic vision up to the year 2020. The objective of the vision is eradication of absolute poverty with sustainable development. The Vision focuses on a selected priority sectors: education, health, agriculture, tourism, infrastructure (particularly rural roads) and water, as well as cross-cutting issues like good governance, trade and combating HIV and AIDS.

In the agricultural sector, the key challenges include absence of a comprehensive framework for enhancing food security, invasion of agricultural land, insecure tenure of land and insufficient provision of services such as credits. The Zanzibari households use mainly wood products for cooking, both wood and charcoal. Use of solid fuels is between 96 to 98 %. Challenges in the tourism sector are poor and inadequate infrastructure services such as road networks, airports, power, water, hotels, weak linkages between tourism and other related sectors, low capacity for collecting revenue, low skills in tourism management as well as dilapidating historical, heritage and tourist attractions.

All development efforts in Zanzibar compete for access to the scarce land area and diminishing ground water, as well as in the access to fisheries and forestry. Without proper management of these resources the future prospects are alarming in terms of environment, food security and social development. Forest resources are under great

utilization pressures which threaten their existence. Severe exploitation for wood fuel, building materials, salt production, land for agriculture and settlements and other economic activities downgrades the quality of forest resources. In coral rag areas, at least 1000 hectares of natural vegetation are cleared annually. The sand and stone mining is spreading in coastal and coral rag area without control. Cutting of mangroves for salt making for instance, has negatively affected mangrove ecosystems. In some areas the sea water has broken banks and changes the coastal line, spread in agricultural areas and has seriously affected agricultural production.

The Zanzibar Strategy for Growth and Reduction of Poverty set also the operational targets to be achieved. The targets that are somehow related to land and environment or will require better management of land are:

- Revenue collection increased
- Improved access and utilisation of medium and long-term affordable credit to productive sectors
- Increased allocation of land rights
- Increased access to affordable and sustainable energy
- Sustainable and gender focused environmental management system developed
- Access and use of ICT facilities and services promoted
- Heritage sites preserved and maintained while eco and cultural tourism developed
- Increased growth of agricultural sector
- Adequate and sustainable human settlements provided
- Improved management of urban and rural settlements
- Reviewed and developed proper land use plan at local community and national levels.

Increasing tourism and rapidly progressing urbanisation are the main catalysts for change in terms of land and environment in Zanzibar. The severe competition for access to natural resources endangers mainly the poor majority of Zanzibaris. Rapid changes in customary tenures have taken place where the tree-based tenure is becoming more and more commercialised and transformed to a more land based tenure system. The coastal communal lands have become subject to strong private and commercial interests and have largely lost their communal status. In and around the Zanzibar town there is a huge and expanding area of informal, but permanent and serviced settlements which bear potential for accelerating health and socio-economic problems. Sustainable management of land and environment is crucial for the future of Zanzibar.

4. SMOLE PROJECT SUPPORT

One action to support Zanzibar vision 2020 is the Sustainable Management of Land and Environment (SMOLE) project that is a continuation of long cooperation between the Revolutionary Government of Zanzibar and the Government of Finland. The

Government of Finland has had cooperation with the Revolutionary Government of Zanzibar with environmental and land issues since 1980's. Due to the political unrest the cooperation was terminated for some years after 1995 but activities started again in 2003 with project preparation. SMOLE I started May 2005 and was completed at end of 2009, Phase II resumed in January 2010 and will be completed by end of 2013.

SMOLE II is structured under two parallel programme components corresponding to the involved Zanzibari sector ministries. The first called the *Support to Land Management and Administration* is under the Ministry of Lands, Housing, Water and Energy. (MLHWE). The second called the *Strengthening Environmental Management and Renewable Natural Resources Management* is in the under the First Vice President's Office. The line ministries were restructured after the general elections of October 2010.

SMOLE long term strategy is based on the Strategic Plan 2005-2015, which builds upon the Government of Zanzibar Vision 2020 and the first Poverty Reduction Plan. The implementation is based on a gradual intensification of land and environmental management, starting from *establishing* the land and environmental management institutions to achieve the "minimum" level, proceeding to *strengthening the capacities* of the organisations to achieve the "medium" level, and finally reaching a *fully sustainable and effective level of operations* in environmental and land management, the "ultimate" level.

The overall objective is to reduce absolute poverty in the society through environmentally sound land management and socio-economic development. During the Phase II the medium level of operations and feasibility in sustainable land and environmental management shall be achieved. At the end of Phase II, the authorities shall regulate satisfactorily all land registrations and land administration is based on sound legal basis and recognised registration procedures.

5. LAND ADMINISTRATION IN ZANZIBAR

The Government of Zanzibar has prepared a Land Policy in 1982. This policy has resulted in a complex land administration system and is the basis for the current land laws in Zanzibar. The basic legislation includes; The Land Tenure Act (1992), The Registered Land Act (1989), The Land Adjudication Act (1989) and The Survey Act (1989). Other related legislations include The Land Transfer Act (1994), The Land Tribunal Act (1994), The Property Tax Act (2008) and The Condominium Act (2010).

The Land Tenure Act defines the formal land tenure system in Zanzibar and a clear policy that all land is owned by the government and that any private rights are only rights to use the land (Right of Occupancy) and any transfers are transfers of rights and the improvements on the land rather than the land itself. The Rights of Occupancy can only be granted to Zanzibari citizens and it only has legal effect when registered under the Registered Land Act. However, due to the absence of the Registrar of Lands and without registration system no rights of land had been registered until 2009.

The Land Tenure Act was amended in October 2010 to extend the land lease period from 49 year to 99 years. As of now the local and foreign investors can access property through a land lease that is limited to a maximum term of 99 years.

The Department of Lands and Registration (DoLR) has issued about 14-15,000 grants providing a right of occupancy and 887 land leases of which 617 are current. However, the land registry specified under the Land Registration Act has not been established on an operational basis which raises questions on the legal status of the existing rights. In 2010 the Minister issued about 600 new grants providing the Right of Occupancy. It is estimated that there are about 80,000 outstanding requests for allocation of land, so it is obvious that the authorities cannot fulfil the demand. In addition on issued grants and leases, there are about 25,000 three-acre plots (TAP) in rural areas that were provided to the people for agricultural use after the revolution.

The Land Adjudication Act (1989) sets out procedures for the adjudication of rights through systematic adjudication and registration. Some pilot adjudication activities has been undertaken earlier, including work carried out by the Commission for Lands and Environment in the early 1990s with the assistance of the Government of Finland. This pilot terminated due the political and social problems in the mid-1990s and the adjudication results were never registered.

The Sustainable Management of Land and the Environment (SMOLE) which is also funded by the Government of Finland is supporting pilots for systematic adjudication and the Registrar of Lands in registration of rights.

6. ACTIVITIES IN LAND AND ENVIRONMENT SECTOR

6.1 Multi-purpose cadastre

Zanzibar Multipurpose Cadastre (MPC) Pilot was conducted during 2007-2008. The pilot successfully tested data collection procedures and build a model that enables several central and local government agencies to use collected information. Pilot conducted in the Stone Town (UNESCO World Heritage Site) and it was expanded during 2009 also in the 13 neighbouring shehias of Zanzibar Municipality.

The building inventory is completed in whole pilot area but the land adjudication is still under finalization on 13 surrounding shehias. There were significant delays earlier with appointment of the Registrar of Lands and lately related to the discussion and decision on the boundary definition, survey methods and accuracy required for the demarcation and the registry map.

The Registered Land Act specifies that general boundaries are used in Zanzibar except when the proprietor will request to have boundaries fixed. The main method to demarcate boundary and map it in the field has been orthophoto. The field sketches are digitized in the office and a demarcation map produced. The estimated cost for systematic registration is about USD 10 with building inventory.

The Stone Town Conservation and Development Authority (STCDA), Zanzibar Municipal Council (ZMC), and Zanzibar Revenue Board (ZRB) also identified during the project preparations that much of the revenues for these and other organizations are linked to the correct identification of property. It was decided that the pilot collected, in addition to land and right holder's information, also the detailed information from the buildings, units and occupants that can be used for improved revenue collection. The information will enable the Zanzibar Revenue Board to organize taxation of the privately owned properties and land lease collection of Government of Zanzibar owned parcels. The building information also provides possibility to improve urban planning and public utilities management and also to protect and conserve the historically valuable Stone Town that is UNCESO World Heritage Site, the hub of the historic trading point between east and west.

A new pilot area has started in Pemba Island where tested practices will be given to the officers working in Pemba. The Land Registry in Pemba will operate quite independently under the supervision of the Deputy Registrar of Lands.

6.2 Registration of community forest management areas

One activity under the SMOLE project is to support pilot where establishment and registration of Community Forest Management agreements (CoFM), village land use planning to define private, public and other specific areas are combined and should be registered through systematic adjudication.

There has been increasing demand for using better forest management to achieve goals of the Vision 2020 and with opportunity for increased funding to support community forest management through Reduced Emission from Deforestation and Degradation (REDD+). The REDD+ strategy in Tanzania mainland and Zanzibar recognized COFM approach as one of the main tools to address deforestation. The secure land tenure is important to for potential investments, management responsibilities and those who are entitled to the benefits of REDD+.

The CoFM agreement establishes the legal basis for local communities to manage its forests areas. It is a legal contractual document between the community management group and the forest administrator. The community members must be organized in a community management group (CMG) with free and fair opportunity for any person living in the area or having traditional rights to be member of the group. The Zanzibar Forest Resources Management and Conservation Act (1996) describes the process of granting communities living in or adjacent to forest, as a group of persons, a right to plan, manage and benefit from local forest resources, on a sustainable basis. The use shall meet local needs, stimulate income generation, economic development and enhance environmental stability.

The CMG must identify the forest area and agree on the objectives and identify in general activities they want to carry out in the forest. The forest authority must carry

out a feasibility assessment and after being satisfied prepare draft management plan and the agreement for comments and approval.

Agreement must contain information on:

- Name and description of the forest including a map showing the forest, CMGs and all shehias bordering the forest;
- A statement of the purposes for which the community forest management area is being created;
- Parties to the agreement including a list of members of the community management group appended to the COFM agreement;
- Description of management activities (responsibilities) to be undertaken by the community management group;
- The rights and duties of the parties to the agreement;
- A description of the continuing rights of any third parties within the area;
- The duration of the agreement;
- How any funds from forest management will be managed;
- Procedures for resolving disputes which may arise between the parties to the agreement;
- How the Agreement may be revised; and
- Other matters that the parties may agree to include or as may be specified in regulations.

As seen from the requirements of the CoFM agreement the existing and continuing rights have to be clarified. There can always exist private rights inside of the forest management area, one of the specific features in Zanzibar is that the owner of the trees (coconuts, clove trees etc.) is separated on the occupancy right to the land and shall be registered separately. The pilot should describe the process in detail and train officers how to study and document different rights inside the CoFM area. After the agreement is approved the community shall be declared for the systematic adjudication and all existing rights in the area, including the forest management, residential and farming areas shall be adjudicated according the Land Adjudication Act and existing practices. The development of participatory village level land use plan is also under consideration at least in the level that different public areas (common areas, sport field, access to water and public roads) shall be defined by the people together with authorities to demarcate then to ensure that public areas are not encroached or taken to another use without proper procedures.

6.3 State land and lease management

To improve the land and environmental management the Department of Lands and Registration has started to collect information on land leases to government land and 3 acre plots into the same system with registered properties. This information can be used to improve the revenue collection and land control and also to support land dispute cases. However, to register the land lease or occupancy right to 3 acre plot outside the areas declared for systematic adjudication the procedure will require that

the proprietor or the right holder shall make the application to the Registrar of Lands and the right shall be registered at the Land Registry to have legal effect.

7. CHALLENGES

There are many challenges to achieve the targets set up by the Zanzibar Vision 2020 and SMOLE Strategic Plan. The main obstacle is the lack of qualified human resources and low level of salaries that do not motivate staff to work. There should be more high level political support and better awareness of the benefits and impacts of better land administration and management for individual proprietors, communities and the government.

The SMOLE project is now aiming that all pilots shall be completed during 2012 and the Government and Department of Lands and Registration shall prepare a strategy and budget how to continue systematic adjudication to cover the whole Zanzibar. If there is no budget or resources it is possible that the Government of Finland will not continue the land component after 2013. At the moment there is no local government budget for the systematic adjudication or for permanent organization to implement adjudication. The Department of Lands and Registration shall take strong ownership and commitment to implementation of the Land Registry and improve land administration and management practices. To ensure the continuity of the systematic registration there is a high priority for the planning of wide scale systematic registration and securing funds and recourses for the implementation from the World Bank BEST programme. It is envisaged that during 2011 several studies shall be carried out by the World Bank and a proposal shall be sent to the World Bank for the further funding of systematic registration.

Most of the other challenges are more technical but related to the lack of commitment to make decisions which

inhibits targeted results to be realised. There should be a clear decision that the survey accuracy shall not delay the registration of the existing rights or make registration too expensive only due the high requirement of survey accuracy. To enable that the government will get benefits through the improved revenue collection and better planning, the data sharing with the relevant authorities (ZRB, ZMC, Environment, STCDA, etc) have to implemented through agreements or legal instruments. The data sharing will also in principal require decision that the official land registry and related information is the land register database not in the manual books and records that are extracts from the database.

8. OTHER ACTIVITIES IN LAND AND ENVIRONMENT SECTOR

One of the main challenges in Zanzibar is the lack of coordination of donor funded activities. This in partly because most of the donors only coordinates activities in the Union level, in Tanzania and the there are only few donor representatives in Zanzibar.

The Government of the United Republic of Tanzania has secured financial support of the World Bank to implement the Business Environment Strengthening for Tanzania (BEST) Programme. The objective of the BEST Land Sector Component for Zanzibar is the establishment of an efficient land administration with accurate land information, efficient land registration processes and services, and efficient and effective land dispute settlement processes.

According to

the project document, The Zanzibar land sector component has to address a number of requirements, including the following:

- *A New National Land Policy*: that recognizes existing tenure regimes and best supports the social and economic development of Zanzibar.
- *Appropriate Legal Framework*: including a review of existing legislation and regulations and enactment of new legislation to support an efficient land market.
- *Efficient Land Registration and Land Information Systems*: including the re-engineering of land registration procedures, improving land information management, establishing a secure registry for land titles and establishing an efficient institutional framework.
- *Survey and Mapping Infrastructure*: ensuring that the land registration process is supported by an efficient surveying and mapping framework.
- *Effective Resolution of Land Disputes*: involving the clearance of the backlog of land disputes and building capacity for the better operation of the Land Tribunals.
- *Formalization of House Plots in the Informal Settlements*: involving the surveying, mapping and registration of housing plots in informal settlements in Zanzibar Town and other urban centres in Pemba Island.
- *Capacity Building*: involving human resource and office infrastructure development (capacity building, training etc).

SMOLE has supported preparations of the BEST programme by carrying out several studies related to issues addressed above.

The World Bank is also financing several other projects in Zanzibar. The Programme to Formalise the Property and Business of the Poor in Tanzania (MKURABITA) has piloted rural land registration in Zanzibar. The approach of the MKURABITA did not follow the legislation in Zanzibar. It tried to establish the Land Registry in the village level but as the required legal proceedings were not followed the adjudication cannot be registered in the legal register. The Land Tenure Act only provides protection to the properties registered in the Land Registry. There is also no capacity in the local level to maintain the registry with geographical information and the approach does not support the overall goals of the Zanzibar vision 2020.

The Marine and Coastal Environment Management Project (MACEMP) aims to improve the regulatory and institutional framework for management of marine resources- particularly establishing the links between the marine environment and the fishery resource and what are expected to be conservative estimates of sustainable commercial exploitation of marine fishery resources. It also aims to fill gaps in the data describing the fishery in Tanzanian marine waters and the coastal and offshore environment upon which the fishery depends. In Zanzibar the project has also supported Department of Surveys and Urban Planning in preparation of district land use maps and plans. (www.ilearn.net)

The Zanzibar Urban Services Project (ZUSP) project in Zanzibar Municipality is aiming to improve urban planning and management. The use and sharing of data collected for the MPC will support the ZUSP implementation.

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Pertti Juhani Onkalo has M Sc in Land Administration and Surveying from the University of Technology in Helsinki. He is currently a Land Registration Advisor for the SMOLE II project in Zanzibar. He is also holding a position as the Deputy Director of Technical Department of City of Huittinen in Finland and was previously the Director of Department of Environment. He has been a long term advisor in Cambodia and Kosovo to support land registration and establishment of sustainable land administration institutions.

Muhammad Salim Sulaiman is a Chartered Land Surveyor and was Africa Region Representative of the RICS Geomatics Faculty Board 2000-2008. He is currently NIRAS Advisor to the SMOLE project. He has been Advisor to the Minister for Water, Construction, Energy and Lands of the Government of Zanzibar and being Principal Secretary for 19 years and Director of Lands and Surveys in 1970's. He has chaired committees and task forces for land and housing policies, and secretary of Presidential Committee for the formation of Commission for Lands and Environment, and subsequently appointed its first Executive Secretary in 1989. He has been instrumental in having the historical Zanzibar Stone Town enlisted in the UNESCO World Heritage List in 2000. He is a member of the Council of non-governmental Zanzibar Stone Town Heritage Society and appointed to the Board of Directors for

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