

# **Institutional Developments in Land Administration in Zanzibar**

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**Key words:** Land Administration, Institutional Developments, Land Decrees, Land Acts

## **SUMMARY**

History shows that an institutionalized land administration started with the coming of the British when they formally established their rule in Zanzibar in 1890. In early 1900s they establishment Land Survey section in the Public Works Department in order to oversee all land administration activities in the country. Since then, Zanzibar has experienced a remarkable development in its Land Administration institutions.

Over the years, various measures have been taken in an attempt to improve land administration. The measures have been aimed at making land available for different purposes, increasing productivity and improving quality of life.

This paper seeks to address the various stages and issues as well as pieces of legislation and policies which have been put forward over the years on land administration and their impact on the development of the institution and the general public throughout its history until today.

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## **1. INTRODUCTION**

Zanzibar consists of two sister islands, Unguja (often referred to as Zanzibar island), and Pemba, together with a number of small islets. It is situated about 30 km from the mainland coast of East Africa. The land area of Unguja is 1660 sq. km and that of Pemba island is 984 sq. km. The total population of Zanzibar is currently estimated to be a little over nine hundred and eighty thousand people (980,000) with an approximate increase of 3% a year. (Zanzibar Government Statistics Office).

Zanzibar forms one part of the United Republic of Tanzania. However, Zanzibar runs her autonomous government with separate and independent ministries, legislature and her own cabinet and President. With the exception of the few institutions run by the Union Government, all other institutions, departments and other procedures operating in Zanzibar are different from those in the mainland Tanzania and vice versa. I thought it is important to make this point clear at the outset as all laws, operations and institutions referred to in this paper are applicable exclusively within Zanzibar's legal, administrative and institutional framework.

### **1.1 What is Institutional Development?**

Institutional development includes issues of location of the institution in the government structure, its capacity in fulfilling goals required, human resources development plan, (which includes training and education level for its staff), equipment used, office space, vehicles, etc, as well as policies and pieces of legislation put forward so as to support to the smooth executions of the functions.

## **2. LAND ADMINISTRATION AND LEGISLATION DURING COLONIAL TIMES (1890 – 1964)**

During colonial time, in various instances, transformation of the land administration institution was introduced in order to serve the Government's interest. The British colonials established the Department of Surveys which was the sole organization responsible for land administration. During their time, they established various pieces of legislation in order to serve their interest.

As early as in 1909, the Government introduced **The Land Acquisition Decree (1909)**: This Decree was introduced in order to acquire land for providing services to the public. The services include infrastructure, public welfare, and other projects benefiting the community.

At the same time, in order to get base maps for different purposes, in 1911, topographic maps at a scale of 1: 63 360 were prepared by Colonel Craster of the Royal Engineers using ground methods only. The survey was completed in eight months which was really remarkable compared the with those days' standards. Two sheets were enough to cover the island. These maps were important tools in fulfilling the Colonial Government's intention of providing services to the public. (Larson G. , Steimenov G. (1982)

**The Land Survey Decree (1912)** – This was the first law to introduce and regulate the land survey activities in the country. The surveying activities were important in order to facilitate construction of roads, electricity lines, alignment of water pipes, etc.

In 1931, once again topographical survey of Zanzibar was done entirely by ground methods. In total, 50 sheets at a scale of 1:10,560 were fair drawn in Zanzibar and reproduced in England in 1933. A map at a scale of 1:63,360 was derived from the afore-mentioned survey in five colours. (2 sheets).

**Land Alienation Decree (1935)** which established the Land Alienation Board in order to control the transfer of land and landed properties from one person to another. This came about after a mass transfer of land and landed properties from mostly one class of people to another, i.e, from Arabs and Africans (who failed to pay back their mortgages) to Indians. The introduction of the decree was important because there was a fear that if the trend would be allowed to go on unchecked there was a possibility that all or a big portion of the land would go to one class of people.

In 1936, the Land Survey Section was transformed into a fully fledged department – the **Department of Surveying and Registration**. This happened because the Government wanted to introduce a land registration system in order to register properties. Before the establishment of the department, (in 1934), the Government had invited a renowned expert in land administration issues – Sir Ernest Dawson to advise the Government on how best it can execute the program without incurring high costs. He advised the Government to use aerial photographs to earmark boundaries of properties especially the clove plantations which were easily visible in the photographs. This method was less costly compared with the conventional methods of land surveying. Hence in 1937, aerial photography of both islands was carried out. (Zanzibar Government, (1988). However due to the eruption of World War II in 1939, the intended systematic cadastral with accompanying registration of land was never done.

After the World War II, new issues of land management came up specifically the need of having well planned towns and villages, hence the Government introduced **The Land Acquisition (Assessment of Compensation) Decree (1949)**: This decree established and laid down procedures for compensation mechanism to make it possible for the land that would be affected in planning activities be properly compensated for according to market values. Later the **Town and Country Planning Decree (1956)** was introduced. This established the mechanism and procedures to be followed when making proposals for planning schemes in both town and rural areas. In the same year, the Township boundary of Zanzibar was mapped. Four sheets at 1:2500 and three sheets at 1:5000 were drawn to cover the area, using air

survey method. In 1960, 17 sheets of the Zanzibar Stone Town were updated at a scale of 1:480 using grounds method and in the Ng'ambo area 18 sheets were updated by ground survey method at a scale of 1:1000.

Due to the above mentioned developments, in 1958, the Government once again invited another adviser – Mr. Les Howells whose responsibilities were to reconstitute the Department of Surveying and advise on the best method of surveying and registration of land rights. (Howells, L.J. (1960). However due to high costs involved, this was put off until the 1964 when the new government (after the political revolution) completely overhauled the land administration system.

### 3. POST-REVOLUTION PERIOD (1964 – TODATE)

Just after the Revolution of 1964 the land administration was put under the Ministry of Agriculture and Land Reform. The main reason of this structure was to distribute land to the landless families which was confiscated from its owners which was by then the main priority of the new government. It is important to note here that many of the laws that were existing until the time of the Revolution regarding land administration were no longer valid. This is to say that land was no longer acquired following the procedures laid down by these laws but things were happening rather politically by confiscating the land without compensation.

The confiscation was done under the then newly introduced **Confiscation of Immovable Property Decree (1964)**. This was a famous decree which nationalized all private land as well as some landed properties (like selected houses) and vested them in the Government. This was a very significant move by the new Revolutionary Government which aimed at distributing the land to the landless families. This decree has had a significant change in the Zanzibar Land Tenure System. This decree was immediately followed by the **Land Distribution Decree (1966)** which empowered the President to distribute land to the landless. Hence the confiscated land was then distributed to the landless people. The distributed land was mainly for agricultural purposes. Later on in 1969 the Decree was amended to include grants for building purposes mainly in urban area.

#### 3.1 Developments In The 1970s

In 1970s the urban land administration was performed by one department -Department of Lands and Surveying) (1974 – 1989) - Ministry of Lands, Construction and Housing – this was during a construction boom of housing for the poor. During this time there was a policy of providing affordable housing to the majority of the population who were generally poor and could not afford a decent housing on their own. But later on when economic reforms gained momentum and everybody was seeking a piece of land the concerned authorities could not cope with the pressure of demand. As result people outside the department got into the distribution of land. However this was basically for land in the urban areas. The agricultural land was still under the administration of the Ministry of Agriculture.

The following is an example of the situation of the Department of Lands and Surveying in 1970s which had the following sections:

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- 1) Cartographic Section
- 2) Photo-reproduction Section
- 3) Town Planning Office
- 4) Survey Section
- 5) Clerical Section.

The total surveying staff comprised of three surveyors and eight assistant surveyors with the following main equipment:

- |                                   |   |
|-----------------------------------|---|
| 1) Electro-optical Distance Meter | 1 |
| 2) Theodolites                    | 3 |
| 3) Levels                         | 4 |

Other small items were also supplied.

In 1977, the Directorate of Overseas Surveys under the agreement for Technical Assistance between United Kingdom and Tanzania helped the Government of Zanzibar in preparing topographic maps for both islands at a scale of 1:10,000. In all, 63 sheets were produced. Also 44 sheets were produced at a scale of 1:2,500 to cover town areas. These maps were very important as those available were long out of date. They helped a lot in various development schemes.

### 3.1.1 Zanzibar Town Master Plans 1978 – 1998

This was a first comprehensive scheme that was aimed at providing orderly development of all the town areas in Unguja and Pemba. The scheme was planned for twenty years and was to be reviewed after every five years. But due to manpower problem the review was never done. The scheme was done by the Chinese company with a grant from the Chinese Government. They gave different proposals for different uses in all town areas of Unguja and Chake, Mkoani and Wete in the island of Pemba. Before that some sporadic and isolated land use plans were done by the Surveys Department whenever there was a need to do so.

## 3.2 **Developments In The 1980s And 1990s**

In the course of execution of land management issues and with the introduction of liberalized economic policies, in mid-eighties, it was seen that the post-Revolution laws were generally brief and did not give thorough elaborations on some minor but important technical details. They were rather hastily formulated and introduced to meet the immediate objectives of the revolution, in particular, to give landless families access to land. On the other hand, the old laws were very comprehensive but, to a large extent, outdated and could not cope with the demands for land reform measures and new government policies. (Mirza A.K.,1993).

Due to the issues raised above, it was found imperative to have a unified land holding system that would guarantee security of all land users. Nevertheless, a well defined and fluid system of land tenure would make the investors less apprehensive and thus activate investment activities in the country. Hence a comprehensive land policy was prepared which reconciled

the pre- and post- revolution land laws. The new land policy also accommodated the new liberalization and investment policy.

The new land policy gave birth to a series of new pieces of legislation which were necessary for the policy to be implemented.

### 3.2.1 The Commission for Lands and Environment.

First a legislation to establish a new body which was known as the **Commission for Lands and Environment** was passed in 1989 so as to have one government organ to deal exclusively with land administration and do away with a confusing situation where more than one organ was responsible for land issues. The Commission was semi-autonomous with its own decision making mechanism. This was a major institutional development in the post revolution period. The Commission was empowered to administer all land within Zanzibar territory, both in urban and rural areas. It brought together different professions and people who were dealing with land issues. Along with them, they brought equipment and transport facilities to the benefit of the Commission. Then followed a series of acts:

**The Land Adjudication Act (1989):** This Act is meant to provide a mechanism for recognizing who owns what in a particular area during systematic registration which is about to be embarked. It will also help to iron out land disputes before they reach advanced stages by using the Adjudication Officer appointed according to the requirement of the act.

**The Registered Land Act (1989):** The aim of this Act is to facilitate the registration of all land in the islands which has been demarcated accordingly. The registered land gets government's guarantee as to its ownership. It can also be used as collateral for security for obtaining loans from financial institutions.

**The Land Surveyor's Act (1989):** This act was introduced in order to direct the different ways and established acceptable standards in the surveying profession. It also introduced a surveyor's board and require all surveyors to be registered and licensed by the Board. It also introduced a new concept of private surveying which was not there before. It also accommodated new surveying technology. As well, it replaced the old surveying decree of 1912.

Then followed the **Land Tenure Act (1992):** This is seen as a cornerstone of land administration in Zanzibar. This act establishes two rights which can be owned by a person Right of Occupancy which is held in perpetuity and can only be held by a Zanzibar and a leasehold which can be owned by both Zanzibaris and foreigners.

Then came the **Land Transfer Act (1993):** It allowed the transfer of land following a laid down procedure. It also established the Land Transfer Board which has been given the power to hear and decide on the transfer of land and landed properties.

**The Land Tribunal Act (1994):** to create a separate tribunal to deal with land matters. This act has effectively removed the jurisdiction of other courts to decide on land related case. This is believed to be the best system in order to speed up the hearing and giving decision of cases related to land issues.

### 3.2.2 Zanzibar Integrated Land And Environmental Management (ZILEM)

In 1989, the Government of Finland through the Finnish International Organization (FINNIDA) agreed to help the Zanzibar Government in its endeavor to introduce a comprehensive land management system. Hence the Zanzibar Land and Environmental Management Project (ZILEM) was established.

The main objective of the project is to promote and improve the possibilities of the long term sustainable use of land and guaranteeing proper and improved living conditions of the people. (Zanzibar Integrated Land and Environmental Management, 1992)

During the implementation of this project, the Commission of Lands and Environment got a major boost in among other things, institutional development. Between 1990 and 1995, the Commission was provided with twenty computers with varying capacities. The Commission also received twenty-five motorbikes which were assigned to individual staff members upon their job requirement and positions. The motorbikes were then purchased by those individuals on specific agreement. The Commission also received fifteen vehicles which were mainly used for field purposes and transportation of officers on different assignments.

As well, between 1991 and 1992, the following equipment were obtained,

Wild T1600	3
Wild T2 Theodolite	2
Wild T0 Theodolite	2
Wild DI Distancer for T2	2

As well as radio calls for communication purposes.

In addition to the above, various land use plans were produced as follows:

**Zanzibar National Land use Plan:** This is a country-wide land use plan. Among other things, the plan produced planning policies and proposals on how best land should be used economically and socially. The plan on the other hand was to guide future development and in prioritizing issues and areas seeking donor funding and to guide the government in strategic planning in the development projects such as roads, health, education facilities, agriculture, tourism etc. As well **Settlement Structure Plan** was produced (1993 – 2013). This plan showed the anticipated pattern of settlements and proposed on steps to be taken in order to influence an internal migration control by providing more facilities and infrastructure to rural areas. As well, a **policy on the allocation and use of Zanzibar's small islets** was produced which in principle prohibited the allocation of these islets for tourist hotel development, instead proposed that the islets should be open only for visitors during daytime

**Tourism Zoning Plan:** This is a plan which gave recommendations on where tourism could be developed and also indicated those areas which were not fit for tourism development. It went as far as giving out limitation of number of hotels in a certain area as well as approximate number of beds in each hotel that could be allowed in a certain area.

As well during the time of the implementation of the project, a good number of people were sent for training. They are surveyors as well as planners. In all 50 people attended different courses, i.e 4 MSc programs, 1 Postgraduate Diploma, 15 Advanced Diploma, 25 Certificates and 5 short courses.

Under this program a new building was constructed to house the Commission for Lands and environment in the sister island of Pemba while in Unguja the present building got a facelift. However in 1996, the Donor Community withdrew their support to Zanzibar and hence the aid from the Finnish Government was terminated. Due to the financial constraints facing the Government, many of the activities performed by the Commission which were directly supported by the aid were terminated as well.

### **3.3 Developments In 2000s**

After the 2000 General Elections, the Government restructured its ministries and the Commission was dissolved and the land administration activities were now kept under two separate departments – the **Department of Surveys and Urban Planning** and the **Department of Lands and Registration**. The two departments are now directly under the Ministry of Water, Construction, Energy and Lands.

#### **3.3.1 Sustainable Management Of Land And Environment (SMOLE)**

In 2003, the Government saw the importance of continuing in some way with the land management program it started some years ago. Hence it once again approached the Finnish Government for a helping hand in preparing another land management project known as the Sustainable Management of Land and Environment (SMOLE). As the Donor Community has now decided to once again help the Zanzibar Government in its development programs, the Finnish Government agreed to help establish the Project. As the name suggests there is an element of environment which is not going to be discussed here.

SMOLE builds on the history and foundation laid by earlier corporation in the field of land and environmental management between the governments of Zanzibar and Finland that started as early as 1989, first in the form of a small scale technical support and later as the Zanzibar Integrated Land and Environmental management (ZILEM). The ZILEM project came to and end in 1996 when the Donor support withdrew from the country. Fortunately ZILEM has left behind a largely positive legacy and the time has come to prepare and launch a new corporation between the Governments of Zanzibar and Finland to address the burning issues of land and environment that loom as large as ever.

One of the major components of the SMOLE project is the Institutional Development where the main objective is to establish a sufficient institutional capacity at the Department of Surveys and Urban Planning and the Department of Lands and Registration and to enable effective implementation of land policies and related legislations. The component also aims at building infrastructure and office accommodation as well as providing sufficient amount of field equipment and that they are well maintained.

The component has the following sub components: *Policy and Legislation Review* which is aimed at updating land policies and legislation under the jurisdiction of the Ministry. *Capacity Building and Human Resources Development*: aims at facilitating the implementation of capacity building and in service training programs in order to ensure competent and sufficient manpower in both departments. The activities will also ensure that proper work planning and reporting procedures are incorporated and appropriate job descriptions are prepared. *Management of Information Systems*: aims at developing relevant management information system in order to facilitate the work of all the departments, as well as the preparation of database and its management and establishing effective training program for all Information Technology (IT) related activities. *Infrastructure and Equipment*: This aims at facilitating construction of sufficient office accommodation, acquiring of adequate transport facilities, office and field equipment in order to enable execution of duties and functions properly. (Zanzibar Government, 2004).

### 3.3.2 New Topographic Maps

One of the major developments in recent times in the introduction of new maps. This has been found necessary as the last maps were produced about twenty-nine years ago. Over that period many changes have taken place especially associated with urbanization, including unplanned informal settlements, new planned neighborhoods, as well as construction of new roads, expansion of villages, the effect of soil erosion especially in coastal areas, change of vegetation cover, etc. Hence it is obvious that the existing topographic maps are no longer useful as base maps, as the physical changes are not updated onto these maps.

Another development is that the new maps are going to be in a digital form. The introduction of digital mapping in Zanzibar is a big step forward. This program intends to provide maps of different scales in a digital form so as to make it possible for the maps to be used for different purposes in different ways. It also makes it easy for the maps to be produced locally and updating is also easier compared to conventional maps.

Aerial photography for the preparation of the maps was done at a scale of 1:25,000 covering the whole of Zanzibar. Another one at a scale of 1:8,000 was taken covering the town areas, and the last one was taken at a scale of 1:3,000 covering the Stone Town which is a UNESCO World Heritage site. (Zanzibar Government, 2005)

Another development which comes along with the new mapping is the establishment of modern digital mapping facilities, including stereo workstation with all needed software, six units of geodetic GPS receivers and two digital leveling instruments. As well, training has

been conducted on GPS survey, digital leveling aerial triangulation, basic photogrammetry, orthophoto production, stereo restitution with modern digital softcopy plotter and cartographic map editing with AutoCAD Map software package.

#### **4. CONCLUSION**

Zanzibar's economy depends solely on land as its people are largely peasants and hence proper land administration institution that would bring about proper and economic use of the scarce land available is an important issue. Being an island with an ever increasing population, the demand for land administration institution that would be efficient, open and more democratic cannot be over emphasized.

Over the years, the past and present governments have tried to establish different land administration institutions under different setups in different ways taking into consideration the social, economic and political needs of the government of the day. As well, various policies and pieces of legislation have been put in place to try to make the institution serve the people on one side and the government on the other side.

One of the most notable development after the Political Revolution of 1964, is the creation of the Commission for Lands and Environment. This brought all land management issues: land use planning, land surveying and mapping under one umbrella. That seemed to be an ideal set up for the development of land and implementation of effective land management policies and plans.

However following the reorganization of the government structure in 2000, the commission was dissolved and the land administration activities are now under two separate departments. The Department of Survey and Urban Planning which deals with physical planning, land surveying (cadastral, geodetic, etc) and the Department of Land and Registration which deals with registration of land rights, valuation of landed properties, etc.

However from the past experience with the Commission of Lands, it was obvious that because these two departments perform activities that have close relation, it is much better to be under the same umbrella as they were under the Commission. Hence the Government should once again look into this issue so as to make the necessary changes.

With the introduction of the Zanzibar Land and Environmental Management Project (ZILEM) in early nineties a considerable step forward was made towards establishing an efficient land administration institution by a proper capacity building that was provided, both in terms of financial and manpower development as well as the introduction of various pieces of legislation and equipment. Now, its successor the Sustainable Management of Land and Environmental Management Project (SMOLE), has shown positive steps towards the provision of necessary capacity building in order to enable both departments that are responsible for land administration to execute their functions properly.

All in all, the present situation brings some optimism that given the various steps that have been taken so far, the land administration institutions will have the necessary capability in terms of manpower, finances, equipment as well as transport facilities so as to enable them offer the services within their jurisdiction with efficiency, openness and satisfaction.

## REFERENCES

- 1) Howells, L.J. (1960) A Report on the possibilities Cadastral Survey with an Accompanying Settlement of Rights to Land within Zanzibar Protectorate, Internal Report
- 2) Larson G. , Steimenov G. (1982) Land Information Systems and Land Control in Zanzibar, Department of Real Estate Planning  
The Royal Institute of Technology, Sweden
- 3) Mirza A.K., (1993) The History of Contemporary Land Relations in Unpublished Report, Department of Lands, Zanzibar.
- 4) Zanzibar Government (1939) The Land Alienation Decree (1939).
- 5) Zanzibar Government (1964) The Confiscation of Immovable Property Decree (1964)
- 6) Zanzibar Government (1966) Land Distribution Decree (1966),
- 7) Zanzibar Government (1988) Land Ownership and Land use in Zanzibar, 1988  
Internal Report  
Zanzibar
- 8) Zanzibar Government (1989) The Land Adjudication Act (1989,
- 9) Zanzibar Government (1989) The Registered Land Act (1989)
- 10) Zanzibar Government (1989) The Commission for Lands and Environment Act, (1989)
- 11) Zanzibar Government (1989) The Land Survey's Act, (1989)
- 12) Zanzibar Government (1992) The Land Tenure Act (1992)
- 13) Zanzibar Government (1992) Zanzibar Integrated Land and Environmental Management Report (1992)  
Zanzibar
- 14) Zanzibar Government (1993) The Land Transfer Act, (1993)
- 15) Zanzibar Government (1994) The Land Tribunal Act, (1994)
- 16) Zanzibar Government (2002) Statistics Office Report (2002)  
Zanzibar

- 17) Zanzibar Government (2004) Sustainable Management of Land and Environment (2004), Strategic Plan Report 2005-2009  
Zanzibar
- 18) Zanzibar Government (2005) Mapping Component Phase II  
Sustainable Management of Land and Environment  
Zanzibar

## BIOGRAPHICAL NOTES

- Education: Holder of an MSc degree in International Land Management University of East London, UK
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- Past post: Deputy Executive Secretary of the commission for lands and environment (1989 – 2000) – 1) responsible for running activities of three departments (department of survey and urban planning, department of lands and registration, department of environment) (2) representing the commission's executive secretary on the island of pemba (3) chief spokesman of the commission on the Island of Pemba
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