

# INSTITUTIONAL DEVELOPMENTS IN LAND ADMINISTRATION IN ZANZIBAR

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ZANZIBAR - TANZANIA

## ZANZIBAR LOCATION



## ZANZIBAR

- ✦ Zanzibar forms one part of the United Republic of Tanzania. However, Zanzibar runs her autonomous government with separate and independent ministries, legislature and her own cabinet and President.

## What is Institutional Development?

- ✦ **Location of the institution** in the government structure,
- ✦ **Human resources development plan**, (which includes training and education level for its staff), equipment used, office space, vehicles, etc,
- ✦ **Policies and pieces of legislation** put forward so as to support to the smooth executions of the functions.

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

## Developments in 1900-1920

- Established **Land Survey Section** in 1900s in PWD Office
- Established **The Land Acquisition Decree (1909)**: To acquire land for public purposes
- In 1911, **topographic maps** at a scale of 1: 63,360 were prepared
- The **Land Survey Decree (1912)**- to regulate survey activities in the country

## Developments in 1930s

- In 1931, once again **topographical survey of Zanzibar** was done. A map at a scale of 1:63,360 was derived from the afore-mentioned survey
- **Land Alienation Decree of 1935**- introduced in order to stop mass transfer of land and landed properties from one class of people to the other.

• In 1936, the Land Survey Section was transformed into a fully fledged department – the **Department of Surveying and Registration**.

• 1937, **aerial photography of both islands was carried out**. However due to the eruption of World War II in 1939, the intended systematic cadastral with accompanying registration of land was never done.

## Developments in 1940s

- **The Land Acquisition (Assessment of Compensation) Decree (1949)**: This decree established and laid down procedures for compensation mechanism to make it possible for the land that would be affected in planning activities be properly compensated for according to market values

## Developments in 1950s and early 1960s

- Later the **Town and Country Planning Decree (1956)** was introduced. This established the mechanism and procedures to be followed when making proposals for planning schemes in both town and rural areas.
- In the same year, **the Township boundary of Zanzibar was mapped**.

• In 1958, **reconstituted the Department of Surveying** for the purpose of surveying and registration of land rights.

• In 1960, **17 sheets of the Zanzibar Stone Town were updated in the Ng'ambo area 18 sheets were updated at a scale of 1:1000**.

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

#### Developments in 1960s

- Just after the Revolution of 1964 the land administration was put under the Ministry of Agriculture and Land Reform. The main reason of this structure was to distribute land to the landless families which was confiscated from its owners.

- The confiscation was done under the then newly introduced **Confiscation of Immovable Property Decree (1964)**.
- This decree was immediately followed by the **Land Distribution Decree (1966)** which empowered the President to distribute land to the landless

#### 3.1 Developments In The 1970s

- In 1970s the urban land administration was performed by one department - Department of Lands and Surveying) (1974 – 1989) - Ministry of Lands, Construction and Housing
- Agricultural land was still under the administration of the Ministry of Agriculture.
- In 1977, the Directorate of Overseas Surveys helped the Government of Zanzibar in preparing topographic maps for both islands.

#### 3.1.1 Zanzibar Town Master Plans 1978 – 1998

- This was a first comprehensive scheme that was aimed at providing orderly development of all the town areas in Unguja and Pemba. The scheme was planned for twenty years and was to be reviewed after every five years. But due to manpower problem the review was never done.

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

- In the course of execution of land management issues and with the introduction of liberalized economic policies, in mid-eighties, it was seen that the post-Revolution laws were generally brief and did not give thorough elaborations on some minor but important technical details.

- Hence a **comprehensive land policy was prepared** which reconciled the pre- and post- revolution land laws. The new land policy also accommodated the new liberalization and investment policy.
- The new land policy gave birth to a **series of new pieces of legislation** which were necessary for the policy to be implemented.

### 3.2.1 The Commission for Lands and Environment.

- First a legislation to establish a new body which was known as the **Commission for Lands and Environment** was passed in 1989 so as to have one government organ to deal exclusively with land administration and do away with a confusing situation where more than one organ was responsible for land issues.

Then followed a series of acts:

- **The Land Adjudication Act (1989):** This Act is meant to provide a mechanism for recognizing who owns what in a particular area
- **The Registered Land Act (1989):** The aim of this Act is to facilitate the registration of all land in the islands which has been demarcated accordingly.

- **The Land Surveyor's Act (1989):** This act was introduced in order to direct the different ways and established acceptable standards in the surveying profession.
- Then followed the **Land Tenure Act (1992):** This is seen as a cornerstone of land administration in Zanzibar.
- Then came the **Land Transfer Act (1993):** It allowed the transfer of land following a laid down procedure.
- **The Land Tribunal Act (1994):** to create a separate tribunal to deal with land matters.

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

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

### Policies and Plans

- **Zanzibar National Land use Plan:** This is a country-wide land use plan.
- **Settlement Structure Plan** was produced (1993 – 2013).
- **Policy on the allocation and use of Zanzibar's small islets**
- **Tourism Zoning Plan:** This is a plan which gave recommendations on where tourism could be developed

## Training & Office Buildings

- In all 50 people attended different courses:
  - 4 MSc programs,
  - 1 Postgraduate Diploma,
  - 15 Advanced Diploma,
  - 25 Certificates and 5 short courses
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- New Office building In Pemba
  - In Unguja the present building got a facelift.



## The German Development Services (GDS)

- Technical Aid
- Equipment
- Transport
- In-house Training

### 3.3 Developments In 2000s

- After the 2000 General Elections the
- Commission was dissolved and land administration activities were now kept under two separate departments – the **Department of Surveys and Urban Planning** and the **Department of Lands and Registration**

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

- In 2003, the Government saw the importance of continuing in some way with the land management program it started some years ago.
- One of the major components of the SMOLE project is the **Institutional Development** where the main objective is to establish a **sufficient institutional capacity at the Department of Surveys and Urban Planning and the Department of Lands and Registration**

### 3.3.2 New Topographic Maps

- One of the major developments in recent times is the introduction of **new maps**. This has been found necessary as the last maps were produced about twenty-nine years ago. Over that period many changes have taken place
- Establishment of **modern digital mapping facilities, including stereo workstation with all needed software, geodetic GPS receivers and digital leveling instruments.**

## 4. CONCLUSION

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- Zanzibar's economy depends solely on land as its people are largely peasants and hence proper land administration institution that would bring about proper and economic use of the scarce land available is an important issue
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- Over the years, the past and present governments have tried to establish different **land administration institutions** under different setups considering the social, economic and political needs of the government of the day
  - various **policies and pieces of legislation** have been put in place to try to make the institution serve the people on one side and the government on the other.
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- One of the most notable development after the Political Revolution of 1964, is the creation of the **Commission for Lands and Environment**. This brought all land management issues: land use planning, land surveying and mapping under one umbrella.
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- However following the reorganization of the government structure in 2000, **the commission was dissolved** and the land administration activities are now under two separate departments
  - The **Department of Survey and Urban Planning** which deals with physical planning, land surveying (cadastral, geodetic, etc) and the **Department of Land and Registration** which deals with registration of land rights, valuation of landed properties, etc.
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- However from the past experience with the **Commission of Lands**, it was obvious that because these two departments perform activities that have close relation, it is much better to be under the same umbrella as they were under the Commission.
  - Hence the Government should once again look into this issue so as to make the **necessary changes**.
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- With the introduction of the **Zanzibar Land and Environmental Management Project (ZILEM)** in early nineties a considerable step forward was made towards establishing an efficient land administration institution by a proper capacity building that was provided, both in terms of financial and manpower development as well as the introduction of various pieces of legislation and equipment.
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- Now, its successor the **Sustainable Management of Land and Environmental Management Project (SMOLE)**, has shown positive steps towards the provision of necessary capacity building in order to enable both departments that are responsible for land administration to execute their functions properly.

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**THANK YOU FOR YOUR ATTENTION**