

THE NEED OF EFFECTIVE LAND POLICY IN ZANZIBAR

A CASE STUDY OF WEST DISTRICT

**THE NEED OF EFFECTIVE LAND POLICY IN ZANZIBAR:ACASE
STUDY OF WEST DISTRICT**

By

Mtambua Hamziji Haji

**A Dissertation Submitted in Partial Fulfillment of the Requirements for
Award of the Degree of Master of Science in Development Policy (MSc.
DP) of Mzumbe University**

CERTIFICATION

We, the undersigned, certify that we have read and hereby recommend for acceptance by the Mzumbe University, a dissertation entitled the 'Need of Effective Land Policy in Zanzibar' a Case Study of West District; in partial fulfillment of the requirements for award of the degree of Master of Science in Development Policy of Mzumbe University.

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DEDICATION

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LIST OF ABBREVIATIONS

ADB	-	Africa Development Bank
AU	-	African Union
BEST	-	Business Environment Strengthening for Tanzania
COLE	-	Commission of Land and Environment
CRO	-	Certificate of Rights of Occupancy
EU	-	European Union
FAO	-	Food and Agriculture organization
GOZ	-	Government of Zanzibar
IDS	-	Institute of Development Studies
MACEMP	-	Marine and Coastal Environmental Management Project
MSC	-	Master of Science
PMU	-	Programme Management Unit
RGZ	-	Revolutionary Government of Zanzibar
SPSS	-	Statistical package for social sciences

ABSTRACT

The main objective of this study was to examine the need of effective Land policy in Zanzibar with reference to West District as a Case Study and the specific objective was to examine social and economic effects of land dispute in Zanzibar in relation to Land Policy of 1982, to identify the challenges of change of land use in Zanzibar in relation to Land Policy in Zanzibar and to identify the opportunities that can be created by Zanzibar land policy.

The major methods used in data collection were questionnaires, structured interview, observation and focus group discussion to get relevant information from the respondents.

Statistical package for social sciences (SPSS) and Microsoft excel programme were used to analyze data, which were then summarized into frequencies and percentages and presented in tables and graphs for easier and to give clear understanding of the study.

The growing population and increasing of social and economic activities including Tourism and service development require effective management and administration of land in order to use scarce land resource for development of Zanzibar. This study used 120 respondents including land owners, land officers and local government authorities.

The results of this study show that, there is a need of effective land Policy in Zanzibar to guide various social and economic developments, control land use management, effective and easiest land ownerships as well as controlling land disputes . It also showed that land policy will reduce land disputes, proper land use as well as will identify the investment opportunities in west district.

The study suggested the review of existing land Policy that will address the issues of effective land ownership and titling, introduction of effective legal instruments in every district to deal with land disputes, mobilize land departments and local government authorities and other land stake holders to work in strong collaboration.

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CHAPTER ONE

INTRODUCTION

1.1 Overview

Land is the basic resource for human survival and development; almost all human activities take place on land. These include agriculture, construction, habitation, mining, recreation, and tourism activities. Land use in Zanzibar Islands can be classified into seven classes. According to the Land Tenure Act of 1992, all natural land within the Islands 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 been specified in the Presidential Decree No.13 of 1964 which came to force from March 8, 1965.

Land in Zanzibar is a fundamental social and cultural asset as well as a critically important development resource, especially for the poor, in both rural and urban areas. The realization of those values will require effective land policy development which balances the rights and interests of all users, and ensure the inclusion of all members of society especially women, persons with disability and other landless poor, to enable them realize full social, environmental and economic benefits from land, and which in addition enhances political stability and democratic institution (AU, 2009).

Land policy is the set of agreed principles to govern ownership (or access to), use and management of land resources to enhance their productivity and contribution to social, economic, political and environmental development and poverty alleviation.

It is the most important instrument in strengthen land rights, enhance productivity and improve livelihoods of both rural and urban areas, it provides a clear historical, political, economic and social background of the land question. Land as a valuable natural resource endowment in attaining economic development and poverty reduction.

A major and continual challenge which land policy development on the continent faces is the need to recognize the legitimacy of and improve on the role and operation of indigenous structures, institutions and land rights regimes and to provide a necessary interface between them and state led systems of land management and administrations.

In doing so it is imperative that the issue of equal access to and representation on all structures that are responsible for land management and administration need to be addressed.

This is particularly critical since many indigenous land management structures do not allow any or sufficient women's representations. This is all the more necessary in the context of land policies which seek the documentation of land rights, the empowerment of decentralized institutions in the administration of land at the local level and the provision of statutory frameworks for the evolution of informal land rights systems.

Land policy reviews and development should recognize and adequately provide for a deep engagement with citizen of both Rural and Urban areas that use land for their various social and economic activities. These key stakeholders can provide necessary checks and balances on government decision-making during the development and implementation of land policies.

1.2 Back ground information to the Problem

Worldwide, land is the most valuable resource and the foundation of all human activities. It supports our very basic and critical needs of food, shelter and business. Unfortunately, it is limited and finite. This leads to competition for it. The manner in which it is allocated, accessed and managed has direct implications on the environmental, social-cultural, economic and political aspects of nations. This is true for Africa too. Indeed, for Africa where economies heavily rely on agriculture, livestock production, tourism and the exploitation of natural resources, land and its management takes center stage. And any meaningful relation between Africa and the global community takes place around land and the aforementioned land based activities (Ibrahim Mwathane, 2012).

There is no doubt that land in Africa is a fundamental social and cultural asset as well as a critically important development resource, especially for the poor, in both rural and urban situations. The realization of those values will require effective land policy development which balances the rights and interests of all users, and ensure the

inclusion of all members of society especially women, persons with disability and other landless poor, to enable them realize full social, environmental and economic benefits from land, and which in addition enhances political stability and democratic institution building (AU, 2009).

The importance of land in Zanzibar is multifaceted, being at the heart of social, political and economic life of its people. (People in Zanzibar use land for their various day to day activities including agricultural activities, tourism activities, investment and trade activities). Besides its economic attributes, land continues to have great social value as a place of settlement, providing a location within which people live and to which they return. Increasing agricultural productivity; promoting private sector investments especially through private ownership of assets such as land attracting direct foreign investment; ensuring environmental sustainability; achieving social security and promoting gender equity with regards to access to land; reconciling conflicting claims to land and strengthening institutional development land related issues.

In the past two decades a large number of countries completed the review and assessment of the performance of their land sectors and formulated new policies for reform. These include, Algeria, Libya, Egypt, and Tunisia (North Africa); Benin, Mali, Niger, and Ghana (West Africa); Burkina Faso (Central Africa); Rwanda and Tanzania (East Africa) and Botswana, Malawi, Mozambique, Namibia, South Africa, Zambia, and Zimbabwe (Southern Africa). Many other countries including Mauritania (North Africa); Sierra Leone and Liberia (West Africa); Angola, Lesotho, Madagascar, and Swaziland (Southern Africa); and Kenya, Southern Sudan, and Uganda (East Africa) are currently undertaking comprehensive review of their own land policies.

Although the countries not mentioned here have not undertaken comprehensive or systematic reviews in the past two decades, it is important to note that many of them have indeed been engaged in significant reforms or enacted land laws embodying the overall policy priorities in their various land sectors. Throughout Africa, therefore, there is no doubting the need to reform land related legislation or institution-building with an assessment of policy concerns in that sector. What the vision statement set out

above offers is a set of parameters, drawn from emerging best practices, within which the comprehensive and systematic development of new or revision of existing land policies, laws, and institutions ought to occur (AU, 2009).

Zanzibar consists of two major Islands, Unguja and Pemba, with a group of about 50 small islets surrounding them. Zanzibar is part of the United Republic of Tanzania but it has its own autonomous government. The Islands lie in the north-south direction between latitude 04° 50” and 06° 30” South, and east-west direction between longitude 39° 10” and 39° 50” East. The Islands are some 30 kilometers on average east off the mainland coastline. Unguja Island covers an area of 1,666 square kilometers and Pemba Island covers an area of 988 square kilometers giving a total land area of 2,654 square kilometers. Historically, landholding system of Zanzibar is based on three main tenure systems namely public lands, communal lands and private owned lands.

Public Lands, All natural land within the islands of Zanzibar occupied or unoccupied is hereby declared to be public land and shall be deemed to have been so declared from a March 1964. Public land is declared to be vested in, and at the disposition of the President, to be held by him, for the use and common benefit, direct or indirect, of the people of Zanzibar (Land Tenure Act, 1992).

It includes Land of open space, parks and sport pitches, forestry, coral rag, coastal areas and sea shores, utilities and line infrastructures, water catchments and sources, live stock activities, provision of social services and utilities infrastructure and historical sites.

Communal land here means an area which is cultivated by the community and ruled by village elders, wise men or other organs based in custom. All the areas where shifting cultivation was exercised no evidence or testimony about significant administrating by anybody was found. (Törhönen, 1993). Land in Zanzibar is public land and individuals and groups can get holder ship rights to it either through lease or by a Grant as a Right of Occupancy. Communal land holding system in which the sheha owned the land and clan members owned the developments thereon consisting of trees (cloves, coconuts and mangoes) and crops. Clan peasant farmers had full rights over the developments on

the land, but not of the land itself on which trees and crops grew. It was a type of land tenure based on user-rights and known as the Shiraz tenure.

And communal land is a public lands that are mostly developed and maintained in coral rag areas where land use was regulated by clan leaders .The common use of such land included burials , landing sites , animals grazing , cultural activities and shifting cultivation. Private owned lands include lands for inheritance, gift and purchasing and also parcels for agriculture activities and housing construction (MACEMP, 2009)

The wide variety of factors influencing the formulation of land policies and the establishment of a land management system makes it impossible to develop a prescription or have a perfect recipe for an effective land management system. It appears, however, to be a consensus in most literature on land on the instruments and requirements for an effective and efficient system. Land policy instruments and requirements are generally used to achieve the land management broad objectives of land policies Dunkerley, (1983) and Hallet, (1988) have, however, identified some of the objectives generally put forward for creation of an effective system. The objectives include the provision of an adequate supply of land for urban productive activities as well as rural dwellers , including the provision of basic services, the facilitation of good planning that minimizes the use of resources relative to social and economic benefit, the achievement of greater equity in wealth and income, including access by low income families to land and shelter; and a spatial distribution of population and activities at regional and national levels consistent with general national priorities.

Land policy consists of government actions designed to modify existing land tenure institutions in the interest of national development objectives in general, and particularly as an instrument for achieving greater equity and social justice of a given society (Udo, 1990). While Fabiyi, (1990) views urban land policy as an integral part of the politico-economic systems adopted by a country which bears relation to the achievement of a new national economic and political order, in which the provisions for national land policies will be fundamental.

Policy may be viewed as a set of measures which aims to achieve the goals formulated by the public authorities. The goals and measures are influenced by the social and economic structure and development of a country. Applied to both urban areas and rural areas, land policy may be viewed as one of the means of achieving the goals of the overall development level of a given state. The term land policy clearly does not refer to a small and isolated urban area; rather it refers to government measures and decisions with regards to land, which affect all those socio-economic activities, which require the concentration of people, buildings and machines in a relatively small area. It is thus, the government controlled means of harmonizing and regulating the use of land in the cities and rural areas in accordance with the overall interest of the country. Land policy is a function of finding the optimal balance of the property market, land use controls and form of tenure

Developing new land policies can be a long and difficult process. It is even more so if the policies are to be pro-poor, if they are to help correct the disadvantages that poor people typically suffer in many areas of land policy. Land policy formulation process is participatory in nature and it involves a wide range of stakeholders from all aspects of land policy, including civil society and the poor themselves. Inclusion of these groups is vital if the resulting policies are to be politically acceptable, technically feasible, pro-poor and capable of being enforced (UN HABITAT, 2007).

Yet the process of policy development itself is also biased against the poor. It is dominated by elites: politicians, commercial interests, land owners and developers, and technical specialists such as lawyers and surveyors. The poor have little political clout, and they lack the technical background and resources to contribute to the policy discussion. Land policies should provide a range of land rights, suited to different situations. They should ensure that the poor have access to land and land services, at a price they can afford. They should give security of tenure at a minimum, preventing people from being arbitrarily evicted from their homes in urban or rural areas. And they should aim to redress injustices that force so many urban dwellers to live in slums squeezed onto a tiny proportion of a city's land (UN HABITAT, 2007).

Inappropriate land policies constitute a serious constraint on economic and social development in a number of respects that are significant to developing countries. Insecure land tenure, outdated land laws, and slow or dysfunctional institutions of land administration can restrict private investment, undermine good governance, and reduce the ability of local authorities to raise taxes. Highly skewed distributions of landownership and patterns of land access that discriminate according to gender or ethnicity limit the ability of decentralized market mechanisms to put land to its best uses; shrink economic opportunities among disadvantaged groups, including the ability to use land as collateral; and foment social conflict and violence. While the importance of land tenure and access to land for agricultural production and for shelter and housing has long been clear, recent research surpasses this recognition by emphasizing the significance of secure property rights over land as a precondition for sustainable pro-poor economic growth. This perspective is based on several considerations.

Land plays a significant role in society. Land has been the locus of productive activities and source of political power in any given society. Nations are land based units whose boundaries reflect social, cultural and political identity. The importance of land utilization in the economic and social activities of a society makes it imperative that a comprehensive land use policy be adopted to effectively manage this valuable resource.

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 Zanzibar 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. This weakness influence the Government of the United Republic of Tanzania to seek and secure financial support from 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:

- i. A New National Land Policy: that recognizes existing tenure regimes and best supports the social and economic development of Zanzibar.
- ii. Appropriate Legal Framework: including a review of existing legislation and regulations and enactment of new legislation to support an efficient land market.
- iii. Efficient Land Registration and Land Information Systems: including the reengineering of land registration procedures, improving land information management, establishing a secure registry for land titles and establishing an efficient institutional framework.
- iv. Survey and Mapping Infrastructure: ensuring that the land registration process is supported by an efficient surveying and mapping framework.
- v. 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.
- vi. 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 centers in Pemba Island (Suleiman, 2011)

Up to 1982 Zanzibar did not have a clearly defined National Land Policy, although there were many land laws and decrees to govern land uses. Some of these laws were incompatible and resulted in complex land management and administration system.

However, in 1982 a policy which led to the enactment of several land laws and guidelines which are now in use was prepared. However, some of these laws are outdated. Currently there is a new policy in preparation and intends to ensure that all land is put into productive use in a sustainable manner. Currently, there are about nine laws dealing with different categories of land management and administration in Zanzibar (MACEMP, 2009).

A land policy which addresses issues of land tenure security, markets and land use, cannot be dealt with in isolation. A successful implementation depends also from other policies, such as of the factor markets, the way the public administration works, political power balances, macroeconomic structural measures. Therefore land policy interventions have a long term nature, although short time interventions might also be necessary (Deininger, 2003).

1.3 Statement of the Problem

In recent years, issues of access to land and natural resources have been of growing concern to developing country governments. Land policies and Act determine who has legal rights of access and/or ownership to certain resources and under what conditions, and therefore how these productive assets are distributed among diverse stakeholders. Land policies express, implicitly or explicitly, the political choices made concerning the distribution of power between the state, its citizens, and local systems of authority.

Land reforms often reflect political compromises between various objectives and interest groups. It is the responsibility of national governments interacting with civil society to make their own land policy choices and craft feasible and effective solutions. (EU, 2004)

Growing land scarcity and concern about land related disputes, increasing of change of land use , development socio-economic activities and rising levels of rural

impoverishment in Zanzibar has brought land to the fore once more. This growing interest ties in well with the focus on designing an effective policy framework, and promoting good governance, decentralization, and democratic institutions at local and national levels.

The Land Policy of 1982 is outdated and during its time it established various land laws and tenure including Zanzibar Tenure Act of 1992, but currently fail to integrate social and economic development frameworks (institutional frame work , inter sectoral frame work and investment frame work). The Policy also does not create effective means of protecting environment, cultural heritage and use of natural resources, there is no guarantee of good, transparent, affordable and gender responsive governance of land for the benefit of all including the most vulnerable groups, land policy concentrate more on land administration and fail to address the challenges of climate change and related consequences of natural disasters, food shortage and there is no recognition of the trend of rapid urbanization as a major challenge to sustain future living and livelihoods, difficult environment of land registration of rights on land to secure investments in land and property development and poor means of preventing land grabbing and the attached social and economic consequences in Zanzibar.

It can no longer suit the purposes of managing and proper use land due to the emergence and increase of several social and economic activities including tourism, modern agriculture, increasing of settlement and increasing fishing sites in Zanzibar at both rural and urban area. These make it necessary to review and implement new Land Policy, (PMU, 2008). The current system of land ownership and tenure is cumbersome; this means the process of Land allocation in Zanzibar is complex where by the Minister responsible for land is the only person mandated to sign the Certificates of Right to Occupancy (CRO) despite the geographical separation of Unguja and Pemba Islands.

These procedures do not offer a conducive and transparent transaction environment for the mortgagee and mortgagor. These restrictive and unilateral provisions do not provide flexible conditions for the financial institutions making it difficult for them to extend

mortgage financing. The Land Policy should reform the laws so as to create simplified procedures and create an environment that will support mortgage financing through land.

The population has not been adequately educated on the 1992 Land Tenure Act so that the most land transactions are not conducted in accordance with the Laws governing land in Zanzibar. Land ownership and titling is a challenge since most of people own land that are not registered at the same time there is delaying of procedures of land titling in Zanzibar, society does not well educated on procedure of registering their land and some time political interest influence land ownership in Zanzibar . Provision of secure property rights for agricultural producers through land registration and titling has not been made adequately. (Torhonen M, 1998). There is a need of effective land policy in Zanzibar that would address the issues of land ownership , maintaining exiting land disputes and attracting local and foreign investors , addressing the issues of climatic changes as well proper land use in both rural and urban areas of Zanzibar.

1.4 Objectives

1.4.1 General objectives

The general objective of this study is to examine the need of effective land policy in Zanzibar.

1.4.2 Specific objectives

Specifically the study was conducted:-

- a) To examine social and economic effects of land dispute in Zanzibar in relation to Land Policy of 1982.
- b) To identify the challenges of change of land use in Zanzibar in relation to Land Policy in Zanzibar
- c) To identify the opportunities that can be created by Zanzibar land policy.

1.5 Research questions

In order to achieve the above objectives, the following research questions guided the study:-

- a. What are the needs of effective land policy in Zanzibar?
- b. How Zanzibar land policy address the social and economic effects of land disputes in Zanzibar?
- c. What are the major challenges of land use changes in Zanzibar?
- d. To what extent has Zanzibar land policy creates socio-economic opportunities?

1.6 Significance of the study

This research will provide a better understanding (will increase knowledge) on the need of effective land policy in Zanzibar. It will provide information to policy maker, academicians, and investor's new knowledge on issues related with land policy in Zanzibar.

This study is useful as a reference for the future studies with similar aspects or nature.

1.7 The scope of the study

The study examines the need of effective land policy in Zanzibar with reference to West district as a case study. The study was undertaken in the identified district because it has a large number of land use disputes, change of land use and is the center for many socio – economic activities in Zanzibar. So the study intended to examine the need of effective land policy to manage scare land resource in Zanzibar.

1.8 Limitation of the Study

Respondents Responsiveness, Not all the respondents were willing enough to provide the required information, some were reluctant, either they did not see the benefit of the study for them or they had different perceptions about the study. To them filling questionnaire and answering interview questions was regarded as wastage of their valuable time.

Complexity of subject matter, another limitation was the complexity of the subject matter. Examining the need of effective land policy in Zanzibar requires a total devotion of efforts to the researcher in terms of time and higher level of tolerance. This has become more problematic because of the attitudes of the society and some government officers feel that their contribution is not valuable on land policy. This has resulted some difficult to obtain first hand information.

Gender Difference, it was difficult to maintain gender balance as the representatives of female respondents in the study was low compared with their counter parts male.

CHAPTER TWO

LITERATURE REVIEW

2.1 Over view

This chapter presents the literature review of the study. It is organized into two main sub sections which is theoretical literature review trying to review various related theories and policies, another sub-section is empirical literature review that tries to review various previous related studies.

2.2 Meaning of Land

Land is one of the most critical resources in Africa and the basis of survival for the majority of its population (ADB, 2007). It is defined as the solid part of the earth's surface, as it is distinguished from the sea, water, or from air (Brown, 1993). Abbott (1987) has also defined land as the dry part of the earth's surface. In this definition, land is seen to comprise any part of the earth that can be owned and exploited, whether mountain or valley, pasture or desert, town or country, dry land or land covered with water (ice). Brown (ibid) adds that the meaning of land may be extended to all that is annexed to it, whether by human or nature, as well as its natural produce above or below the surface. It is also seen as a basic source of material wealth and spatial setting of human beings (Fourie, 1944).

Land cover is defined as the observed physical cover including the vegetation (natural or planted) and human constructions that cover the earth's surface. Land cover includes water, ice, bare rock, and sand surfaces. (TEMS, FAO 2001). Land is central to sustainable development. Land and land based resources are used for a variety of purposes which might compete with each other. Not well managed, such uses may lead to conflicts. Land policies help to address issues relating to access to land, land tenure, land administration and management. Comprehensive land policies also provide a good basis for the management of cross-sectoral needs. Land policies have played a catalytic role in the development of many countries in other parts of the World and have the potential to do the same in Africa.

In the human history, land has always been a matter of life and death, of survival or starvation (Mather, 1986). Therefore, the use of land should have been, and should be, of major importance to man. Further, he states that land use is the product of human decision operating within social, political and legal frameworks. Thus the basic controversies in different personal attitudes towards land are of fundamental importance, and they lie at the root of many issues and conflicts in the use of land.

Land is recognized as important in the creation of wealth and alleviation of poverty (ADB, 2007). This leads to serious competition for land, particularly in urban and peri-urban areas where there is an ever-growing population (ADB, *ibid*). The report of the Department for International Development (DFID, 2002) on land policy formulation in Africa argues that fast increasing population on the urban fringes has significantly contributed to inequality and made management of land in these areas problematic. It is also evident that the cost of land for shelter, economic enterprise and access to basic services has increased (Syagga, 2002). This has further made it difficult for the majority of people to access land at affordable prices.

Land remains a major source of economic and political power in most developing countries (ADB, *ibid*). This is because there are limited alternative sources of economic power, placing land in a very special position. Land is indeed a basic economic resource and a major platform for economic and social activities. This notion, which is embedded in many western and traditional African societies, has led to social, economic and political manipulation of the land management processes, further causing major land administrative, procedural and structural problems Davies and Fouracre (1985), Kanyinga (1998), Olima (1998). As a consequence of these problems, imbalances distortions and inequities in the land market are exacerbated (Larbi, 1995). The distortions in market and land management in general provide the excuses for interference and thereby corruption and in formalization of the land management processes.

2.3 Meaning of Land use

Land is the basic resource for human survival and development. Practically, almost all human activities take place on land. These include agriculture, tourism, trade, habitation, mining, recreation, and alike. In Zanzibar Land is a scarce resource increasingly affected by the competition of mutually exclusive uses. Fertile land in rural areas becomes scarcer due to population growth, pollution, erosion and desertification, effects of climate change, urbanization etc. On the remaining land, local, national and international users with different socioeconomic status and power compete to achieve food security, economic growth, energy supply, nature conservation and other objectives. Land use planning can help to find a balance among these competing and sometimes contradictory uses.

Land use planning is a systematic and iterative procedure carried out in order to create an enabling environment for sustainable development of land resources which meets people's needs and demands. It assesses the physical, socio-economic, institutional and legal potentials and constraints with respect to an optimal and sustainable use of land resources, and empowers people to make decisions about how to allocate those resources (FAO/UNEP 1999)

Vink (1983) defines land use as “an expression of man's management of ecosystems in order to produce some of his needs”. Similarly, Mather (1986) refers to human action indicating land use by stating that land use is formed by a choice made by the individual land user, operating within broad environmental limitation and government influences.

Virtanen (1995) divides land use policy into three parts, with each having a different nature of its own: control system, monitoring system and administrative system. The control system consists of different planning documents, conservation decisions and other plans that concern a specific area/region/space. The issue of whether these plans of land use are realized is handled within the monitoring system, in which environmental impacts are also assessed.

The administrative system (either public or private) is responsible for producing, and also partly for executing, land use plans (Virtanen, 1995) the term ‘land cover’ which

“relates to the physical nature or form of the land surface” (Mather, 1986). In many cases, the type of land use can be deduced from the nature of the land cover, but not always the liaison between the two is so apparent.

In defining the term of land use, Virtanen (*ibid*) refers to the same duality between land cover and land use by separating a) the physical character and b) the action or function practiced in an area. According to him, the same physical character of an area can include a variety of functions. For example, a forest can be either a conservation area, in economical use or a training field of the army, and on the other hand, in the same looking buildings there can be apartments, offices or even industry (Virtanen 1995). Land cover, the physical character of land, can be identified visually, for example, in the field or by remote-sensing techniques, but the actual land use, the function of an area, is not always apparent in traditional mapping (Mather and Virtanen, 1995).

Land use planning presents a development approach that contributes to the prevention of land use conflicts, the adaptation of land uses to physical and ecological conditions, the lasting protection of land as a natural resource, the lasting productive use of land and a balanced use that fulfils all social, ecological and economic requirements. “Land use planning creates the preconditions required to achieve a type of land use that is environmentally sustainable, socially just and desirable and economically sound. It thereby activates social processes of decision making and consensus building concerning the utilization and protection of private, communal or public areas” (GTZ , 2009). At the core of land use planning is the joint balancing of competing land uses by all stakeholders (users and those affected from the changes in land uses) and the joint identification of those uses for which the highest consensus can be achieved ideally for the purpose of sustainability.

These will be assisted by the use of adequate, locally adapted information systems providing information on, for instance, land availability, existing land rights and land uses can create transparency at national and decentralized levels. This transparency is an important base for all further planning and responsible decision-making on the use of land.

Land use is based on certain rights as ownership and right of use, which can be determined either by societal regulations land policy or by private agreements and decisions (Virtanen, 1995). These rights further determine the choices that can be made up about land use by an individual land user.

Land use conflicts are associated with livestock keeping, agriculture, forestry, settlements, tourisms and land development against indigenous social economic activities and cultural norms, conservation and invasion of historical sites, open spaces and areas allocated for social services.

2.4 Land policy in Zanzibar

Land policy is a set of agreed principles to govern ownership or access to, use and management of land resources to enhance their productivity and contribution to social, economic, political and environmental development and poverty alleviation (AU, 2010). Land administration is the structure and processes for the determination, archiving and delivery of land rights, and the systems through which general oversight on the performance of the land sector is managed.

Land governance is the political and administrative structures and processes through which decisions concerning access to and use of land resources are made and implemented including the manner in which conflicts over land are resolved.

Land information system is a set of principles governing the collection, processing, storage and use of data on land ownership, usage, quality, location and change over time and the body of data sets prepared for use in decision-making on the basis of those principals.

Land Policy of 1982 Of Zanzibar consists of the whole complex of legal and socio economic prescriptions that dictate how the land and the benefits from the land are to be allocated as it recognizes that the land issue comprises both social, economical and legal measures, to allocate benefits, not only in the sense of access to land as such, but also access to land related benefits. A land policy might be a policy at various levels of

government; it also includes the 'land policy' of traditional authorities in customary areas.

Land policy is part and parcel of broader national policy of promoting several objectives including economic development, social justice and equity, and political stability. Land policies may be associated with security of tenure; land markets (particularly land transactions and access to credit); real property taxation; sustainable management and control of land use, natural resources and the environment; the provision of land for the poor, ethnic minorities and women; and measures to prevent land speculation and to manage land disputes. This makes the land issue highly political, as allocation comprises choices about the distribution of this scarce resource. One might even say that there is an ideological aspect. Choices are different when taken in a capitalistic, socialistic or communist political environment.

2.5 Land Tenure History of Zanzibar up to the 1964

Land tenure in Zanzibar was organized by native kingships. People lived in self ruled villages. Shao, (1992) explained that before the arrival of the Arabs in Zanzibar, land was never treated as a commodity. The indigenous land tenures were characteristically communal. The first form of ownership was group ownership, where by people got usage rights to land that their society owned. Indigenous groups of Africans considered themselves as Shirazi identifying themselves with the descendants of the early occupants of the Zanzibar islands who were of Persian origin. The other group of Africans originates from the slave trade and immigration that followed it being mostly of mainland origin. However, the distinction has vanished over the last thirty years and the Africans and the Arabs, not so much the Indians in that sense, have emerged together as the Swahili group.

However, the oldest existing land rights originate from the Shirazi group (Middleton, 1961). Without considering the many variations of land tenure of Shirazi it can be categorised as the first main type of pre-revolution land tenure.

2.6 Revolutionary Land reform

After the Zanzibar Revolution of 1964, the socialist ideology was adopted by the new rulers of Zanzibar (Shao, 1992). According to Clayton (1981), all power was soon vested into the hands of a new president, Sheikh Abeid Karume. All connections with the British were soon terminated and close ties with the socialist countries established, specifically with East Germany, the USSR and China (Middleton and Campbell 1965).

Land issue was one of the most crucial factors in the Revolution it needed to be dealt with in order to respond to the desire of people. According to Clayton (1981) land reform was President Karume's own personal hallmark. However, Anyany (1970) presents that complete nationalization was pushed by John Okello at the early days of the new government and that Karume would have wanted to nationalize only unused land. "In order to fulfil Afro-Shirazi Party pledges to the people, His Excellency the President of Zanzibar declared on 8th March, 1964 that all land was nationalized and that it would be distributed to land-less peasant families for their well-being and the nation as a whole" Presidential Decree No. 13 1965 vested all land in the hands of government, excluding existing rights and interests, to improvements on land. The valuable clove areas were confiscated from the landlords, the big Arab and Indian landholders. The decree made the President own all land on behalf of the government and to distribute it to the public. The basic idea was that an individual peasant producer would be the base of a new land order. "This great step has subsequently put into the hands of the majority the key economic progress of the country" (RGZ, 1970). According to Clayton (1981) it was a successful idea in the beginning and would have remained as one, if a peasant grower had received a better price for his products.

Land was allocated to people for free and neither rents nor taxes had to be paid. According to Shao (1992), each grantee received a title deed and 500 shillings in a public ceremony. Clayton (1981) writes that in some areas crops were required to be divided among villagers. Some properties were reserved for the Zanzibar Revolutionary Council members (Clayton, 1981). The main peasant beneficiaries were Hadimus and mainland immigrants of the first half of the century, groups that had formed the major

part of supporters of the Afro Shirazi Party. Many of the grant receivers were the same that had been share-cropping, squatting the parcel in question earlier. In other words, Clayton seems to have found that to some degree the squatters received grants for their earlier cultivations. Grant receivers can be classified into three groups (Törhönen, 1993)

- 1) Old government workers, they got a grant as compensation for their services for the government. At the same time they were given some money for pension.
- 2) Big families who had six or more children, this was the biggest group. Families were mostly chosen by a local ASP branch.
- 3) Anybody whose application was accepted.

All the Three Acre Plots were allocated to individuals and no joint ownership existed. Titles for grants were given for the lifetime of the grantee and his spouse (Presidential Decree 5/1966). Clayton (1981) correctly noted that a grant title did not establish a freehold title in the western sense. He considered the Three Acre Plot tenure to have been based on usage rights mirroring the Islamic tradition. However, the Zanzibar government's official printout included news about peasant families who by grant had been made the "rightful owners" (RGZ, 1971) and a year earlier about state-owned land that had been distributed to citizens (RGZ, 1970). The pattern of the new land tenure seems to have been confusing since its introduction even within the government.

2.7 Meaning of Land disputes

Dispute is generally defined as tension between opposing views, interests, or wills (Suhrke and Chaudhary, 2007). Johnson (2000) explains the concept of dispute from a perspective that assumes that groups and/or individuals who struggle or compete with one another over various resources and rewards to shape the world situation. Johnson (2000) adds that this results in distribution of wealth, power, and prestige in societies in a particular pattern. This goes on to shape not only the patterns of everyday life, but also the larger patterns such as racial, ethnic, and class inequality and relations among nations and regions of the world. Johnson's (2000) text reviews the arguments on dispute by Marx and Max Weber. While Marx's argument is that most conflicts are economic and rest on unequal ownership and control of property, Max Webber has a

broader view, considering it as encompassing economic relations as well as factors such as race, ethnicity and religion.

Dispute is a common to all human societies, and articulated expressions of difference over particular resources, needs and interests. Dispute often involves at least two parties who disagree over the distribution of material or symbolic resources or perceive their underlying cultural values and beliefs to be different. The origins of dispute can also lie in the social and political make-up and structure of society (Riemann, 2004). Disputes arise where two or more people or groups who perceive their needs, interests or goals to be incompatible, communicate their view to the other person or group.

The regular occurrence of dispute can be a symptom of a much deeper conflict in which individuals or groups are embroiled. In many part of the World land become a major source of dispute , example Tanzania inter into war with Uganda because of land , current conflict between Israel and Palestine caused by land issues and India with Pakistani .Intervention processes can be targeted at different levels some aim at resolving or settling the particular conflict (for example through adjudication or mediation of the claims of two different families over a particular garden), other intervention processes aim to address the often much larger underlying dispute (for example dialogue processes which involve the whole community or even a number of communities and which aim at airing grievances and inequalities which are perceived by different groups in the area).

2.8 Types of land disputes

Land dispute have different causes and can be grouped into different types in relation to the substantive issues and the people who are involved. These types are land administration dispute, land tenure and ownership dispute and conflict over boundaries (Fonmanu, Ting & Williamson, 2003). Land dispute can be located between customary owners, between customary owners and the government, or between customary owners and foreign or local investors.

Land administration disputes generally take place between customary landowners and the government and may reflect a customary anxiety about the legitimacy of formal institutions the transfer of land, which often produces no written records or other evidence recognized as such by the formal institutions a lack of coordination between administrative bodies and the expiration of statutory lease agreements.

Commonly the status of customary land is itself being disputed between customary owners, government and foreign investors. After disputes have been adjudicated further disagreements can develop over the propriety of the decision of a court or other government body relating to customary land, or even the constitutionality of a court relating to customary land.

Compulsory acquisition of land by the government to foster urban development, build roads or improve transportation, and for agricultural development or mining and logging projects often leads to fierce conflict with customary landowners, whether over the acquisition itself, or over the amount of compensation that needs to be paid, as well as the nature of the obligation to compensate. These disputes can go back to colonial times when many traditional lands were alienated by the colonial powers.

Dispute over land boundaries include the definitions of boundaries, particularly where boundary markers were traditionally made by using stone heaps or signs on trees which can be easily shifted, as well as transitions from customary to Western areas or overlapping claims and conflicts. These arise when community members seek to fulfill their needs for more exclusive demarcation of their rights in land by fencing in properties on customary land. Often customary rules of tenure and boundaries were recorded solely by memory by people whose task it was to recall long and complex lineage and tenure arrangements. One increasing problem that is encountered in many African countries is the loss of customary knowledge pertaining to boundaries as the older community members pass away and younger people often show less interest in the old ways or migrate away from rural areas to urban areas in searching of official employment.

Dispute between customary landowners and private sector or foreign investors therefore will require some special consideration. Land related dispute has also become increasingly common where population increases rapidly, through birth rates or migration, and land is scarce. An example of this is the migration of Islands (Sofield, 2006) which was a significant factor in the land conflict. Land disputes also often occur where the land is used for resource extraction such as logging or mining. Corporate investors often treat the land as a commodity and do not recognize the depth of its cultural and spiritual significance. Disputes arise not only over access to land or environmental degradation but also over the perceived inequality in distributing the royalties to the communities involved. Sometimes customary landowners or their descendants want to review the amount of compensation in later years as they feel that the land was given away too cheaply. The example of Bougainville shows that these disputes can lead to violence and a complete destabilization of the country (Clarke, 2006).

Land dispute are mainly associated with land ownership boundaries between occupied lands, common ownership between family members and multiple sales of the same land. Shortage of land experts, financial and material resources, lack of awareness and cooperation to land stakeholders are among factors that contributing to make the land departments unable to manage and administer the land related issues accordingly and effectively.

2.9 Settlement Development

Over 70 per cent of urban residents live in informal settlements (GoZ, 2005). A vast majority of the dwellers live in extremely poor conditions. A rapid increase in the urban population and the limited capacity of the government to meet the high demand for building plots has led to mushrooming of the informal settlements (Scholz, 2005). Urbanization is one of the root causes for the spread of informal settlements on the fringe of Zanzibar town. The land administration and planning policies, which have often been seen as rigid and inadequate to meet ever increasing demand for housing by

the poor majority, have also been associated with the mushrooming of the Informal Settlement.

Settlements are home for people and centers of services and economic activities. West district possesses a variety of settlements range from towns to villages, there are centers for trades, constructions and commerce, and they promote development within respective surroundings. West district is having only one administration center, located at Mwera ; with other centers for trade, marketing of agricultural produce, distributing of agricultural inputs and community services located at various places, these are; Mwera, Bububu, Mwanakwerekwe, Fuoni, Kiembesamaki, Mombasa/Kisauni, and Mfenesini. Others are villages with some services/ facilities; Kianga, Kama, Chuini, Mwakaje, Dole, Maungani, Fumba and Chukwani. Urbanization in the district is reported to be very high; this results to poor services and facilities in some areas. On the other hand services improvements have been reported especially in the areas close to Zanzibar Town.

The introduction of tourism in the district has put a remarkable change to the existing settlements hierarchy as a result villages especially along the coastal areas have been growing as service and trade centers. Currently there are service centers, trading and market for both agriculture and sea products. Business in the area is undertaken by both men and women, though depends which type of business. Generally, business activities are growing well due to its quite and conducive nature of the district, existing business potentials and the new growing industry (tourism). Types of activities found are; retails/whole sale shops, fish selling, petty trading, furniture making, butchery, transportation of passengers and goods, restaurants and other small businesses.

Informal settlements in Zanzibar are influenced with numbers of factors that including the followings:-

Influence of Urbanization, the high natural growth rate of the urban population, the urbanization process which has led to the rapid growth of the Zanzibar Town is one of the major factors of demographic phenomena that have been experienced in the 1980s and 1990s. The urban population grew from only 27000 (20%) in 1948 to 204,774

(32%) during 1988 and climbed further to reach 391,519 (40%) in 2002. The land authority was overwhelmed by the ever increasing number of urban dwellers who wanted land for shelter. Failure to obtain planned and serviced land, people opted for buying pieces of urban fringe crop land and developing them (COLE, 1993). Many of the people did not even bother to look for planned land as the open alternative existed.

Influence of land stakeholders, in the early 1980s and 1990s, there have been a number of experiments with regard to spatial planning and land management in Zanzibar. Subsequently, Scholz et al (2005). Argue the development of the planning and land tenure system in Zanzibar is indeed marked by several shifts that have caused contradictions in the institutional and legal framework and have led to confusion in land management and to uncontrolled urban growth.

There has been a poor and unclear definition regarding the role of institutions in urban planning and development. Currently there is an overlapping of institutional roles and responsibilities. There is a Zanzibar Municipal Council boundary which itself is not very clear (Ameyibor et al , 2003) and the planning boundary which has been established by the 1982 Master Plan.

Also there are settlement areas which are under the jurisdiction of the West District Council. The boundary of the Master Plan extends to the West District as well. Consequently, there are settlements which are outside the Municipality but within the planning areas of, and under the West District Council.

This situation of development control responsibilities are split under several authorities/institutions which are not well coordinated. This confusion resulted in the establishment of a number of Informal Settlement in Zanzibar urban west district, while every institution waited for another to stop it until it became difficult to control this informal settlement.

Inadequate formal land distribution, the existence of the Informal Settlement, influenced by failure or inability of the responsible institution to provide residential plots to the ever increasing urban population. While official applications for residential plots in Zanzibar Town have been steadily increasing, supply of the same is staggeringly inadequate.

There is a general perception among the urban dwellers that there is virtually no possibility of getting residential plots from the land authority.

2.10 Genesis of New policies in Zanzibar

Post revolutionary of 1964 land tenure system had proved ineffective both in providing secure tenure and serving the needs of the government. In the 1980s the Government of Zanzibar found it necessary to renew its land policy and administration.

In the early 1980s the Government of Zanzibar started to tackle the problems of agriculture. The first implemented action, Act No 3 of 1982 tackled the under utilization of granted land and bound grant holders to follow usage regulations and duties set for the Three Acre Plot holders . Consequently, it extended the rules for proper maintaining to cover all occupants of land in Zanzibar (Larsson and Stoimenov, 1983).

Land policy of 1982 was a result of agriculture and livestock policy of Zanzibar to threat ownership of land and land use. A thousand land tenure and the Three Acre Plot allocation would have required confiscations before reallocation, or redistribution of state farms, since all confiscated land had been allocated already ten years earlier.

Consolidation of rice lands and reallocation of badly maintained land are both very strong actions requiring a lot of technical work and political will. In general, a land policy was required to deal with a very ambitious list of goals.

Land for landless young people are a noble goal, but not realistic since there are any land to be reallocated. The most peculiar goal is the size limit of three acres in "traditional holdings". The implementation of such a goal would have required total land consolidation, since most parcels are much smaller. It would have changed the structure of Zanzibar land tenure drastically and therefore it would have affected the whole set up of the society.

The agriculture and livestock policy of Zanzibar also included land use planning targets (Singer, 1991): recognize each area's own social and economic values, the preparation

of land use plans for different cultivation practices, the importance of all farmers with arable land to cultivate the development of an inter-cropping system and called for improved extension services and proper land management.

The self sufficiency program of included mentions that land would be allocated to those who did not possess it and title deeds issued for allocations. A farmer's holdings would be limited to the size allocated under the program. These principles where similar to those in the Agricultural policy but they had started their way towards a more realistic framework at least in terms of size limitations.

Consequently, the Agriculture and Livestock Policy of Zanzibar needed higher self-sufficiency in agricultural products, increased diversity of cash crops with new products, increase of the rural population input in farming and livestock keeping, maximal use of rural land for farming and livestock purposes, increase in the use of livestock for agriculture related activities such as transport and finally the production of biogas to decrease dependence on petrol. Together with agricultural policies there was an obvious need to tackle the land issue. In order to fulfill the above goals a land policy was required to be created with the following principles:

- i. Land was to remain national property
- ii. Re-registration of land and the creation of a national land use plan
- iii. A land commission to be established
- iv. The commission to be represented in local governments for controlling proper land use and cultivation
- v. A new land and conservation legislation to be produced.

The ownership of land and the use of land were given special notice. The principles for the ownership of lands were:

- i. The Three Acre Plot allocation to be revised
- ii. Abandoned, neglected or illegally possessed land holdings to be reallocated to those who would treat them more properly
- iii. A policy for reallocating land for landless young people

- iv. The Commission for Lands and Environment to be responsible for reallocating land
- v. To stabilize land ownership by legal allocation⁸⁶. (Singer , *ibid*)

2.11 Land policy for Zanzibar and Pemba

Already, by the time of the Agriculture and Livestock Policy, in 1981, the Government of Zanzibar had decided to establish a steering committee for reviewing current land administration problems in Zanzibar and to propose new land policy approaches for Zanzibar and Pemba. Together with the land policy preparation, the Government also prepared a housing strategy paper and by related parts it supported the land policy (Yahya, 1982).

According to Yahya (1982) the following is the scope that the committee formed for the creation of a land policy:-

- i. To establish a range of tenures and a variety of methods for holding land that will give expression to the community goals, traditions and values
- ii. To give secure tenure to those nationals who wish to invest in the land and promote development
- iii. To define public and private rights in land, as well as the responsibility for stewardship of the land
- iv. To spell out the guiding principles and the machinery for administering Government or state land
- v. To facilitate an equitable distribution of land resources; this means that subdivision and transfers need to be reasonably easy to execute under state supervision and control
- vi. To facilitate transactions in land and to establish an appropriate machinery for recording and enforcing transactions as well as for settling disputes
- vii. To promote the efficient utilization of land for the purpose of settlement, agriculture, forestry, mining, recreation and other necessary activities
- viii. To protect the interests of future generations by conserving soils, water, nature, forests and energy sources
- ix. To make sufficient land available for public purposes as and when needed

- x. To anticipate and accommodate popular aspirations as manifested through squatting and uncontrolled settlement
- xi. To enhance public revenues through land taxation and to enable the recovery of public expenditure on land development and the provision of services

Land policy lies at the heart of economic and social life and environmental issues in all countries. The distribution of property rights between people has a tremendous impact on both equity and productivity. Inequitable land distribution, land tenure problems and weak land administration can lead to severe injustice and conflict. Changes to legislation, the distribution of property rights, and administrative structures are likely to have long-term consequences, positive or negative, for political, economic and social development. Similarly land policy is also crucial for environmental sustainability as it can create incentives for sustainable land-use and environmental management (EU, 2004).

Land policy in developing countries has been strongly influenced by former colonial land policies which overlaid established patterns of land distribution and tended to restrict local populations access to good land. Subsequent state involvement in land issues, whether by collectivizing land or claiming state ownership to all land, has led in many cases to economic inefficiencies, ineffective bureaucracies and social injustice.

In other cases, distortions and failures in the operation of markets have led to the expropriation of small farmers, increased landlessness, growing inequality in land distribution and increased poverty. As a result the rights of farmers to the land they cultivate often remain legally insecure and people may be excluded by government from access to natural resources upon which their livelihoods depend.

In addition to the issues mentioned above, privatization and investment policies in Zanzibar make the land more valuable and limited resources thereon increasing social problems originating from land use.

A land policy aims to achieve certain objectives relating to the security and distribution of land rights, land use and land management, and access to land, including the forms of

tenure under which it is held. It defines the principles and rules governing property rights over land and the natural resources it bears as well as the legal methods of access and use, and validation and transfer of these rights. It details the conditions under which land use and development can take place, its administration, i.e. how the rules and procedures are defined and put into practice, the means by which these rights are ratified and administered, and how information about land holdings is managed. It also specifies the structures in charge of implementing legislation, land management and arbitration of conflicts (EU, 2004).

Land policy reform is an essential aspect of the policy and institutional reforms required to empower the poor and promote equitable and sustainable development; it should be seen as an essential means of securing the broader objectives of social justice and economic development. Drawing up a national land policy is the responsibility of the state, but will need to build on and respond to the concerns of many non-state actors. Land policy reform also has a key role to play in processes of democratization, the drive for improving good governance, and decentralization. The existing Zanzibar Land Policy which was prepared in 1982 is outdated. The Policy played a vital role during the time of its use. However, it can no longer suit the purposes due to the emergence of several social and economic factors. These make it necessary to develop a new Land Policy.

2.12 Land Laws in Zanzibar

The Land Laws in Zanzibar are important to the sustainable use of land, sustainable growth, good governance and the well being of and the economic opportunities open to both rural and urban dwellers particularly poor people. Land policy is characterized by preconceived notions and ideological point of view rather than by careful analysis. Given this lack of and periodical reviews, the potential for using land policy as a catalyst for social and economic change is not fully realized. Historically, landholding system of Zanzibar is based on three main tenure systems namely public lands, communal lands and private owned lands. More focus should put into analyzing the potential contribution of land policy to broader development, scope for interventions in

the areas, the mechanism that can be used to achieve broader social and economic goals. (Deininger, 2003).

According to the Land Tenure Act of 1992, all natural land within the Islands 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 been specified in the Presidential Decree No.13 of 1964 which came to force from March 8, 1965, Land tenure is a basic instrument of overall development of land policy. The 1982 Land policy of Zanzibar led to the enactment of several land laws and guidelines which are now in use was prepared. However, some of these laws are outdated. Currently there is a need of effective Land policy to ensure that all land is put into productive use in a sustainable manner. Currently, there are various laws dealing with different categories of land management and administration in Zanzibar.

- i. The Land Tenure Act, 12/1992
- ii. The Land Tribunal Act, 7/1994
- iii. The Land Transfer Act, 8/1994
- iv. The Land Adjudication Act, 8/1989
- v. The Registered Land Act, 10/1990
- vi. The Land Survey Act, 9/1989
- vii. The Town and Country Planning Decree, Cap. 85 of 1955
- viii. Land Acquisition Decree, Cap. 95 of 1909

All land in Zanzibar is public but the government can grant private rights. The Public Land is in the care and at the disposition of the President of Zanzibar and is to be held by him for the use and common benefit, direct or indirect, of the people. For urban and rural areas, land acquisition for the planning process is based on specific procedures laid down in the Land Acquisition Decree, Land Tenure Act, Land Adjudication Act and the Town and Country Planning Decree. The Government, through the concerned Ministry, offers rights of Occupancy. The right of occupancy is the only strongly protected right granted by the Government.

To formally acquire a plot in a planned area, it must first be declared as planned, and then undergo formal land acquisition accompanied by a process of adjudication, surveying, demarcation and compensation for the residents and people with interest to the land in question. This process involves an application and a discussion of the land allocation by the district land allocation advisory committee. Land is acquired according to the Land Acquisition Decree and Land Tenure Act, 1992.

The Land Tenure Act No. 12 (1992)

This is the main land law in Zanzibar by defining basically all legal relationship related to land. One of the basic principles of the Act is that all land, occupied or not, is considered as public land (section 3). The public land however can be a subject of private rights. The most important of these rights is the Right of Occupancy. From the legal point of view, the right is strongly protected possession right containing basic features of the ownership. The right is guaranteed by the Government; it is inheritable and transferable and can be deprived only for purposes specified in the Land Tenure Act with full compensation.

The Land Transfer Act No. 8 of 1994

This Act allows the transfer of land following a laid down procedure to be followed in transfers of land on the Right of Occupancy and long term lease.

The purpose of the Act is to control land markets and to ensure transfers will be registered in the Land Register. For this purpose the Act establishes a special committee called the Land Transfer Board which has been given the power to hear, reviews, approves and decides all transfers of land and landed properties as within the scope of the Act.

The Land Tribunal Act No. 7 of 1994

This Act has effectively removed the jurisdiction of other courts to decide on land related cases after establishing a special court for land related disputes. This is believed to be the best system in order to speed up the hearing and giving decision of cases

related to land issues. The Land Tribunal has wide jurisdiction to solve all disputes concerning the land.

Lack of land tenure security has been observed to be among the major factor that contribute to land conflict and absolute poverty in Zanzibar. More than 70% land occupied by community do not have Right of Occupancies that means they cannot secure loans from their parcels of lands or they can not develop them accordingly since they are not sure of their ownerships or occupations. Apart from the Government grants, Zanzibar, landholding system based on traditional tenure systems whereby every community has their own traditional tenure system. Individuals, group of community or family and villages as a whole (particularly in coral rag are (maweni) areas) may occupy/own land regardless their gender status. Other common land tenure systems found in Zanzibar in agricultural lands are government allocated land, borrowed land, seasonally cultivated land, inherited land, family plot and purchased land (MACEMP, 2009)

Majority of Zanzibarian own land through inheritance, about (56.07%), buying (19.97%), grant (4.62%), borrowing (4.14%), leased (5.27%), others (9.30%). The North A District is having many people who owned the land through inheritance (27.06%). Only (4.01%) in Urban District have inherited the land. The West District is having many people who own land through buying (33.23%). The Government grant land is provided by the Minister responsible for Lands. Only this kind of land could be allocated, relocated, leased and revoked its occupation rights to private individuals (MACEMP, 2009)

Land policy determine who has legal rights of access and/or ownership to certain resources and under what conditions, and therefore how these productive assets are distributed among diverse stakeholders. Land policy therefore expresses, implicitly or explicitly, the political choices made concerning the distribution of power between the state, its citizens, and local systems of authority. The multiple dimensions to land issues require a careful and well implemented approach which places current land issues within the broader historical, political economic and social context of given society. There are

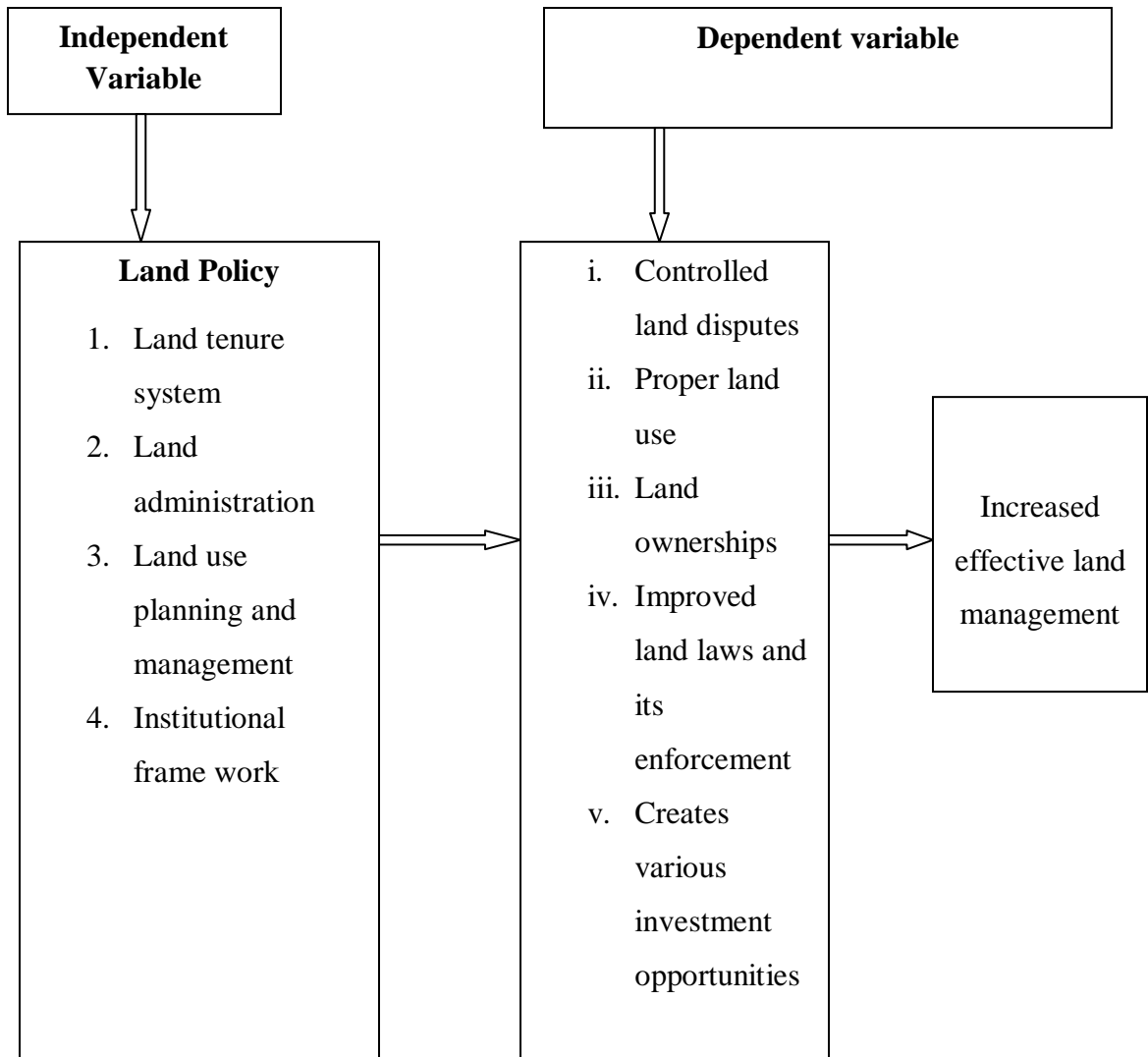
frequent contradictions between formal and informal tenure rules and institutions, which lead to conflicts and inefficiencies. One aim of reformed land policies should thus be to find ways of combining these different systems so as to ensure legitimacy equity and economic efficiency.

2.13 Conceptual Frame Work

Figure 1 presents the conceptual framework guiding this Study. It shows that effective land policy must be able to improve land tenure, land administration, land use planning and institutional frame work among different stake holders. As indicated in the frame work, a set of independent variables were conceived to influence certain dependent Variables. It was conceived that land tenure system , land administration , proper land use planning and management as well as institutional frame work results in a positive effects of controlling land use dispute , proper land use , effective land ownership, improved land laws and its enforcement as well as creates various investment opportunities in the area of study . The ultimate result being increased effective and proper land management in Zanzibar.

The existing ineffective land policy in Zanzibar contributes to ineffective land system, poor administration of land, unclear land use planning and management as well as institutional weakness. Such a chain of events has lead to land disputes, increased improper land use and undermined investment opportunities. Such chain of these problems will effectively be addressed by review of existing land policy consequently controlled land use dispute, guide proper land use, easy the procedures for land ownership, improve land laws as well as create investment opportunities in west district.

Figure 1 Conceptual Frame work for the Need of Effective Land Policy in Zanzibar



Source: Author's own construct, 2013

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Over view

This chapter describes the research design and methodology that was used to gather and analyze data. Research methodology is defined by Leedy & Ormrod (2001) as “the general approach the researcher takes in carrying out the research project”. According to Kothari (2004) , research methodology is defined as a “systematic way applied to solve the research problem”. It shows how the research will be conducted. Research design is the conceptual structure within which research is conducted. In this chapter, the researcher presents research design, area of the study and population of the study, sample and sampling technique, data collection methods and data analysis.

3.2 Research Design

The researcher used a case study research design which focused only on West District of Zanzibar as a case study. Creswell (2003) defines case study as a “process by which the researcher explores in depth a program, an event, an activity, a process, or one or more individuals”. The case study can be either a single case or a case bounded by time and place (Creswell, 1998). Case studies attempt to learn “more about a little known or poorly understood situation in given area”. Creswell (1998) suggests the structure of a case study should be the problem, the context, the issues, and the lessons learned. This design was allowed different data collection method to be deployed.

The data collection for this case study is extensive and draws from multiple sources of information such as direct or participant observations, interviews, archival records or documents, physical artifacts, and audiovisual materials. Case study design allows the researcher to intensively explore and analyze information over the life of a single unit (Tripath, 2002). And Stake cited in Bryman (2008) observes that, case study research is concerned with the complexity and particular nature of the case in question.

The case study method is amongst the most flexible of research designs, and is particularly useful in researching issues related to sustainability and institutional systems. It incorporates a number of data gathering strategies document analysis, surveys, participant or non-participant observation, and participatory or action research.

The reason for adopting a case study is also due to the merits outlined by Kothari (2004) it is a fairly exhaustive method which will enable the researcher to study deeply and thoroughly different aspects of the phenomenon, it is flexible in respect to data collection methods, and it saves both time and costs.

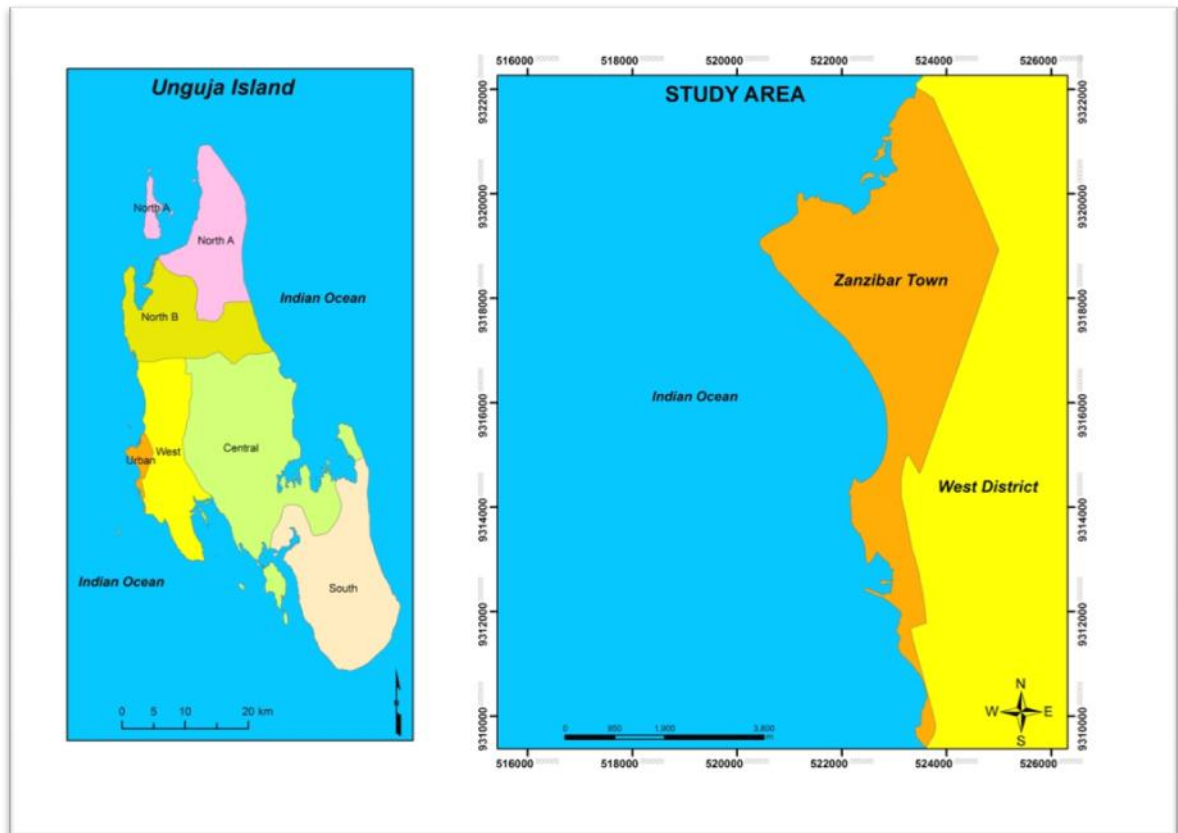
3.3 Research area.

The West District was selected as the case study as there is frequently reported to land disputes in Buyu Mchangamle, Bububu, Chuini and Fuoni, in these areas there is large number of socio-economic activities as well as higher population density compared to other districts of Zanzibar.

The West District also characterized by major socio-economic infrastructures such as business, financial institutions and other services sectors such as banks, communication network and other social net work where more population to attracted settle in this area.

West District is situated in the Urban West Region and lies in the northern part of the Island, between $39^{\circ} 40'$ and $39^{\circ} 53'$ longitudes East of Greenwich. To the east it borders with the Central, South borders with Indian Ocean, and Urban district to the west. The district borders on the north with North 'B' district. Also researcher believes that the findings generated in this area will give the answers to the settled objectives as would be collected from the right place

Figure 2. Research area



Source: Department of Surveys and Mapping - Zanzibar, (2013)

3.3.1 The selection of study area

West district was selected as a case study because of the following factors. The 2002 population census indicated that, the district had the highest rate of urban expansion compared to other districts of Zanzibar, (National Population Census, 2002).

This population growth implies that West district has high rate of urban expansion due to high annual population growth resulted from urbanization and increase of social and economic activities which lead to land scarcity and poor settlement .

3.4 Target Population

A population is a group of individuals, persons, objects, or items from which samples are taken for measurement (Lapin, 1987). And according to Crowl, 1993 “Population means a group which the researcher is interested in gathering the information from, as well as drawing conclusion on”. In this study the target populations was Land owners, Local government Authorities and Land officers; these are the very important land stake holders that provided adequate information on land dispute, land use and opportunities available on land in West District of Zanzibar. According to 2002 population census the population of the Western District was 184,204 people of which 93,086 were female and were 91,118 males.

3.5 Sample and Sampling procedures

A sample is a subset of a population that is used to represent the entire group as a whole; it is often impractical to survey every member of a particular population because the complete number of people is too large. In order to make inferences about characteristics of a population, researchers can use a random sample.

The sample method involves taking a representative selection of the population and using the data collected as research information. A sample is a “subgroup of a population” (Frey et al. 2000). It has also been described as a representative “taste” of a group (Berinstein, 2003). The sample should be “representative in the sense that each sampled unit will represent the characteristics of a known number of units in the population” (Lohr, 1999).

In this study the sample will be land owners, Local government Authorities and land officers in West District of Zanzibar as a case study area.

Sample Size, This refers to the number of items to be included in the sample. It is also defined as a number of units (persons) in a population to be studied. The sample size should be big enough to have a high likelihood of detecting a true difference between two groups.

The sample size for this study will be 120 respondents; these include 80 (66.7%) Land owners in the study area, 15 (12.5%) respondents Local Authority and 25 (20.8%) Land officers who will provide data on various issues related to land policy.

Table 3.5.1 Distributions of Respondents

Name	Number	Percentage %
Land owners	80	66.7%
Local government authorities	15	12.5%
Land officers	25	20.8%

Source: Field data, 2013

The criteria used for selecting these samples are the location, characteristics of urban population that characterized specialized economic and social activities with and interest as well as the need to have facts and reliable data relating with the issues of land because they are the most important land stake holders in West district of Zanzibar that can be affected direct or indirect by land policy.

Sampling procedures are the process that used to select a sample from within a general population. Proper sampling procedures are important for eliminating bias in the selection process. They can also allow for the reduction of cost or effort in gathering samples. There are two common categories of the sampling procedures. These two categories are called probability sampling and non-probability sampling. Probability sampling is sometimes called random sampling as non-probability sampling is sometimes called non-random sampling. These terms are interchangeable.

This study used stratified sampling, this due the nature of respondents contain different characteristics and the need to be divided into sub - groups depending on their interest (land owners are much affected with grabbing their land and delaying in dispute settlement of land cases), Land officers are government official that implement land policy and local authority are leaders of local government in level of village (Shehia) and district level that are involve direct in implementing land policy and investment of land on their localities).

Stratified random sampling is “one in which the population is divided into subgroups or ‘strata,’ and a random sample is then selected from each subgroup” (Fink, 1995). When a few characteristics are known about a population, stratified random sampling is preferable because the population may be arranged in subgroups and then a random sample may be selected from each of these subgroups (Babbie, 1990). McNealy (1999) further advises “arranging the original unit into categories so that the distribution of a particular group in the population of interest will be closely replicated in the sample” .

These subgroups can exhibit characteristics including but not limited to gender, race, ethnicity, religion, and age groups. Two types of stratified random sampling include proportionate and disproportionate, by using stratified random sampling, there is an attempt to control for sampling error. By using stratified Sampling this study will get adequate information from the respondent since these respondents have different characteristics.

For this study stratified sampling is useful because the respondent differs in terms of characteristics, location and interest, Land owners need land policy for effective management and uses of their land, local authority their major interest to handle the land and use for their interest and land officer represent government interest of proper land use for investment and other social economic activities.

Land owners include peasants, villagers and investors who own land through lease, local authority are the local government leaders including village executive officers (Sheha), Ward executive officers (Diwani) and District Commissioner and Land Officers are the government official on ministry of Land Housing Water and Energy of Zanzibar .

3.6 Data collection methods

Data collection is the process of preparing and collecting data from various sources. In this Research, data were collected from both primary and secondary sources. Primary data were collected from the field through administered questionnaires, structured interview guides, field observation and focus group discussion. While the secondary

data were collected from documentations such as scholarly papers, publications and the relevant documents.

The documents included Dispute Resolution for Customary Land, Aligning and Harmonizing the Livestock and Land Policies of Tanzania ESRF Working Paper, Framework and Guidelines on Land Policy in Africa, The Types of Land Ownership and the Application of Land Laws in Zanzibar , Sector Study on Land Markets in Zanzibar, Gender and the Politics of the Land policy reform Process in Tanzania., Land Policies for Growth and Poverty Reduction, Land Policy Reform Processes in Developing countries, Consensus, Confusion, and Controversy Selected Land Reform Issues in Sub-Saharan Africa”. World Bank Working Paper No. 71. Washington and publication include the following Mercatus on Policy: Land Tenure Security and Agricultural Productivity” Publication No. 57, Gender and the Politics of the Land policy reform Process in Tanzania, Land Disputes Settlements Act, 2002.

3.6 .1 Types of Data and Data Sources.

3.6.2 Secondary Data:

Secondary data, is data collected by someone other than the user. Common sources of secondary data for social science include censuses and organizational records.

According to Kothari 2004, Secondary data means the data that are already available; the data which have already been collected and analyzed by someone else are not original and have already been processed by others people. They can be published or unpublished materials. The most common sources of secondary data are documentary reviews.

In this study Secondary data were collected from various sources including archives and records center of Ministry of Land, housing, water and energy Local government offices and central library of Zanzibar. Also secondary data will be used to supplement primary data that include text books, journals, pamphlets and magazines.

3.6.3 Primary Data:

Primary data are those which are collected for the time and are thus original in character. In this study both questionnaire and interviews as the major data collection instruments will be used. This is because; those data which will not be captured through questioners then will be captured in interview.

Primary sources were collected from study area through questionnaire, field observation, focus group discussions and structured interview in (West District Zanzibar) from the Land owners, Local Authority and Land officers in the Ministry of Land.

3.6.4 Administered Questionnaires

Questionnaire is the most important method of collecting primary data, particularly in case of big enquiries (Kothari, 2004). In this research questionnaire will be used to capture overviews and necessary information on the need of effective Land Policy in Zanzibar. Questionnaire enables researcher to collect large amount of data in short period of time, and most of time covers the wider geographical area, and gives respondents great freedom to express their views.

Method help researcher to minimize costs and the similar data which is collected can be interpreted and compared hence the possibility of getting the accurate and reliable data is high. This method was used for land officers to get various information related with land policy in Zanzibar.

3.6.5 Interviews

It is a research instrument for data collection that involves a collection of data through verbal interaction between the interviewee and the interviewer. Patton (1987) advocates that it enables participants to discuss their interpretation of the world in which they live and express how they regard the situation from their own views and it is associated with very high response rate.

Interview also used to test the attitude and correctness of the subject (Rwegoshora, 2006). This method used through personal interviews. The structured interviews were used to supplement questionnaire. This was mainly used for land owners to get their views and perception on land policy in Zanzibar.

3.6.6 Field observation

Under the observation method, the information was sought by investigator's own direct observation without asking from the respondent. The main advantage of this method is that subjective bias is eliminated, if observation is done accurately (Lapin, 1987).

Researcher visits the study area and records whatever clues relevant to the accomplishment of the study. Also, photographic techniques were used in order to investigate the real need of land policy situation in field. The observation is important so as to minimize the problems that might occur during the study such problem include poor responses from respondents.

3.6.7 Focus Group Discussion

It is the process whereby a research acts as a group member and discussing the selected topic with respondents (Azzan et al, 2005). This enabled the researcher to get deep information and perceptions from various groups of people by sharing ideas within the group. In this study, two groups of 10 respondents from land owners and 5 respondents from land officers were used to explore ideas and thought concerning with the need of effective land policy in Zanzibar. The groups are important as they play different roles as far as land policy concern is concerned. This used to discuss the matter related with land policy in west district of Zanzibar

3.7 Data Analysis

According to Mugenda & Mugenda (1999), data analysis is the process of bringing order, structure and meaning to the mass of information collected. After data being collected, the first stage was data editing. This procedure was done purposely to detect errors so as to omit and correct those errors. The completed questionnaire was carefully

scrutinized so as to be assured of the accurate, consistent, uniformly and completed so as to be ready for arranged coding and tabulation.

After editing process be completed the following process was coding. According to Kothari (2004), Coding refers to a process of assigning numerals or other symbols to answers so as responses can be put into a limited numbers of categories or classes. Coding allows efficient analysis and through it several replies may be reduced to small numbers which contain the critical information required for analysis.

Classification of data was followed after data being coded, this is because data collected were the raw one so they have to be reduced into homogeneous groups so as to bring meaning relationships. Data of the same or common characteristics were arranged into groups or classes. Classification of data was focus on the same attribute and class interval.

In this study simple frequency analysis and cross tabulations were used. Also descriptive analyses that involve computation of mean, medium and mode were also used. The presentation of findings was in form of tables, descriptions, diagrams, charts for interpretation and understanding.

CHAPTER FOUR

FINDINGS AND DISCUSSION

4.0 Introduction

This chapter presents the analysis and discussion of the data obtained from the field. It addresses the general characteristics of respondents in examine the need of effective land policy in Zanzibar. Moreover the chapter examines challenges of change of land use and causes of land disputes in Zanzibar. The chapter ended up with assessing various opportunities that can be created by land policy of Zanzibar.

4.1. Socio-Demographics Variable of the Respondents

This section provides brief characteristics of respondents that were involved in examining the need of effective land policy in Zanzibar. The section presents population characteristics in relation to gender, age and educational level. The discussions of each characteristic are as follow.

4.1.1 Gender distribution of respondents

Gender issue in land related matter and the need of effective land policy has been the matter of concern in West district of Zanzibar. This is because males and females have got different ideas and roles in the land ownership. In this study males and females participated full to provides proper information concerning with the need of effective land policy. The total numbers of respondents were 120, males were 62 with 52% while females were 58 with 48% (Table 4.1). The data indicated that the number of male were high because, male were the most affected by ineffective land policy based in their daily economic and social activities compared to female and are the ones who are available during the study. Inspite of having large population of female compared to male but in the matter of land ownership the female population were still very low in Zanzibar.

According to 2002 population census the population of the Western District were 184,204 people of which 93,086 were female and 91,118 males.

During the Census, the District had 29 Shehias. The densely populated Shehias were then subdivided into other Shehias. The population growth rate has been increasing since 1967. In 2002, year of the latest population, the district recorded a growth rate of 9.2 percent, the highest among all districts.

Table 4.2.2 Sex distribution of respondents

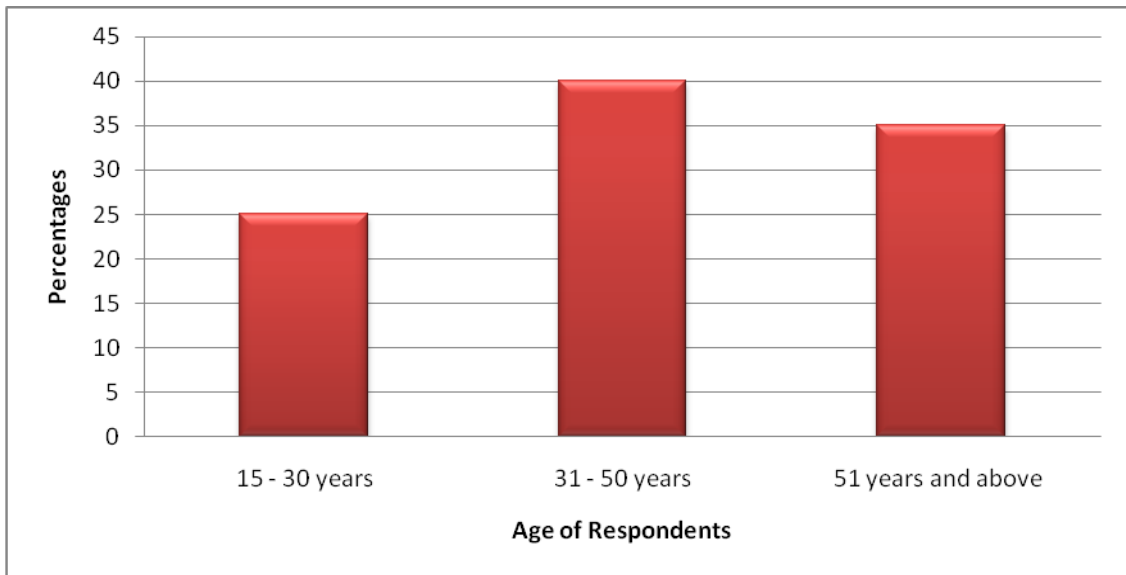
Sex	Frequency	Percentage %
Male	62	52%
Female	58	48%
Total	120	100

Source: Field data, 2013

4.1.3 Age of respondents

The respondents in this study were of different ages. Figure 3 shows that, most of the respondent's ages ranged from 31 – 50 years old (40%). About 35% of respondents range from 41 years old and above while 15 – 34 years old were only 25%. This result shows that, most of middle and old aged people (35 – 54 years and 55 and above) are the most important groups that are affected directly in direct with in effective land policy in Zanzibar. This is because these age groups are the productive ones and they are involved in various social and economic activities and productions depend much on land policy.

Figure 3 Age of respondents

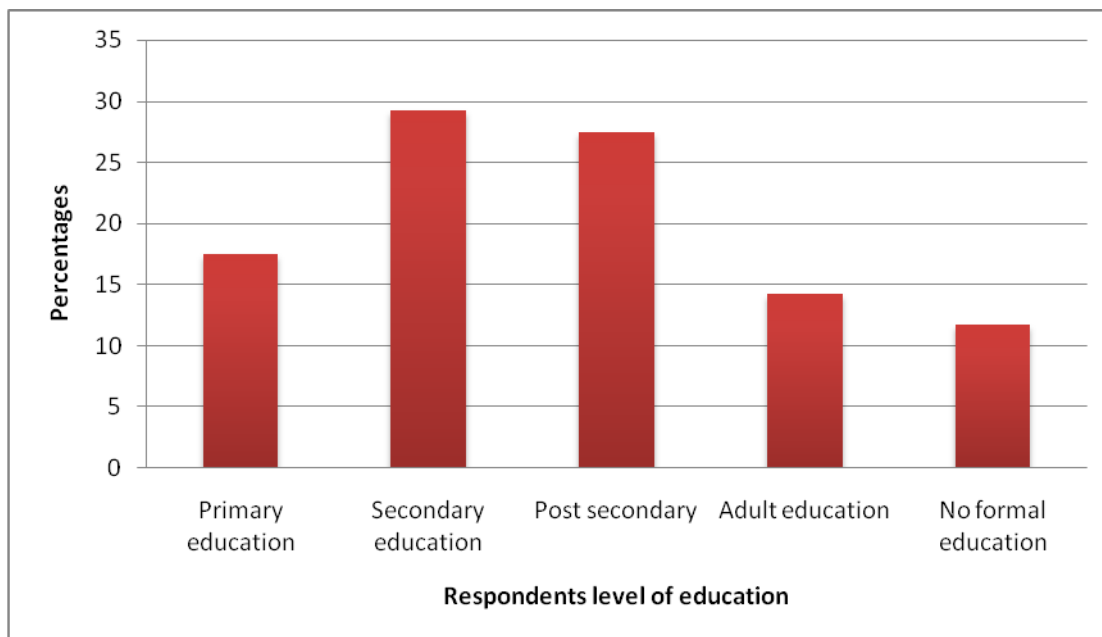


Source: Field data, 2013

4.1.4 Educational level of respondents

In this study the respondents possessed different levels of education. More than quarter (29.2%) of the respondents had attended secondary level, 27.5% post secondary, and 17.5% primary, 14.2% adult and 11.7% did not attend formal education (Figure 4). It was also observed that most of the respondents have attended Madrasa to get religious skills. These results reflect the real situation of Zanzibar West District as most of them have received high education and they are involved in various economic activities including tourism and trade activities. This situation made people with high demand of effective land policy that will direct effect the way of managing land for their various social and economic activities.

Figure 4. Respondents Level of Education



Source: Field data, 2013

Although formal education play important role in understanding the need of land policy in Zanzibar, this study also observed that, informal education is important factors in influencing the use of land properly.

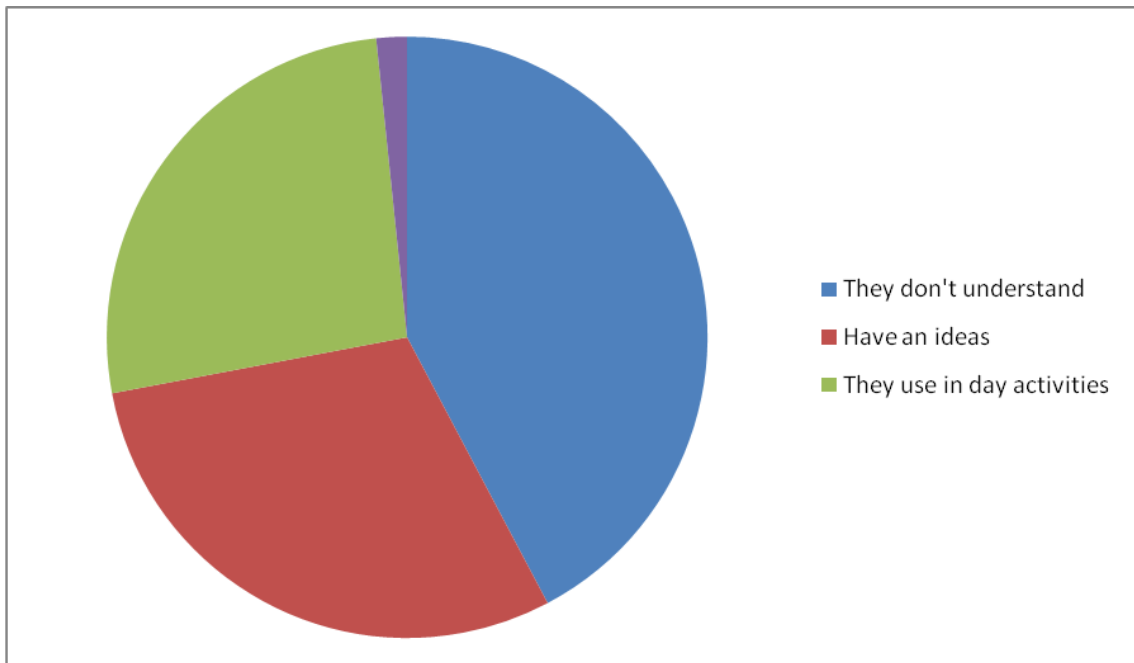
4.2 Land policy document

The study observed that, about two third of respondents (59.7%) did not understand the land policy document of Zanzibar. One quarter (20.5%) of respondents just have an ideas on policy document, 19.8% they use policy document in day to day activities of managing land. Majority of people are not aware on land policy since this document used as office document and during formulation. Even there are the proposed reviews but the government did not fully involved citizen at lower level and thus makes most people not aware on land policy and its objectives.

The interview conducted during this study between researcher, land officers and land owners it was observed that, until 1982 Zanzibar did not have a clearly defined National Land Policy, although there were many land laws and decrees to govern land

uses. Some of these laws were incompatible and resulted in complex land management and administration system. However, in 1982 a policy which led to the enactment of several land laws and guidelines which are now in use was prepared. Currently there is a new policy is in preparation and intends to ensure that all land is put into productive use in a sustainable manner.

Figure 5. Land policy document



Source: Field data, 2013

4.3 The major challenges of Zanzibar land policy

The findings show that more than one third (35%) of the respondents argued that the Zanzibar land policy is out dated and failed to cope with the current change of land use in Zanzibar. One third (33.3%) of the respondents expressed the weakness of land policy as a result of increasing of social and economic activities in West district of Zanzibar as well as population growth and 31.7% respondents showed the delay of government on review land policy and integrate land stake holders.

4.4 Difficulties in formalize land ownership

More than three quarter (85%) of respondents argued that the formalization of land ownership in Zanzibar is difficult task, how ever the respondent insisted the procedure delay , responsible institutions and adjudication process make the land ownership to be more difficult and (15%) of respondents claimed that it is easier process.

Table 4. 5.1 Responses on Difficulties in formalize land ownership

Responses	Frequency	Percentage (%)
Yes	102	85
No	18	15
Total	120	100

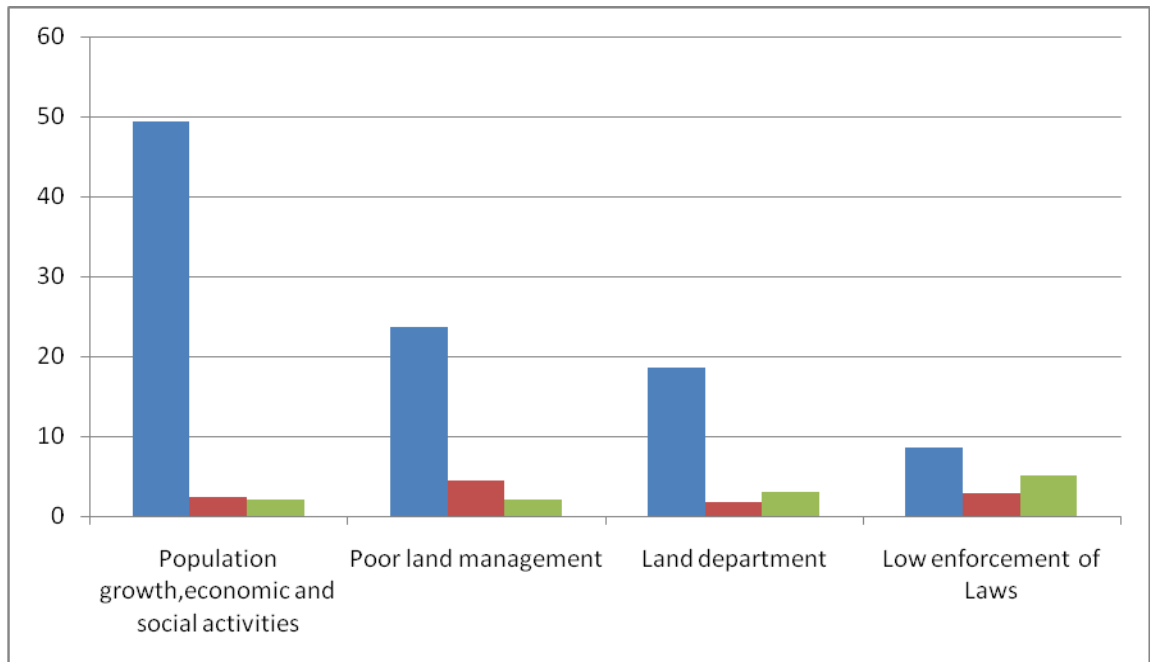
Source: Field data, 2013

4.5 The basic causes for land dispute in West District

The research findings show there are various causes of land dispute in Zanzibar including population growth, increasing of social and economic activities in West district of Zanzibar and Rural urban migration. In this study, about two quarter (49.3%) respondents argued on the availability of land dispute in West District that resulted by population growth, increasing of social and economic activities as well as Urbanization process. One quarter (23.7%) of respondents claimed on poor land management in West District result land dispute, 18.5% believe land departments causes land dispute in Zanzibar and 8.5% of respondents argued on low enforcement of land laws and regulation contribute to the land dispute.

The new economic activities particularly tourism has increased pressure on the land resources where competition and dispute of use has increased between hotel developers and coastal communities involved in fishing and seaweed farming.

Figure 6. The basic causes for land dispute in West District



Source: Field data, 2013

4.6 The social and economic effects of land dispute in West District

About three quarter (75%) of respondents revealed that there are land dispute result fears in ownership of land, low investment opportunities for indigenous and increasing land grabbing in Zanzibar, land dispute creates many problems on property formalization in order to get loan in bank. And about (25%) of respondents claimed that land dispute has no any effect. This means effective land policy is required in Zanzibar and it will play a significant role in maintaining land dispute in West district of Zanzibar.

Population increase, rapid urbanization and emergence of new economic opportunities happening in an uncoordinated manner, have lead to the indiscriminate use of the resource base, thus threatening the very survival of human life, sustainable development and the integrity of the natural ecosystems in Zanzibar.

4.7 Lands departments' involvement in existing land dispute

The results of finding show that, about (39.2%) of respondents agreed that land departments involve to large extent on land in dispute West district of Zanzibar. They delay in formalizing and registration of land, some officer take corruption and availability of difficult procedures in land ownership contribute more on land dispute. The result of this involvement makes land management difficult in West district of Zanzibar.

Land disputes in Zanzibar is the result of increases of investments in most parts of West District of Zanzibar, especially tourism has resulted land use pressures for housing, social services and hotel development. This situation has resulted in land disputes on land ownership, boundaries between owned/occupied lands, right of occupancy between individuals or community, common ownership between family members and multiple sales of the same land. Invading public land and change of use, closure and diversion of public easement land is a common practice.

4.8 Effectiveness of Zanzibar land uses plans

The study observed that about 10% of the respondents argued on effectiveness of Zanzibar land use plans. Most of people living in West district argued on ineffective land use plans, that is why there are poor housing and un planed settlement, increasing of land disputes, increasing of environmental pollution as well as poor social and physical infrastructures. The results imply that, Zanzibar land uses plans are ineffective and under this situation there is poor management of land resources in Zanzibar. The major land uses conducted in the study area are including agriculture, tourism and trade activities.

In recent years Zanzibar has experienced the rapid population increase both in urban and rural areas and rapid urbanization. This has brought with it an immense increase in the demand of resources for various uses and more significantly the rapid and unregulated conversion of agricultural lands, fishing areas and forest lands to other uses particularly residential, commercial and institutional uses.

Generally, poor land use plans in West district of Zanzibar are affected by livestock keeping, agriculture, settlements, tourisms and land development against indigenous social economic activities and cultural norms, conservation and invasion of historical sites, open spaces and areas allocated for social services.

The overall objective of the National Land use Plan is to promote effective and optimal utilization of Land Resource to ensure sustainable socio-economic development of the islands through proper land management and administration. The preparation of land use plan for the islands became a necessity from the realization that land development has largely taken place through sectoral implementation projects without overall coordination resulting in many conflicts among the various implementation organizations. Therefore, the plan was prepared to support the development of balanced land use by integrating and coordinating ongoing activities of land use better land utilization and development.

4.9 Land reserve for Public uses in Zanzibar

In this study, the researcher assessed the availability of land reserve for various public uses in West district of Zanzibar. About (81.7%) of respondents claimed that there is no land reserve for public uses. And 18.3% of respondents argued that there is few or no land reserve for various public uses in West district of Zanzibar. This finding implies that, effective land policy is required and should stress the availability of land reserve for various uses including burial, new investment as well construction of social project if required.

Table 4.10.1 Responses on Land reserve for Public uses in Zanzibar

Responses	Frequency	Percentage (%)
Yes	98	81.7
No	22	18.3
Total	120	100

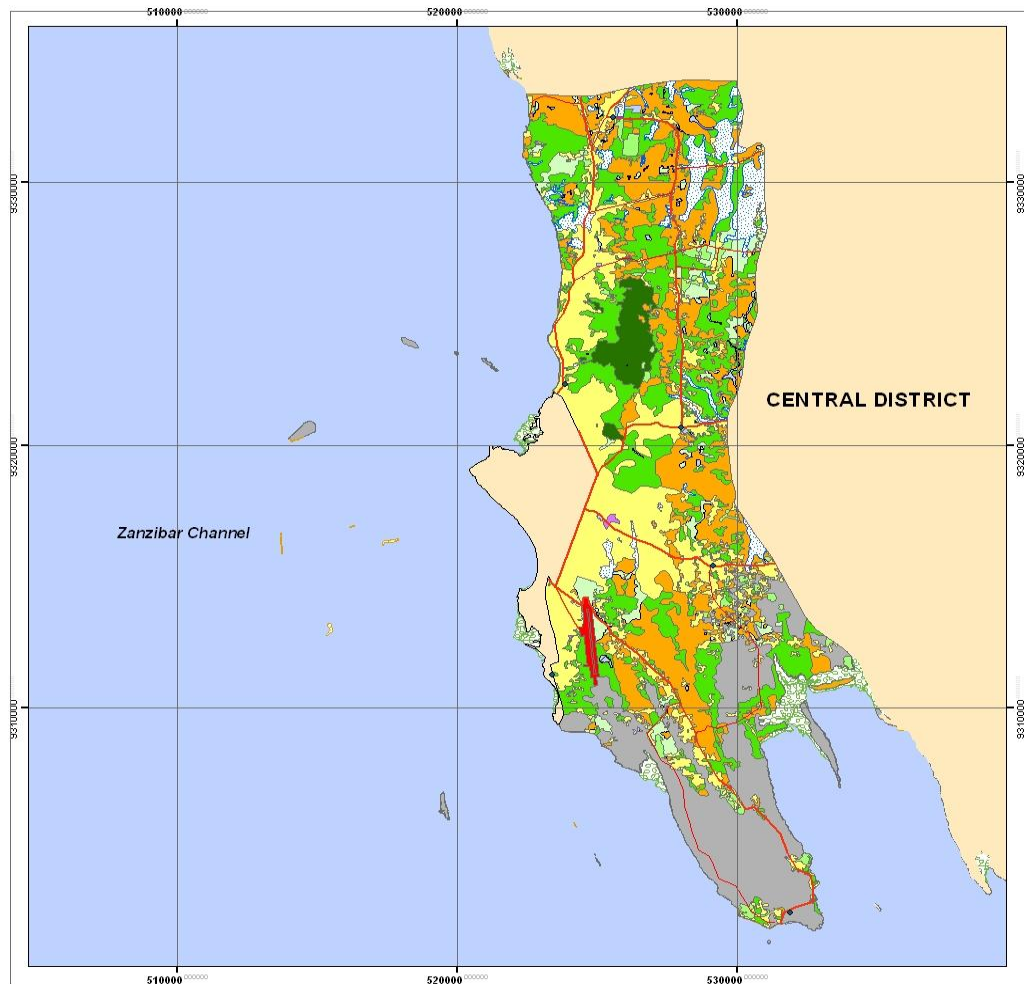
Source: Field data, 2013

4.10 Land uses changes in Zanzibar

About (70%) respondents believed that, rapid population growth and urbanization in Zanzibar are the major causes of land uses changes in West district and 30% of respondents explained other causes which contribute to land uses changes in Zanzibar. Most of respondents, show how the population in West district of Zanzibar are increasing and at the same time there is high rural urban migration in Zanzibar that contribute to the change of land uses and mostly from agricultural land to settlement land. Respondents argued that, ineffective and poor management of land resources in Zanzibar contribute to this change of land use and this resulted into poor and ineffective land uses and management.

In view of the increasing pressures on the land resources and the resulting overexploitation trends, unsustainable uses of resources have ensued. This has lead to low productivity of land, degradation of the environment, land use conflicts, environmental pollution and accelerated erosion. All these phenomena contribute to abject poverty to the rural communities and unfavourable economic growth of the islands and these to large extent contribute to land change in Zanzibar.

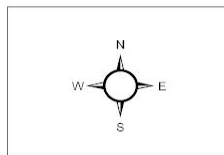
WEST DISTRICT MAP - EXISTING LAND USE



Polygon	Description	Area(Ha)
	Airport	150
	Coconut	3400
	Cultivation	241
	Forest	623
	Mangrove	579
	Mixed	4546
	Park	43
	Plantation	160
	Quarry	9
	Rice	1300
	Sand	52
	Scrub	4277
	Settle	4400
	Wetland	17

Legend

- Village
- Main Road
- Secondary Road



Prepared by :
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 Department of Survey and Urban Planning
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 zanzibar

Mapping Base
 The data has been extracted from
 Unguja Land Use Map(DOSUP)
 2010

Marine and Coastal Environment Management Project(MACEMP)

Drawn by: Mohamed S.Chande/Said H.Mohamed
 2010

Scale



Source: Department of Surveys and Mapping - Zanzibar, (2013)

The deep fertile soils are the most intensively cultivated areas in the district. They include Mwakaje, Bumbwisudi, Kizimbani, Dole, Mbuzini, Kianga, Mwera, Kama, Kihinani and Mfenesini Shehias. These areas now days are highly populated and they are changed land uses from agriculture to the settlement land, they are highly populated.

4.11 Challenges of land Laws in Zanzibar

In this research about 39.7% of respondents argued that, land laws in Zanzibar have challenges, they explained the existing laws confuse the people and make them difficult to understand. They also argued that there is poor enforcement of laws that result number of land conflict in West district of Zanzibar. Majority of people don't understand the existing land at the same time land sectors has no programme for public awareness on land related issues. And about 36.7 of respondent disagreed that existing land laws have challenges and contribute to the poor land management in Zanzibar. And the remaining 23.6 don't understand .whether land laws have challenges.

Table 4.12.1 Responses on Challenges of land Laws in Zanzibar

Responses	Frequency	Percentage (%)
Agree	48	39.7
Disagree	45	36.7
They don't understand	27	23.6
Total	120	100

Source: Field data, 2013

4.12 Social and economic opportunities that can be created by land policy

More than three-quarter of respondents (85%) argued on the social and economic opportunities that can be created by land policy in Zanzibar. And (15%) of respondents don't understand that land policy can either create social and economic opportunities or not. Respondents claimed that land policy can increase the investment opportunities, improvement of trade activities as well as increasing of agricultural development.

During the study, the researcher assessed the opportunities different economic and social opportunities that can be created by land policy.

4.13 Effect of ineffective land policy in Zanzibar

The objective of this study was designed to show the effect of ineffective land policy in Zanzibar. Three-quarter of respondents (75%) has argued that, land policy is ineffective and creates many problems on managing land resources, unemployment problems, environmental pollution and poor settlement. Only quarter (25%) of respondents do not accept that existing land policy is ineffective. This means that land policy in Zanzibar play a vital role in managing land resources, creation of formal and informal employment opportunities, better formalized settlement as well as proper environmental management. This is probably due to lack of periodical review to the existing land policy which influence a number of land related problems.

Table 4.13.1 Responses on ineffective of land policy in Zanzibar

Responses	Frequency	Percentage (%)
Agree	90	75
Disagree	30	25
Total	120	100

Source: Field data, 2013

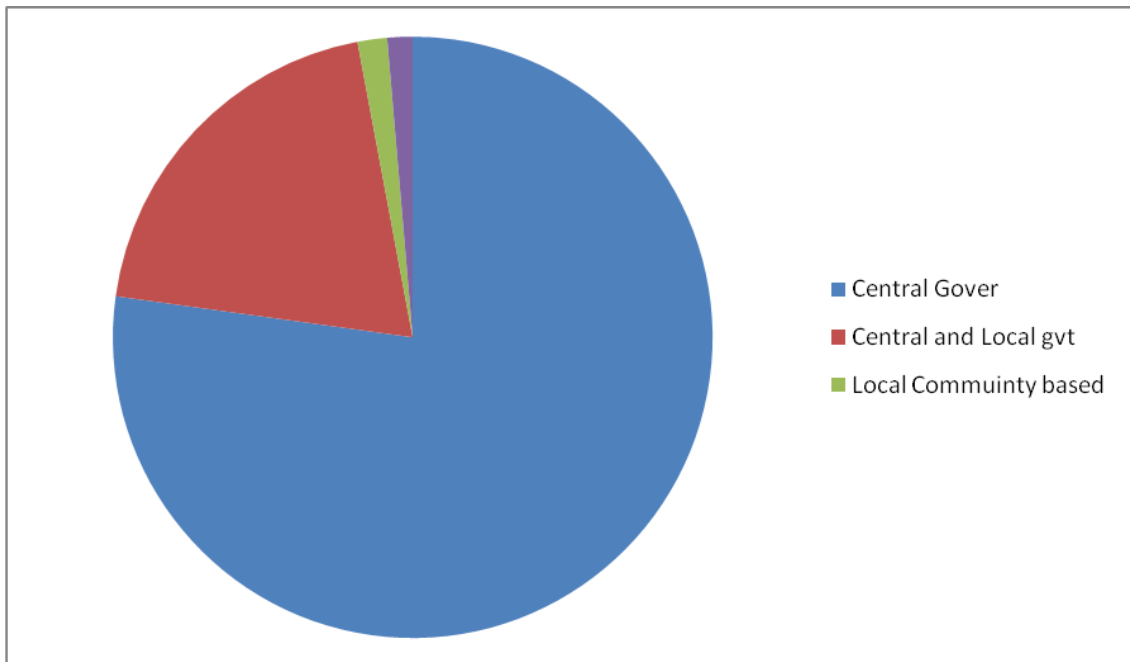
4.14 Mechanism for effective implementation of land policy in Zanzibar

Management of land resource is the responsibility of every institution and every person in Zanzibar .Land policy serve as a guideline to ensure land properly managed. The effective implementation of land policy in Zanzibar requires effective strategies and involvement of number of stake holders including community groups and their organization, local government, Tourism Commission of Zanzibar, Ministry of agriculture and livestock, Ministry of information and transportation and Ministry of marketing and trade. There should also extra strategies which include the use of

government authorities, non-governmental organization and the community based organization.

The findings show that, about 68% of respondents suggested central government as the one which have the main responsibility to ensure effective implementation of land policy in Zanzibar. 17.5% suggested both central government and non governmental organization (NGOs), while 14.5% suggested local government and community based organization. This situation shows that, the majority of respondents, their perception fall on government as having the major responsibility on effective implementation. However, good performance of government requires a complete effort and collaboration with other institutions including Community Based Organizations and Non Governmental Organizations.

Figure 7. Mechanism for effective implementation of land policy in Zanzibar



Source: Field data, 2013

4.15 Instrument of reducing land dispute in Zanzibar

About (75%) of respondents suggested that, government should be responsible to overcome the land dispute in Zanzibar. The traditional system of land ownership should be formalized. Control rural urban migration that influence poor settlement and urbanization, review existing policy and laws as well as ensure there is easy and transparent system of land registration.

During the study, most of respondents come up and proposed various ways to reduce land dispute in West district of Zanzibar. These include clear boundaries and demarcation, effective implementation of land tenure systems, guarantees on tenure security for land development and proper land use, provision of education and periodical public awareness on land related issues. If these issues taken into account and mutual interests particularly in situations of land scarcity, there will be no difficult in maintaining land dispute in West district. Inefficient of the responsible organs it is possible to create land disputes on boundaries or ownership/tenure. Effective ways to strengthen land ownership include providing guarantees on ownership such as registered land titles that are based on well adjudicated or surveyed/mapped boundaries.

4.16 Conclusion

The study examined the need of effective land policy in Zanzibar (West District). The study observed that, ineffective land policy result number of problems including uncontrolled urban expansion, land disputes, poor land ownership especially land titling and rights. It also contributes to the change of land use on fertile agricultural land and other socio-economic implications on West district of Zanzibar.

The magnitude of population growth and increasing socio-economic activities in West district require having effective land policy that enables to manage land resources for the current and future generation.

Along with the high investment rate, urbanization process which has influenced rapid expansion of the West district activities are the most significant experience for re - establishment effective land policy in Zanzibar.

The land departments and other land stake holders needed to increase the strong cooperation and work in collaborative effort so as to ensure land resources are used in sustainable way.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Over view

The study was based on the need of effective land policy in Zanzibar with reference to West district as a case study. The main objective of the study was to examine the need of effective land policy in Zanzibar. The study was specifically aimed to examine the social and economic effect of land policy in Zanzibar, to examine the causes of land dispute in Zanzibar and to identify the challenges of land use in Zanzibar. This chapter provides a brief conclusion based on the results from the findings of the study and recommend.

Both qualitative and quantitative methods were used for data collection. Questionnaires were used to collect quantitative data covering the need of effective land policy in Zanzibar. The totals of 120 questionnaires were administered to the respective respondents in the study area. While qualitative data were collected using interviews, focus group discussion and observation.

5.2 Land policy document

The study has shown that land policy is very important document which is required to manage land resources in Zanzibar but majority of people are unconscious with the land policy document. However the results indicated that increased population growth, urbanization and expanding economic and social activities trigger the need for effective land policy in West district of Zanzibar .

Not only that but also it was noted that the responsible sectors of managing land do not work in collaboration .In real sense land policy is a an instrument of managing land and it require to be understood by each individual person in Zanzibar .Currently land policy of Zanzibar remain as office document, there is a need for responsible land departments to educate and encourage the people to understand the land policy. Also was noted that there were no programs that were established to give people an education on the

availability of land policy and its importance on managing land resources in Zanzibar. These results show that most of citizens were not aware on the national land policy.

5.3 The basic causes for land dispute in West District

The population growth, increasing of social and economic activities in West district of Zanzibar, difficult in formalizing land ownership and rural urban migration were reported to have contributed much on land dispute in West district of Zanzibar. Some of the procedures that govern land management and administration such as land ownership system made the people irresponsible. It is the state which owns the land and therefore the responsibility of protection of that land is also in the hands of the government.

The existing policy was not geared towards absorbing growing population, increasing of economic and social activities in that district and that comes with changing economy and modernization.

West district in Zanzibar did not involved in satisfactory level on management of land resources in Zanzibar. This district is highly populated; higher number of social and economic activities compared to other districts of Zanzibar, increasing of land uses changes and environmental destruction low awareness on land policy document as well as increasing un planned settlement

This study proposes some alternative ways of managing land resources which are people centered and participatory in nature. The methods include greater collaboration between land stake holders and maximamum involvement of non governmental organization. With that collaborative effort from the government sectors, this will be important and its implementation will result into effective land policy.

5.4 Conclusion

Effective Land policy in Zanzibar has great importance in managing land resources which are scarce in Zanzibar. Effective land policy will be the instrument of poor settlement that contributed by rural-urban migration, effective land uses , managing

land dispute , easy formalization of land properties and proper land allocation that will consider the increase of urban population. Ineffective land policy influences urban poor increasingly find fewer options for safe and desirable places to build their houses poorly, competition for scarce resources and inevitable consequence of environmental destruction.

Numbers of causes on poor management of land are direct and closely linked to ineffective of land policy in Zanzibar. Urban expansion forcing low income people occupy in un planned areas for settlement including water sources, around main electricity grid, increasing of land grabbing cases, difficult on land formalization, disturb investment opportunities and at the same time promote corruption on land sectors. The health conditions of the West district are faced with poor sanitation conditions, increasing of dumps due to poor waste management, un planned areas and difficult in poor energy consumption and existence of many networks of dusty roads.

General ineffective land policy creates many consequences on management and administering land resources in Zanzibar hence increasing of land dispute , difficult in formalizing land ownership , poor collaboration among land stake holders , change of land uses from agricultural to settlement land, overcrowding and poor enforcement of land laws.

West district facing urban expansion, effective land policy will able to set clear economic and environmental guide line. It will able to attain management balance that will not negatively affect the land ownership and stake holders participation of land management. An achievement of that kind will improve the effective land management and ownership which result improvement of economic activities and easy formalize of land resources. The effect of that will be economic development and improved welfare of West district which call for further population increase. Such improvement may investment opportunities which can reduce poverty level in Zanzibar, economic development, environmental protection and reduce land disputes in Zanzibar.

Finally, ineffective land policy in Zanzibar may contribute to the increasing of land disputes, increasing of change of land uses, environmental pollution and can force people to settle in un planned areas where they will involve in land grabbing and reduce investment opportunities. In this situation the government should establish effective strategies to review existing land policy to be effective in order to manage land resources of Zanzibar. These strategies should involve all land stake holders by putting their interest for effective implementation of land policy.

5.5 Recommendations

The general recommendation and the areas further studies are pointed out in this section in order to come up with effective land policy in Zanzibar.

Land policy in Zanzibar will continue to be a useful instrument of managing land resources, policy makers should come up with effective land policy which will be able to manage the land of Zanzibar that are highly affected by population growth, urbanization as well as increasing of economic and social activities. The reviewed land policy should be able to integrate all key land stake holders including Tourism Commission, land departments of land, Ministry of agriculture and livestock, Ministry of information and transportation as well local government authorities.

Reviewed land policy is required to be participatory in nature and all citizens from grass root level should be involved and local government authorities should highly participate in order to make land policy reactive. This is vital as it will help grass root level to be familiar with land policy and become aware on their duties and responsibilities in land policy implementation. Under this system it make easy to understand the effective procedures and guiding rules on land policy document that result better management of land resources for current and future generation.

Ministry of land through departments of land should be integrated with all national development plans in multi-institutional framework; these will help the policy maker to integrate land related issues within those plans. This is vital in Zanzibar because urban

west district has great expansion and drives the economy of Zanzibar to the large extent.

The great expansion of Zanzibar West district has tended to be by the incorporation of nearby unplanned settlements and population growth. Effective land policy should be taken into account with this area as they contribute higher government income and there is number of cases on poor land uses and unplanned high density settlements with little or poor infrastructure. The increasing of population, urbanization and expand of social and economic activities in the future, will create serious problems on land management and ownership in urban west areas.

The people have shown their willingness to understand and use land policy document for effective management of land resources in Zanzibar, there is a need for participatory approach during land policy review in order to give citizen from grass root level to understand their roles and either to support or oppose on land policy document before implementation. The land policy should be introduced in stages so that people get time to adjust and put their interest.

There is a need to have step toward review and implementation of land policy through establishment of new goals that will direct focus on Millennium development goals, Vision 2020 and Strategies for Economic Growth and Poverty Reduction (MKUZA II) and integrate the national investment guide line. National land use plan and other land stakeholders plan. These will influence people to land policy and at the same time will make effective land management and administration of land.

5.6 Areas for further studies

The need of land policy in Zanzibar is a wide subject beyond the ability of single study like this to examine all land related issues in Zanzibar. Under this situation several areas that need to be addressed for immediate and long term researches have been identified.

This study has identified that the sampled population opinion support the use of alternative approaches in managing the land resources in West district of Zanzibar. There is a need of comprehensive and statistical enquiries to explain number of issues in land related issues in Zanzibar.

An empirical inquiry is required on the need of effective land policy in Zanzibar for sustainable land uses and plan. This will help policy maker to know the priority areas on land management, investment opportunities that can be created by land policy and the benefits of proper land management in Zanzibar.

An effective study is required to find out people centered land policy implementation and that will stimulate proper relation and coordination among land stake holder including government sectors, citizen and investors and at the same time those affected direct or in direct by land policy implementation.

The target area of this study was West district of Zanzibar but it would be better to conduct other studies in other areas of Zanzibar. The studies should be carried out in those areas where there are rapid investment opportunities, highly populated and areas with environmental pollution including North A district and two region of Pemba.

Generally, there are the needs to conduct further studies to investigate the causes of poor investment in Zanzibar in relation to management of land. This study will involve large scale farming, commercial activities and social project like universities, modern hospital and research project with the aim of finding possible solution on the effective land policy development.

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APPENDICES

APPENDIX I

QUESTIONNAIRE FOR LAND OWNERS

Introduction

Dear respondent, My name is Mtambua H .Haji, pursuing MSC Development Policy at Mzumbe University. I am conducting an academic research as part of my master's programme, about "The need of effective Land Policy in Zanzibar: A case study of West District of Zanzibar". The research is meant for academic purposes. However, the research findings will in one way or the other provide useful information and knowledge in land related issues in Zanzibar.

Kindly, respond to the questions below with as much transparency as possible. The information you give will be treated strictly confidential and for academic purposes only.

Your Cooperation is highly appreciated.

1. Village

2. Sex; 1. Female,... 2. Male

3. Age:

4. Marital Status: 1. Single2. Married 3. Widowed..... ..4. Divorced.....

Land policy is a document that guides on how to manage, use and ownership of land in Zanzibar, and this guideline work together with Acts and regulation.

5. Do you know this policy document?.

1. Yes

2. No

Please put a tick “√” against the box provided

If answer is yes explain its major strength of Zanzibar land policy

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Land policy of Zanzibar was initiated during 1982 and until now it does not reviewed, where during that time there was small number of investors, low population and inadequate socio-economic activities compared to that time.

6. What are the major challenges of Zanzibar land policy?

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Now days land becoming a major means of income in Zanzibar and people competing on land ownership, Land ownership means legal uses of land for various social and economic activities.

7. Is there a delay for responsible authority (Land sectors) in formalize land ownership?

1. Yes

2.No

If answer is yes explain the difficulties in formalize land ownership.

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Land dispute is the tension between opposing views, interests, or wills, this means various member of the society competing over existing land. It common case now day some people grab land or use land without authority of owners of government

8. What are the basic causes for land dispute in your area?

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Land dispute in any society has number of social and economic effects; such effect can affect their income, loose of their properties, civil and political instability as well as increase poverty among member of a given society.

9. What are the social and economic effects of land dispute in West District?

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In there Ministry of Land Housing Water and Energy there are three important Departments dealing with land issues including land registration, land adjudication, land transfer and land lease and agreement. These departments are Land and registration department, Survey and Mapping and Urban and Rural Planning department.

10. Are lands departments involved in existing land dispute?

1 Yes 2. No

Please put a tick “√” against the box provided.

11a. If the answer is yes, how these departments are contributing to these land dispute?.

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11b. If the answer is no,. Please explain how they are not involved.

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Land use plan is a systematic and iterative procedure carried out in order to create an enabling environment for sustainable development of land resources which meets people's needs and demands. In land use plan land classified into settlement land, investment land, agricultural land and reserved land.

12. Do you think Zanzibar land uses plans are effective?

(a) Yes

(b) No

Please put a tick "√" against the box provided.

If the answer is yes, Please explain its effectiveness ?

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11b. If the answer is no, Please explain the reasons for ineffective uses of land in your area?

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Land management is the process of managing the use and development (in both urban and rural areas) of land resources in a sustainable way. Land resources are used for a variety of purposes which interact and may compete with one another therefore, it is desirable to plan and manage all uses in an integrated manner. In Zanzibar there is a number of institutions that are responsible on land management which include Ministry of land, tourism commission, Zanzibar revenue board, Ministry of Agriculture and livestock keeping and Zanzibar investment promotion agency.

13. Do you think institutions that deal with land management ensure effective land use?

(i) Yes

(ii) No

Please put a tick “√” against the box provided.

1a. If the answer is no,? . Explain their shortcoming in ensuring effective land use.

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A land reserve is a land area in a plan intended for a certain future use. Examples include land reserves for roads or natural gas pipes. Larger land reserves are ordinarily presented in the land use comprehensive plan and master plan. The land reserves can be consolidated in detailed development plans or area regulations.

14. Do you think there is land reserve for public uses in Zanzibar?

- (i) Yes
- (ii) No

Please put a tick “√” against the box provided

14a. If the answer is yes how can benefit your society?

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14b. If the answer is no, what should be done to ensure there is land reserve?

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Effective land use means the land management ensure land are arranged and used based on land use master plan that show how land to be used, land should categorized into settlement land, investment land ,agricultural land and reserved land .

15. Do you think what are the strategies that can be used to ensure effective land use in West District?.

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Land use change in Zanzibar involves the increasing of un planned settlement, poor enforcement of laws, low institutional relationship between Ministry of Land and Ministry of environment, population growth and increasing of investment in both rural and urban areas.

16. What are factors that influence change of land use in Zanzibar?

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Land laws in Zanzibar are the form of law that deals with the rights to use, alienate, or exclude others from land. These laws include, the Land Tenure Act, 12/1992, the Land Tribunal Act, 7/1994 the Land Transfer Act, 8/1994, The Land Adjudication Act, 8/1989 and the Registered Land Act, 10/1990.

17a. Explain the major challenges of Land Laws in Zanzibar?

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17b. What can be done to ensure land laws are effectively enforced?

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Land policy is a set of agreed principles to govern ownership or access to, use and management of land resources to enhance their productivity and contribution to social, economic, political and environmental development and poverty alleviation. Zanzibar land policy initiated during 1982 and it does not reviewed and society change social and economically.

18. Please explain your view on need of effective land policy for managing land matters in Zanzibar.

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Thank you for your cooperation

QUESTIONNAIRES FOR THE LAND OFFICERS

Dear respondent, My name is Mtambua H .Haji, pursuing MSC Development Policy at Mzumbe University. I am conducting an academic research as part of my master’s programme, about “The need of effective Land Policy in Zanzibar: A case study of West District of Zanzibar”. The research is meant for academic purposes. However, the research findings will in one way or the other provide useful information and knowledge in land related issues in Zanzibar.

Kindly, respond to the questions below questions with much transparency as possible. The information you give will be treated strictly confidential and for academic purposes only.

Your Cooperation is highly appreciated.

1. Personal information

(a) Age

(b) Sex.....Male.....Female.....

(c) c) Marital
Status.....Single.....Married.....divorced.....

(d) Level of education (please tick where appropriate √)

Primary Education Secondary Education.....

Higher Education

Land policy is a set of agreed principles to govern ownership or access to, use and management of land resources, Zanzibar is island where there are number of social and economic activities need land policy to direct them on how can own ,use and manage land resources

2. How Land policy can create social and economic opportunities in Zanzibar West District?

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Society use land for their day to day social and economic activities, they need effective land policy that will direct them on using land resource properly.

3. How society affected by ineffective land Policy?

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Policy as other government instruments needs people with commitment, resources, proper legal frame as well as support from the society and development partners

4. What mechanism can be used for effective implementation of Land policy in Zanzibar?

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Land policy needs to explain clearly the proper uses of land in a given areas, it should explain the different uses of land for investors and indigenous at the same it should distinguish various uses of land like settlement land and agricultural land.

5. Explain how Zanzibar Land policy ensures effective Land use?

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There is increasing of land dispute due to the population growth, increasing of investment and urbanization process in Zanzibar, these conflict affect society socially and economically.

6. How can be used an instrument of reducing land dispute in Zanzibar?

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7. Propose some important mechanism and strategies to ensure land policy in Zanzibar influence social and economic development.

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Thank you for your esteem cooperation

INTERVIEW QUESTIONS FOR LOCAL AUTHORITY.

Instructions

I am conducting an academic research as part of my master's programme, about "The need of effective Land Policy in Zanzibar: A case study of West District of Zanzibar". The research is meant for academic purposes. However, the research findings will in one way or the other provide useful information and knowledge in land related issues in Zanzibar.

Kindly, respond to the questions below with much transparency as possible. The information you give will be treated strictly confidential and for academic purposes only.

Kindly, respond to the questions below with as much transparency as possible. The information you give will be treated strictly confidential and for academic purposes only

1. Which position do you occupy as a leader?
2. What do you understand by term land policy?
3. Do the people in these areas understand land policy?
4. Do you know the social and economic impact of land dispute?
5. As a leader what mechanism do you use to mobilize effective land use?
6. Do you think existing land policy fail to maintain land dispute?
7. What are opportunities can be created by land policy in your areas?
8. What support that you get from central government in managing land?
9. Explain mechanism that be used to ensure land policy workable
10. Advise central government on review existing land policy to reflect the available investment opportunities.

Thank you for your esteem cooperation