

Coastal Community and Land Resources, A Case Study of Kiwengwa Coastal Village – Zanzibar Tanzania

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Abstract

In developing coastal communities many indigenous/community have firm rules on land and inheritance; as well have deeply ingrained cultural traditions. Every government faces the challenge of land differently, with its vast array of laws and with varying degree of political will. This complexity is further compounded in Small Islands Development States (SIDS) where coastal resources are based on natural environment, competed highly for by foreign currency and tourists; but foreign developers are arriving and are often displacing settlements to marginalized areas.

Up until the 1980s, Zanzibar had a monoculture economy based on cloves crop. Following a fall in world clove market and a decline in local production, however, the government rushed to diversify the island's economy, making investments in several other sectors, including tourism. Beach tourism is the most prominent type of tourism in Zanzibar (of which most development is on Unguja Island), and new tourism developments are springing up rapidly.

Kiwengwa consists of three small villages namely Kiwengwa Kairo, Kumba-urembo and Gulioni. It is among the first coastal areas for tourism development in attracting many foreign investors. The village is found in North East-coast of Zanzibar 25km from the Stone town-city. A long reef and long white sand beach are among the worth attractions of this area.

This paper draws from a study (Dumashie, DD Ufuzo, SS and Azzan, RM 2010), in which the authors analysed the problem of land sale and land conflicts in the coastal villages of Zanzibar Islands. The paper outlines the original study and provides an update on how matters have progressed since the community participation workshop that was conducted in Kiwengwa village (pilot for islands), during the study. Apart from data collected in the

workshop, interviews were carried-out with local individuals to obtain in-depth information from local leaders and key informants.

The study focused upon addressing access to coastal resources for low-income groups through seeking to develop community tools to negotiate with tourism investors and land developers.

The Study looked at the existing problem facing local community especially in coastal areas on negotiating land sale and found that though tourism has increased the number of hotels and GDP but also has created social conflicts more land related conflicts. Few families has benefited from land sale from investors. The middle men in land negotiations do not benefit the real owners, land speculations, cheating during signing of land sale. Although some of the existing legal instruments are outdated but also not well-known to many local communities that lead of selling land without following proper procedures.

The study demonstrates that in the past two decades, the existing procedures of land sale in Zanzibar is at best misleads the local communities. Land especially along the valuable beach sites are being sold to agents for speculation. Land conflicts and land speculation started to emerge among the societies, while the smart ones bought land at low price from pro poor communities and sale at high price. Most of the coast land in Kiwengwa is either sold to the investors or owned by middleman.

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1.0 Introduction

1.1 Background Information

Kiwengwa Shehia is in North Region, North B' District about 25 km North East of Stone Town - Zanzibar. It consists of 3,575 people including 1,836 male and 1,739 female and household size of 4.3 (Office of Chief Government Statistician-Zanzibar and National Bureau of Statistics Ministry of Finance Dar es Salaam 2013). The population density is 148 people per square kilometer, which is among the low dense populated Shehias in the district. Its land area is about 24.18 Km² that consist of about seven kilometers beach frontage.

The land form is coral-rage undulated landscapes that composed of coral stones with pockets of fertile soils. The vegetation cover is mainly of natural coral-bushes with coconut plantations along the coast line and in some western part of the village at least half kilometer from the coastal line is natural forest declared as reserve forest by the Department of Forest and Natural Resources.

Among the basic services found in the Shehia are clean and safe water supply, electricity supply and land lines telecommunications from mains. The Shehia does also have public health-care unit, primary and secondary school, local market, fishing-boat landing sites and wireless telephones services. The Shehia is accessed through tarmac main road from Zanzibar city centre and also provided with earth access road between settlements.

On the question of economic activities, the people of Kiwengwa mainly men employed themselves in small scale fishing practices. Women are hunting for octopus and community net fishing, firewood collection, burying coconut husk for making rope and subsistence farming in the coral land. Tourism industry provides direct and indirect employment opportunity in today's era through unskilled labour in hotels, selling of sea products and handicrafts to hoteliers and tourists and some of the Kiwengwa people considered tourism as an economic opportunity for selling of their land parcels

In one hand, a major challenge of the Shehia in service provision is insufficient water supply service where locals and some hotels have to use cave source which is within the Shehia. Locals are using the water for all purposes though hoteliers do not use it for drinking purposes due to its poor quality. On the other hand, the Shehia faces challenges in land and land use conflicts and competition in resources utilisation between hotelier and locals. Its potentiality for tourism investment, Kiwengwa characterised with white sand beaches and long coral-reef and rich coastal resources. While the locals rely on traditionally fishing practices, the locality quickly changed into predominate tourist zone.

1. 2 Study Methodology

To Understanding the case study situation it needs working at a local scale based on an exploratory case study to both set the scene and context ensuring that a complete picture for the purpose of this pilot is provided. This method is useful to gain an insight of the study phenomenon in its social environment as well as verifies if the research agenda exists. The following activities were progressed to understand the situation of the case study area.

1.2.1 Observation survey:

The study team made number of visits to the study area in-order to understand the existing situation and physical changes take place during the emerging of tourism development in the Shehia. The team collaborated with the some community members observing physical changes such as settlements displacement, land development in relation with accesses to beach, resources degradation, existing social services and facilities. During the survey some questions were asked to the villagers who clarified the situation and reasons behind.

1.2.2 Pilot questionnaire:

The guiding questions were developed to extract information from the local individuals randomly selected, and specified village leaders, hotelier, Government officials, NGOs (in the Shehia) and the District local authority officials. The questions reflected to respondent type aiming at getting official information about Kiwengwa tourism development situation, social development and socio-tourism benefits, land and coastal resources in tourism development and land use planning to accommodate village development with tourism development.

1.2.3 Key informant surveys:

Interviews with key informants in the communities were carried out who in one way or another concern in land or land use dispute or benefited from established tourism development. The designed questionnaires were used to qualify information collected or observed. The target was to extract the significant information to give suitable means of development for subsequent surveys including pro-poor information, land sale and disputes issues, land allocation and policy issues, as well as environmental related problems.

1.2.4 Secondary Data:

The study used various references to extract data/information such as population, history of the settlements, information of Zanzibar economic trend, land related legislations and reports,

environmental policy and studies by different researches. A serious challenge in some of secondary information is that some of them are too old to rely on such as The Town and Country Planning Decree Cap.85 of 1955, and The Land Acquisition Decree No. 95 of 1909

1.2.5 Pilot Workshop

Following preliminary finding of the study phase 1 of data collection, through observations and interviews, the study team carried a community workshop that was attended by different stakeholders including those who were interviewed to identify study issues, discuss the study findings and look for a way out from the discovered issues and challenges. The workshop was designed through adopted a scenario planning approach. The aim was to identify critical decisions that must be made to maximize access in the future role and to ensure a resilient impact of tourism. Thus, it will enable the community empowerment in future that will help themselves by coming together to plan their decisions.

2.0 Tourism development and Land use plan:

2.1 Implication of tourism development in coastal villages

Tourism sector is taking a leading role of Zanzibar economy and development. It was encouraged in Zanzibar due to weakening of cloves dependent economy in 1980 as a result world market price. Tourism has improved the physical and economic situations of development such that communication network of sea and air transport have been upgraded, road network and local transportation have been improved to all weather tarmac roads connecting tourism areas and availability of local commuter buses for twenty four hours respectively.

Contrary, tourism has failed to coordinate developments and local communities in the coastal areas where tourism activities are mainly taking place. Local communities have not benefited from the development resulted from tourism but has rather suffer from limited access to the coastal economy. A massive share of the coast land resource has been covered with walled tourist resorts and foreign culture. This, indirectly forces the community in to selling of coastal land in both the registered and unregistered sector. In the registered sector poor subsistence farmers are being convinced to sell their title without full awareness of the implications of doing so. In the unregistered domain, land grabbing by overseas private investors (but also others) is increasing.

2.2 Zanzibar Tourism Zoning Plan

Zanzibar has prepared its first Tourism Zoning Plan, in 1993 aiming of diversifying economic development through tourism sector and to regulate land use planning in the coastal areas (Commission for Lands and Environment - Zanzibar, 1993). This in turn will affect the sector growth along with environmental protection, sufficient infrastructure provision, adequate circulation, and dynamic social and economic interactions.

Tourism zoning plan reserved 19 sites as potential areas for tourism development in Unguja and Pemba islands and provides guideline mechanism such setbacks, size of parcel of land for resorts and hotels, guideline for applying for land lease, and preparation of Environmental Impact Study (EIS) and Environmental Impact Assessment (EIA). According to the Tourism Zoning Plan, the regulatory functions are as follows:

- The designation of potential areas for tourism development and the time for their development
- Providing a frame work for the regulatory mechanisms, such as better control of land allocation and development.
- Establishing the general and specific guidelines and standards for all the tourist areas.
- Helping to identify priorities and coordination of government expenditure. It provides a frame work for coordinating spending in infrastructures such as water, electricity, roads and other essential public services in various defined tourism areas.
- Setting the frame work for detailed physical planning level.

Despite of financial problems for the plan implementation, it encountered other social problems; the government found it is important to plan properly the land use for this emerged tourism industry so as to ensure orderly land development in a sustainable manner. Over 25 years, the Tourism Zoning Plans has been in implementation now. Besides, the plan has helped much in guiding tourism growth particularly in areas of directing *private sector* as well as public investments in coastal areas.

Much-experienced conflicts between local villagers who use the beaches and inter-tidal flats for economic purposes such as seaweed farming and hoteliers/tourists who want the same for recreational purposes have been significantly reduced. Now the tourist industry and local communities co-exist in a relatively harmoniously environment.

3.0 Case problems of the study

3.1 Land Tenure System

Historical Land Tenure System in Zanzibar has land holdings based on the customary and private ownership. Land administration underwent reform in 1964 but the result was of uncontrolled urban growth leading to reform and subsequent enactment of the Land Tenure Act of 1992.

The Land Tenure Act (No. 12/1992) is the principal Act in Zanzibar that basically defines legal ownership related to land. One of the basic principles of the Act is that all land occupied or not, is considered as public land (Government land). The main types of tenure that exist now in Zanzibar (both in urban and rural areas) are:

- The Government grant or ‘Right of Occupancy; whether in freehold or in leasehold issued by the Minister responsible for lands. This is the only registered right of occupancy that enjoys the Government guarantee, it is inheritable and transferable and can be deprived only for public purpose with full compensation.
- The WAKF land under the management of the ‘Registrar of Documents’ in WAKF Commission. The land is not transferable and cannot be used for any purpose other than the dedicated WAKF.
- The informal ownership registered under the supervision of the Sheha (*the lower level of government administration*). This is the transaction usually done locally at the village at *Shehia level*.
- Inheritance land whereby tenancy transactions done through biologically kinship legacy under religious basis laws and regulations.
- Gift deed that is obtained through free (not sale) ownership transfer from one person to another.

Major part of tourism development in Zanzibar is on the coastal areas, which is known as coral-rag zone. It occupies about 75% of the total area of the islands. Communities in coastal areas do not have land titles to secure their ownership but they have rights of use for plantations and own properties. Customary, every individual has possession to a parcel of land for agricultural build house. The communal land category is pivotal as ownership of land in coastal areas is owned in this tenure system, so in many cases the villagers have equal rights of using land, plant trees in the same land which surrounds their settlements. Farming plots are not clearly demarcated and is practice as shifting cultivation. Parts other than coral-

rag zone, the situation is different, most of land is fertile so farmers have their own defined cultivation boundaries and have security of tenure.

According to the Land Tenure Act of 1992 S.3 (1) all natural land within the island of Zanzibar is public land. It is vested in the President, to be held by him, for the use and common benefit, direct or indirect, of the people of Zanzibar. This has created many land problems and conflicts especially in coastal areas where people have no land titles. In spite of this importantly, traditional land tenure exists and recognised by the Government where people may inherit, give a gift, buy or even borrow for a period of time.

3.2 Land Sale Practice

In the past two decades, the existing procedures of land sale in Zanzibar is at best misleads the local communities. Land especially along the valuable beach sites are being sold to agents for speculation. Land conflicts and land speculation started to emerge among the societies, while the smart ones bought land at low price from pro-poor communities and sale at high price. Most of the coast land in Kiwengwa is either sold to the investors or owned by middleman.

First the investor is allowed to negotiate land sale and compensation with owners in the presence of the middlemen and local leaders. After agreements investors go to the Departments of Lands and Registration and Department of Surveys for demarcation and land lease agreements. Villagers have little knowledge in dealing with foreigner because of language barrier and some of investors take that opportunity to cheat locals during negotiations and excluding them after finalizing land lease agreements.

The interpretation of land laws and other has jeopardises the local community rights. Villagers are being marginalised and losing their rights ultimately because the legal instruments appear to have failed to address the proper guidelines and standards.

On one side, the official planned area for tourism development has been neglected and more areas are now allocated to investors out of the zones due to high land demand and investors' desires. On the other side, the tourism zoning plan and land legislations did not give adequate guidelines on community land rights in land transfer process that safeguard community rights. Either, Most of the legal instruments related to land transfer are found in foreign language and not well known by the community and partnership of government institution and local communities is rather weak to defend the community interests. Besides, there is no official land market and common land marketing procedures that any one may find when s/he wants to buy or sale land.

Hence, land transfer procedures become difficult to be exactly followed by both parties (transferee and transferor such that local communities tend to sale their land improperly to investors. Thus, leads to drop actual benefit and privileges of their lands.

3.3 Small Islands Beach Tourism Development

Zanzibar comprises of 53 small islets spreading along the coasts of two main islands. Some are habitat and other are inhabitant but all contribute a great potential role in the economic and ecological developments.

Before the introduction of tourism activities in Zanzibar, small islets and the coastal areas remain as the romantic spaces for holiday makers and local communities. There were no major ecology threats. Competition over land and natural resources has long been a source of tension between different groups. The coasts play an important role in island life and almost every economic sector has a strong stake in the coast. Such that if islanders were to destroy one beach, or sacrifice one on behalf of development it would in fact represent a significant percentage of the island natural resources, its bread and butter.

Due to the dependency on the coast it is impossible to allocate the use of the coast or beach to a single economic sector for development to give one sector priority over another. Thus conflicts and struggles always arise amongst private and quasi private property based operations on the shore and public (common) property based activities on the beach and coastal waters.

4.0 Findings

As coastal resorts have appeared and promote a reputation as major tourist destinations providing attractions and facilities. But despite the significant benefits generated by the tourist industry these coastal areas suffer significant levels of deprivation and acute social needs. If tourism development is not properly guided by all stakeholders it can be a source of negative social and environmental impacts in many societies.

4.1 Tourism zoning plan:

The plan did worked accordingly, proposed number of hotels and beds is more than planned in the Tourism Zoning Plan as shown in the table below:

Table : Number of Hotels in Kiwengwa (Proposed and actual development)

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(6789)
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| Village/Location | No of Hotel Proposed | No of Hotel Developed | No of Beds Proposed | No of Beds Developed |
|--|-----------------------------|------------------------------|----------------------------|-----------------------------|
| Cairo | 2 | 4 | 150 | 918 |
| Gulioni | 4 | 7 | 590 | 1351 |
| Kumba-Urembo | nil | 9 | NA | 80 |
| Total | 6 | 20 | 740 | 2349 |
| <i>Source: Department of Urban and Rural Planning – Zanzibar-2014</i> | | | | |
| <i>Built Hotels observed include: Zamani Kempinsky, Mitras International, Shooting Star, Rosso Reef, Venta Club, La Villa, Blue Bay, Vera Club, Sea Club, Bravo Club, Zanzibar Fishing Club, Reef View, and H and A Self Catering.</i> | | | | |

4.2 Natural resources

Tourism development is often taking place close to or below the high water mark leading to beach erosion, distortion of marine and coastal ecosystem. There are expansion of new settlements which take place on land formally allocated and used for other purposes. There are gradual destruction of forest land and high pressure on limited available resources due to high demand resulted from tourism activities.

4.3 Land and intertidal farming/ livelihoods

Mostly, being associated with agriculture, tourism development, settlements in coastal areas, forest land, and fish landing sites, sea weed farming, and urban development and water catchments.

The seaweed farmers in coastal zones are mainly women. There is a conflict between tourism activities and seaweed farmers in water front whereby hoteliers claim insecurity of swimming of their guest while farmers claim on bothering of hotelier and tourism for their activities along the beach. Same case is applied for villagers in preparation of coconut husk for making ropes.

4.4 Other administrative

Local government has limited financial, skilled manpower, and legal set-up to executive land use development. Hence all land use planning issue are implemented at central level

Lack of coordination among the government institutions like department of forest might reserve land for forestation and conservation while department of Lands may allocate it for other use.

4.5 Coastal Waste management

Hotel generates a large amount of wastes that are not yet managed properly. This might lead to environmental degradation and lost of character of coastal value. The common practice for many hotels is to continue with illegally dump wastes and litter. Up-till now the study found that there is no proper statistical data how much waste is generate by hotels and how much is managed. The major threatening problem is the way these wastes are dump. Few hotels do have treatment plants but only for domestic waste water. The treated water is used in the gardens.

5.0 Recommendations:

This study was planned to be done in three phases. Phase and two are completed, which included base-line study and conduct of community workshops. The following phase will concern on developing open source book that will guide people empowerment in negotiating terms in land transactions and be able to safeguard community interests. To this limit it is recommended that:

- Tourism development should enhancing economic suitability of the community, in the sense that the present coastal communities have only to a very limited degree been able to benefit from
- There is a great need for professional team of the land sector to review and monitoring the tourism zoning plan changes and know it affect the communities and national at large.
- The question of increasing knowledge of the community on legal aspect, should be priorities so as to build their capacity on safeguarding their rights.
- **The third phase of the study** should be completed to enable the development of the source book that will be a recommended reference for Coastal Community and Land Resources Management

6.0 References

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