

Challenges of informal Urbanisation. The Case of Zanzibar Town

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Urban areas in developing countries and their inhabitants face the highest population growth and suffer, due to the lack of sufficient infrastructure and urban development control, most from the population growth (UNCHS 1996: 89 et sqq.). The dynamics of urban growth and the lack of leadership with regard to settlement development by the public sector impede the sustainable development of urban areas in the ever-growing cities in developing countries. UNCHS (2001: 12) stated: *“In many countries of Africa, states are pitted against their cities, abetted by a pro-rural bias among most aid agencies. As population shifts toward urban areas, parliaments become disproportionately weighted in favour of rural constituencies. Where systems of governance are still centralised, this can result in national neglect of urban areas.”* Most of the urban agglomerations grow without any official planning. City expansion is mainly based on informal processes. UNCHS (1996: 89) identifies three major reasons for the urban crisis in African cities: *“... a decline in levels of formal employment, and a corresponding rapid increase in `informal sector` activities in many key areas of the urban economy; a deterioration on both the quality and distribution of basic services; and a decline in the quality of the urban environment, both built and natural. All these changes adversely affected the quality of urban life for everyone, but particularly for low income groups.”*

This study focuses on informal settlements in African cities, using the City of Zanzibar in Tanzania as case study, which are evolving rapidly on the urban fringe of big cities. While the formal planning system of the state is not able to cope with the demand for building land and plots, these informal settlements constitute the major factor of urban growth. In some African cities, informal settlements cover more than 70% of the urban area. Aim of this study is to analyse the mechanism and actors involved in informal urban growth and to identify strategies to guide urban development in an environment of weak public influence. Urbanisation in Africa, in comparison to other parts of the world, is characterised by *late urbanisation, urbanisation under poverty* and *high informal urban growth*.

Usually, urbanisation was combined with economic growth and better living conditions in the long run at least for the urban population. In Africa however, urbanisation seems to be connected with increasing poverty of the urban population, which will here be referred to as *urbanisation under poverty*. Today, the percentage of urban residents living below the poverty line in Sub-Saharan Africa is more than 40 % (UNCHS 2001: 18). Therefore, Anderson and Rathbone (2000: 1) stated that *“... Africa’s social and economic problems in the present era are increasingly identified as urban ...”*. In many developing countries, especially in Africa, there is a growing gap between increasing population growth and economic growth. Economic development does not match the population development. This results in an increasing population becoming poorer, although there may be economic growth. Kyessi (2002: 2) refers to the *missing link* of urban growth and economic performance in the urbanisation processes in Africa: *“Development of strong links between agriculture, on the one hand, and industrialisation and urbanisation on the other, with agricultural surpluses feeding the growing cities has not been experienced in Africa as would have been expected. In general terms the economic performance of developing countries, especially those in Africa, cannot compete with the rate of urbanisation.”*

Many modern African cities follow similar layout schemes. Here, East African towns will be analysed. In most of the cases, these towns were developed according to a well-defined planning scheme reflecting the needs of the colonialists. The city was zoned into areas with different densities and the layout enforced racial separation, which was officially justified by hygienic reasons (Spear 2000: 109). Myers argued (2003: 195): *“Urban planning and building control were the foundations of this ‘territorial’ policy. By defining the geographical order of ‘native’ areas - or, to use Mitchell’s (1988: 44) word, enframing them - the colonial state sought to cement its dominance within them.”*

While the development of villages followed traditional rules and decision-making processes reflecting the demand of the villagers, the colonialists introduced a physical urban planning scheme established and controlled by a central government. Urban planning at this time was an output of political demands. However, urban growth was limited and the number of African residents in towns was determined by demand for colonial labour force. Lupala A. (2002: 3) noted that *“in Tanzania, until to the late 1940s the colonial government considered urban areas as European and Asian niches. Africans were, therefore, considered temporary to provide the necessary labour”*. Thus, towns during this period were a colonial product. This character altered only after independence (see also Myers 2003: 194-196).

The system to limit migration to towns was still on the agenda of the independent post-colonial states due to their focus on the rural areas. However, the restrictions to migration were abandoned after independence. According to the socio-economic reasons mentioned above, people started moving to towns. The state increasingly failed to cope with rural-urban migration. Governments even made efforts to stop migration and resettle residents to their rural home areas. Lupala A. (2002: 3) described the case of Tanzania: *“After independence the attempts to persuade the unemployed urbanites to return to rural areas, the main objective being to encourage the people to engage in productive activities in the rural areas and become worthy citizens, could not succeed. ... It therefore became an offence for unemployed persons to remain in urban areas but repatriation or resettlement in peri-urban zones was usually adopted with little success.”*

Therefore, urban growth continued and even increased. This resulted in the inability of the state to provide enough building land in planned areas, surveyed plots and services, due to sticking to colonial based planning laws¹ which do not match with the post-colonial constitution, the land tenure system and issued decrees (Lupala, A. 2002: 15; Sheuya 2004: 29). As a consequence, urbanisation started to take place uncontrolled in unplanned and sometimes even unsuitable areas. Uncontrolled urban growth is not only resulting from the high demand but also from the self given role of the state to be the only provider of building land including all services at a low price without adequate contribution of the users to cover the costs. This process excludes many settlers from urban services and security of tenure.

While the formal plot allocation failed to meet the demand, settlers were forced to the informal system (see also Lupala, A. 2002, Kombe and Kreibich 2000, Sheuya 2004) with the consequence that new unplanned informal settlements developed during the last decades, primarily along the trunk roads. To a certain degree, settlers were there able to compensate lack of infrastructure in the new settlements by the proximity to existing infrastructure (roads, main water pipes, and sewers).

Based on the analysis in the precedent section, the causes for the development of informal settlements can be summarised as follows:

- high urban growth rate;

¹ In Tanzania the Town and Country Planning Law of 1956 is still in use.

- insufficient capacities of the government to provide building land and to implement the laws applicable for the development of planned settlements;
- contradictions in the administrative practice and the legal system that reduce the guiding capacity of the government;
- continuation of the high (colonial) planning standards that neither correspond with the capacities of the government nor with the needs of the settlers;
- and high costs for surveying and planning which are not covered by users.

One aim of the study is to integrate informal settlements and informal urban development processes into the existing formal system. This can only be achieved, if the formal system recognises informal processes and accepts the outcomes. Looking at the results of informal urban development, the outcomes are ambivalent: Unplanned growth results in massive deficits in terms of services and infrastructure as well as conflicting uses. On the other hand, it holds chances due to the provision of shelter for migrants, self-regulation of building activities and the land market on the local level. Due to the fact of the weak state, the high demand for plots and the strong informal urban development processes, there are four steps to consider for reforming the current dual system of urban development:

- Recognition of informal development activities by the state and, at the same time, recognition of the need for planning by informal developers and settlers;
- Reconciliation of both systems in order to improve the guidance of urban development;
- Co-operation of formal and informal stakeholders on the base of clearly defined roles and tasks and definition of the dividing line between city-wide public and local private development responsibilities;
- Integration of both systems into a new stabilised system of urban development control by using strategic instruments and minimum planning standards.

It is assumed that in developing countries it is not possible to achieve suitable settlement patterns while ignoring currently ongoing self-regulated building activities. Approximately two thirds of the existing residential buildings in Dar es Salaam and 45 % of the residential buildings within the present town boundary of Zanzibar were built outside of the legal planning framework (ZSP 1998: 26). In Zanzibar this amounts to almost two thirds when taking the more recent building activities outside the municipal area into account (ZSP 1998: 3). These figures underline that there is neither an appropriate alternative for dealing with the 'informal sector' in a positive way nor another solution as to integrate informal and formal planning approaches.

Currently, the formal planning system has no functioning mechanisms of protecting land titles and private property rights in new settlements, largely due to the extreme degree of centralisation, unclear responsibilities and deficits in implementation. These gaps need to be filled through private initiative and by social regulation, which, however, might exclude some settlers.

Within this study, social regulation is by no means understood as a goal in itself nor as a new planning strategy. Rather it is regarded as a reaction and a way to deal with deficits in sectors which require official legal action or a formal planning approach. These sectors include local and neighbourhood affairs, mainly in terms of property rights, as well as in terms of local service projects (drinking water, sewage, waste management, road-building and the protection of space for road reserves, for green and open space, for child care facilities and elementary schools, markets, street lighting and signage, for the routes of buses).

When aiming at sustainable development of the whole city, the scope and impact of these local activities and projects are limited. On the other hand, when considering aspects of implementation, these activities offer a large potential because of their adjustment to local conditions and necessities. Still, the question remains whether, to what extent and how this ap-

proach can be used to promote a suitable settlement development. There is, however, no doubt that neither now nor in the predictable future real 'formal' alternatives to the informal approach in terms of the regulation of building activities exist.

However, on the city wide level, there is the need for urban development control and an overall planning concerning infrastructure and the designation of favour and taboo areas for urbanisation taking the limited resources of the state into account. This is and should be in the future a task of the state. On the local level, however, private informal urbanisation activities are effective and successful. The dividing line between city wide public interests and tasks and the implementation oriented local settlement development has to be clearly defined. This study focuses on local settlement development and their formal and informal actors and mechanism and the planning framework to guide development.

Urban development in Zanzibar

In order to understand the urban development of Zanzibar Town there is the need for a review of its history. *"The history of Zanzibar is a history of interaction between islanders and various visitors, many of whom settled on the island"* (Veijalainen 2000: 54).

While the ongoing rapid urban growth of Zanzibar Town is - as in most African cities phenomenon of the last decades, its urban history dates back further than in most African cities, namely to the middle age. Traders from the Arabian Peninsula used the monsoons to travel along the East African coast and founded trading places and towns. Arab and Persian traders and African natives formed their own culture and language called Swahili ("sahel" Arabic for coast), which differs from the Mainland. For more than 1000 years, the mixture of African and Arab influences led to the evolution of a specific urban structure of Swahili towns, which have much in common with Arab cities (Aga Khan 1996). Zanzibar, despite being one of the younger Swahili foundations, became the most powerful one under Oman rulers in the 18th century. In 1823, even the capital of Oman was moved from Muscat to Zanzibar and the Oman Sultan introduced the cultivation of cloves. Furthermore, Zanzibar became the main trading place of slaves along the Swahili coast.

Due to this historical background, the urban development of Zanzibar Town is based on two urban cores: the Arab and Indian Stone Town where first building activities started in the 15th century and the African Quarter called Ng'ambo (Swahili for "the other side"²), which emerged in the 19th century. Both were and still are separated by a former creek which is now an open space. While the Stone Town became a World Heritage Site in 2002 and a tourist destination, Ng'ambo is the area where recent urban growth and city expansion take place. During the colonial period and the 1970s the urban development was controlled and limited, although not too effectively. With the effects of trade liberalisation in 1984, Zanzibar Town faced a rapid process of urban growth and urban expansion. Between 1977 and 1994, the Town area expanded about 21 km² (Revolutionary Government of Zanzibar 1995 quoted in Veijalainen 2000: 42). *"Urban areas have expanded beyond the administrative boundaries of the town district. The Town is expanding also along the main roads, outside the master plan planning area"* (Veijalainen 2000: 42)

Today, about 206,000 inhabitants distributed to about 37,000 households live in the area of the municipality (Website Government of Tanzania/census) plus about 145,000 inhabitants at the urban fringe. The total number of residents in Zanzibar Town accounts for more than 350,000 inhabitants when disregarding the political boundaries. The average household size in the municipality with 5.6 is significantly higher than in the urban fringe with 5.0 inhabitants.

² See phrase "the other side" refers to the other side of the creek, which divides Stone Town and the African Quarter.

According to the Zanzibar Sustainable Program (ZSP 1998), 45% of the residents live in unplanned area. Other sources even estimate a percentage of 73 % of the area being unplanned and 83 % of the population living in unplanned residential areas (Veijalainen 2000: 44 quoting Muhajir 1987).

The census of 2002 provides an overview on the distribution of the population in the municipality (Urban District) and the urban fringe (Urban West District). In the Urban West District, officially the Shehia are subdivided in those with urban, mixed or rural character. Therefore, counting the residents in the municipality and those living in an as urban or mixed classified Shehia in the Urban West District, provides the total number of residents in Zanzibar Town regardless to its political boundaries.

Tab. 1 Population Distribution in Zanzibar Municipality and its urban Fringe

District	Male Population	Female Population	Total Population	Household number	Average Household Size
Urban (Municipality of Zanzibar)	99,508	106,784	206,292	37,119	5.6
Urban West a) total number in the district, b) as urban or mixed classified Shehia	a) 91,429 b) 71,336	a) 93,281 b) 74,274	a) 184,710 b) 145,610	a) 37,244 b) 28,785	a) 5.0 b) 5.1
Total urban area of Zanzibar (urban plus b)	170,844	181,058	351,902	65,904	-

Source: Website Government of Tanzania/census

In a report of the Zanzibar Sustainable Program (ZSP 1998), the population data and urbanisation figures were extrapolated to the year 2015. The prospect of urban development in Zanzibar (disregarding political boundaries in 2015) is a population of 470,000 residents in 62,000 households. This constitutes an increase by 134% based on the census data from 2002. Out of these residents, in 2015 40% of the inhabitants will live outside the municipal boundary.

These facts clearly underline the importance to manage informal urban growth.

Summarising the problems of urban development of Zanzibar Town, the crucial issues are:

- the high urban growth rate of about 4.5 % per annum (Government of Tanzania 2002);
- the fact that Zanzibar Island has the highest population density in Africa: 350 inhabitants per square kilometre (ZSP 1998);
- the limited availability of resources and fertile land due to the small size of the island;
- the limited capacity of the state to control urban growth and to provide planned building land; and
- the high percentage of the town area covered by informal settlements.

Formal Planning in Zanzibar

The current formal planning system on Zanzibar is based on a legal framework which can be subdivided in three periods: Colonial or pre-1964 period, revolutionary phase or period of presidential decrees (1964 until 1982) and recent laws (1982 until today).

As a result of the revolution in 1964, all land on Zanzibar belongs to the state and only the right of use is granted to individuals. *“The land issue was one of the most crucial factors in the revolution”* and one major reason for it (Törhönen 1998: 50). Soon after the revolution in January 1964, the president declared on March 8th all land to be nationalised and to be redistributed to land-less peasants as so called Three Acre Plots (TAP). In two steps the land reform was implemented. In 1965, the presidential decree No. 13/1965 vested all land in the government, regardless of existing rights and interests. Mostly the large Arab plantation areas

were confiscated and the state became the owner of the main economic activity. The largest part of the land, however, was practically left untouched (Krain 1998: 38).

It is difficult to define the legal status of a TAP. Officially, the government is the landlord and the grantee a tenant. However, as Törhönen discussed (1998: 52) the TAP system is similar to a freehold system with some restrictions in terms of transactions and usage. According to the Presidential Decree 5 of 1966 the grantee of a TAP “*should not assign, subdivide, sublet, mortgage charge or part with possession of the land granted*”. The usage of the land was restricted to be “*maintained in good and proper condition*”, “*to be cultivated with crops directed by the authorised officers*” and should not affect the occupiers of adjoining land. In the beginning, TAP could not be inherited but with time, the family and the successions perceived the TAP as their property. This is underlined by the fact that the Government demanded a TAP back in a few cases only and also called the grantee a rightful owner of the land (Törhönen 1998: 52).

Today, on Zanzibar still land officially belongs to the state, but private ownership and the purchase of land is accepted by law since 1992 when the Land Tenure Act was issued. Already in the 1980s, Zanzibar faced problems concerning security of tenure. Reasons were mainly (see also Krain 1998: 39):

- lack of a land registration system,
- ambiguity of some laws and decrees issued after revolution,
- insufficient control,
- high fragmentation of land due to Islamic inheritance systems,
- low investment in agriculture due to the limitations to put mortgages on land and
- the development of informal settlements around Zanzibar town.

In 1989, three acts were issued: the Land Adjudication Act, dealing with administrative processes to solve land conflicts, the Land Surveyors Act to enhance the performance of surveying and the Registered Land Act to provide a legal framework for registration of land rights. The latter closely follows the British Commonwealth based Registered Land Act (Krain 1998: 39) and replaced the former Transfer of Property Act. With this new issued act, the owner was allowed to put mortgages on land (Krain 1998: 40), which indeed goes far beyond the former revolutionary ideas, where land should not have any value.

Finally in 1992, the Land Tenure Act (LTA) was established. The Roman concept of unity of soil and all above and beneath was introduced on Zanzibar. However, for the special case of Zanzibar with its large plantations and old rights on land and trees, a separation of ownership of land and trees is still possible (Krain 1998: 40 et sq.). The most important step ahead is the *right of occupancy* of land, which is granted to the holder of the land for perpetuity and enables transfers, sales, inheritance, donations and mortgage. Also “*there shall be no restriction on the sale of a right of occupancy*” (Revolutionary Government of Zanzibar 1992). The right of occupancy can be obtained by a grant of the state or by a purchase or donation of inheritance by another grant holder. In reality, a grant given forever with the right for selling the land is “*de facto a type of ownership*” (Krain 1998: 41). The mentioned perception of the holder, that granted land is their property, is confirmed by the LTA.

Today, the urban development of Zanzibar Town takes places around the existing settlement limits mainly to the North and the South-East of the city. On the one hand, it is common that urban expansion takes place in the surroundings of the city. Factors like vicinity to the centre, accessibility, services and land prices are the driving forces of the location for urbanisation and the current use of the land and its potential profit is only a price forming factor for building land. On the other hand, the crucial issue here is that after revolution the areas of former plantations became TAPs. Therefore, TAPs play the most important role in the urbanisation process, although they were not granted for building purposes.

The question is why informal urbanisation took place in the by law well protected areas of TAPs. In order to understand this, there is a need to analyse the formal system of plot distribution to settlers as a main reason for the appearance of informal urbanisation. Furthermore, as formal and informal urbanisations are complex systems, there is the need to analyse all relationships between the actors involved and the corresponding legal and institutional systems. This approach will explain the contradictory situation of:

- the relationship between Government and holder of a TAP,
- the relationship between Government and settlers, who demand a plot,
- the relationship between settlers and TAP holders and
- the legal framework and institutional setup.

Officially, the Government has to follow six administrative steps for urban development to change the land use from agricultural land to building land and to allocate plots for settlers (Interview Muhajir 2001):

- designation of an area for residential purposes,
- conduction of a detailed survey of the area,
- establishment of a layout plan for the area,
- compensation for the right of use and improvements on the land at a fixed price and
- redistribution of the land to applicants.

This procedure bases on the fact of ownership of land by the state and only private rights of use. Therefore, the state is the only acting organisation in the formal urbanisation process and demands the granted land back from the farmer to allocate land to applicants for a plot.

As the Government is the main actor, it is important to analyse its interaction with the citizens and how the TAP holder are treated. A planner, who was active already before revolution, describes the government's policy and the reaction of the citizens: „*After the revolution, Government ruled with decrees and did not change the laws. It is obvious that authorities do not take care of law and therefore as reaction to this attitude neither do citizens.*” (Interview Alawi, 2001). This can be taken as a reason why TAP holders disregard the legal status of TAPs. They ignore as well as the Government existing laws and consider their granted land as being their property.

The crucial issue is not only the farmer's perception that they are the owners of the land but also the extreme low compensation for the land (Interview Muhajir, 2001). Compensation for farming land by the Government is very low as only perennials (e.g. trees), buildings and improvements on the land can be compensated but not the value of land itself. Farmers cannot buy new land for the same price, because there is no land available on the market. Therefore, compensation does not correspond to the market value of the future building land and “*people do not like surveys on TAPs because they are afraid of getting only low governmental compensation*” (Interview Fakih, 2001). They are afraid of being expropriated and compensated only by governmental prices and not market prices (Interview Muhajir 2001). As the legal status of a TAP is ambiguous and TAP holders are the target group for revocation of granted land, the relationship between state and TAP holder is full of conflicts.

Today, owners of TAPs are no longer willing to be compensated at low governmental rates and prefer to sell the land on the informal land market before surveying begins, which is a sign for the start of a formal planning process. Land prices on the informal market are market prices and depend on the area and the plot size: They range from 700.000 TSh to one or two Mio. TSh for the average building plot size of 200–300 sqm. However, also prices up to ten Mio. TSh were reported (Veijalainen 2000: 89 et sqq.). The prices for land on Zanzibar are the highest in East Africa and due to the informality of the market prices are not transparent (Interview Fakih, 2001). They are more the result of the quantity and quality of information of

the land market, relationships or ties between the actors of simply misuse of the strong position in the market by the land owners due to the shortage of land available.

The question of why TAP holders are able to sell land to settlers without any intervention by the Government is answered by looking at the relationship between the applicants for a plot and the Government. As shown above, the state is the only acting organisation allocating plots. Since 1989, settlers have to apply for a plot at the Commission for Lands and Environment (COLE) which is the responsible administrative body. Before, allocation was under the responsibility of local party branches. This administrative procedure worked well in the 1970s and 1980s under a powerful one-party system and at low urban growth rates. Land was available and applicants were able to obtain a plot for building purposes. A local planner in the government stated: *“Before, there had been no informal settlements and enough plots could be provided by the Government”* (Interview Ghalib Omar Awad, 2001).

The change of the economic system in the mid of the 1980ies is the main driving force for people to move into town which is the main factor for the development of informal settlements on Zanzibar. The following quotation underlines these findings: *“The first informal settlements occurred after the political changes in 1984 with the introduction of a free market economy, so people moved from the countryside, Pemba and the Mainland into town because of economical reasons to run their own business”*. (Interview Alawi 2001)

Today, there is a rapid increase of urban population as result of the attractiveness of the city for migrants to increase their economic activities. This migration into town combined with the limited capacity of the government of Zanzibar to provide building plots caused a demand for plots which could not be covered. Furthermore, the whole allocation process took too long to meet the demand of applicants. *„In 1998, only 15% of the applicants got a plot through this system”* (ZSP 1998: 62). The reasons for the low allocation rate were *“limited resources for surveying and for the provision of layout plans”* (Interview Fasih, 2001). Another local planner describes the dilemma of the Government: *“On the one hand, the state lost its influence to guide urban development because of the rapid urbanisation and on the other hand, it could not provide enough plots as stated in the planning law because of lack of resources”*. (Interview Alawi 2001)

The ongoing informal urban development is therefore, not a strategy or a goal of landowners or settlers on its own. It is rather for them a way-out of low compensations for land and low allocation rate combined with taking the advantage of the contradictions and weaknesses in the legal and administrative system. This is underlined by the critical statement of a local planner that the Government itself was the cause for informal development, not the informal actors. *“Government did not perceive rapid urban development as a consequence of the opening of the market. Thus it was not prepared. Government closed the eyes, because it could neither reinstall the controlled economy nor it was able to change the whole system”*. (Interview Ghalib Omar Awad 2001)

Informal urbanisation processes

Consequently, for the settlers *“there is no other alternative than the informal sector because the formal process of allocation takes too much time or fails”* (Interview Ghalib Omar Awad, 2001). For applicants for plots, time *“for development is a big issue, so people do not accept a prolongation of development process by introducing planning steps”* (Interview Muhajir, 2001). Due to frustrations in the allocation process, neither settlers nor TAP holders trust the planning authorities. They prefer not to negotiate planning or ask for assistance. Sometimes they work on their house at night or on the weekend to avoid getting be caught by the authorities (Interview Muhajir 2001). This means, settlers are aware of their illegal constructions, but are not afraid of demolitions or expropriations. Government has no alternative as to accept

informal urbanisation as long as it is not able to provide enough plots or to restrict migration to town. A detailed description of the process of informal urbanisation can be found when analysing the relation between settlers and TAP holder, which is the core of informal activities.

Settlers buy land directly from TAP owners or indirectly via middlemen. In this way, they get a plot very fast. However, these plots are only available at high costs. Whether these plots meet the demand of the people, concerning size and location, or are rather the result of market forces is still an open question. In the informal urbanisation process, the following actors are involved (see also Veijalainen 2000: 113 et sqq.)

- TAP holders, who subdivide their land and sell it to land seeking settlers,
- middlemen, who establish the connections between landlords, who are willing to sell, and land seeking settlers,
- land seeking settlers as clients of TAP holders or middlemen,
- Shehas, who confirm the transaction and
- administrative officers and technicians inside the Government, who help with legal and technical issues (e.g. surveying, connection to services) on their own account.

The following analysis of the informal urbanisation process bases on interviews conducted by the author with residents and Shehas in the case study settlements and with local planners in the Government.

Holders of TAPs sell their land directly or via middlemen. This process works very fast and settlers can buy a plot “over night” without any delays or involvement of administrative bodies. The price is paid in cash. Middlemen play an important role as they have an overview of the market and help both parties to find a price and to sign the contract. Furthermore, they give advice concerning subdivision and plot orientation. Middlemen estimate the potential for urbanisation and the needed amount of plots in advance. However, middlemen are neither informal planners nor developers. Rather, they are businessmen looking for the commission of the land transaction. Usually they receive five to ten percent of the selling price as commission (Interview Ghalib Omar Awad, 2001). Consequently, they try to make the plots as small as possible to increase the number of plots for sale. Sometimes, they even act as speculators buying larger plots for subdivision and selling (Interview Fakih, 2001). Because these subdivisions and changes of use are illegal, they mostly happen fast and underhand. The goal of sellers and middleman is the maximisation of profit, which raises the prices due to the shortage of land and improves their position in the market. Therefore, plots in informal settlements are usually smaller than in planned areas (Interview Muhajir, 2001).

But the informal market does not only result in high prices. More important for the settlers are the quality and usability of the plot and the resulting new settlement. In order to create a well working settlement, non-profitable land is needed to cover the demand of space for access and social as well as technical infrastructure. In planned areas this space is provided by the planning authorities regarding detailed figures for the demand of the different services per hectare or capita. In the informal process however, this space is not considered as it is non-profitable land (see also Veijalainen 2000). TAP holders with the help of middlemen just estimate the size of area and subdivide it into plots without providing access roads and spaces needed for technical and social infrastructure. Only existing paths connecting other areas are respected as they serve already existing settlements but at a minimum dimension. During the subdivision process, no appropriate surveying is done and no layout plans are drafted. Selling landlords and middlemen are not interested in layout plans because they fear to be forced to give away land for public infrastructure, which will be only compensated with governmental prices (Interview Ghalib Omar Awad, 2001). This leads to the fact that oftentimes, non-profitable land for infrastructure and access is not provided, which has a negative impact on the settlement

development, the functioning of the settlement and as result on the usability of the purchased plots. During the selling-process settlers are not aware of the above mentioned constraints. Later on, settlers have to negotiate among each other for access roads and space for services (Interview Fakih, 2001).

The next group of involved persons are local Shehas and Wards. Wards and Shehas are the legal persons and institutions who witness or certify the transaction, the plot size and the price. Sometimes, they even confirm the plot boundaries, when they are on site during the purchase process (Interview Muhajir, 2001). : Indeed this can make them key persons for security of tenure but can lead to the misuse of their powerful position. By confirming illegal land subdivisions and changes of land use and being legal bodies they actually act against laws. This way, the transaction is confirmed by local government officials and thus gains a quasi-legal status (Interview Ghalib Omar Awad, 2001).

The last group of involved persons are officers and technicians, who offer their services for planning, surveying and construction advices. Additionally, they even offer a connection service to public infrastructure like water pipes. As private business men they fill the gap the public service leaves open. However, they use public facilities to run their business and misuse their knowledge and influence for their own financial advantage.

Although the informal urbanisation process serves the demand for plots, the situation for the settlers is still difficult. All advantages in this business are on the side of the TAP holder and middlemen. They can define the price for the land due to the high demand. Also full security of tenure is not given as the confirmation by the legal bodies is not according to the law.

In order to ensure security of tenure and to avoid double selling of the same plot as described in the case studies of Veijalainen (2000: 106), purchasers have to undertake some security measures on the ground. Besides the witnessing of the transaction by the Sheha or another authority, settlers have to put beacons around the plot and lay the foundation of the future building immediately after purchasing a plot “over night”. This way they demonstrate the purchase to others and avoid boundary conflicts with neighbours or future buyers. Furthermore, they can prevent double selling of their plot by the same TAP holder or middlemen (Interview Fakih, 2001).

When analysing the individual purchases of plots, there is also a need to analyse the entire subdivision process of a TAP. The question is whether the TAPs are subdivided according to the needs and financial power of the settlers, according to the system “first come, first served” or according to a rational subdivision system, which can be called informal layout plan. In fact, although not being trained in planning and surveying, some TAP holders and middlemen have a detailed idea of the development of the TAP. Not only has the high demand for plots led to informal urbanisation. Internal reasons in the legal planning system also played their role. Contradictions in the institutional and legal framework weaken the influence of the Government as pointed out before when discussing the three fundamental legal aspects of land management on Zanzibar and the three phases of development of the planning system. Even if planners had the capacity and the resources to control urban development, these contradictions in the legal system (and delays in the administrative implementation) would eliminate any legal control (Interview Muhajir 2001). A local planner points out that “*Planning and planning related laws (e.g. surveying, land tenure and agriculture) do not match with each other and have to be integrated during process of reform. My proposal is to put land use and town planning law under one umbrella law and not to separate them in different acts, decrees and colonial laws.*” (Interview Alawi 2001) In addition to the unwillingness of TAP holders to return their grant, surveying is one of the main factors for the delay as there are only two functioning surveying instruments available on Zanzibar (Interview Fakih, 2001). Other sources, however, see the allocation system itself as the problem because the process demands

a high input of the planning authorities. Muhajir (Interview 2001) argues that the high planning standards, the provision of free services and the distribution of plots at a rate that does not cover the cost are the crucial issues for planning and urban development control.

The government generally displays a loose attitude concerning the informal urbanisation process. Informal settlements are usually accepted. The problem is that the decision-making for their legalisation is done case by case and does not follow transparent rules (Interview Muhammad Salim Suleiman, 2001). This uncertainty limits the security of tenure for settlers and reduces the willingness for long-term investment. However, in some cases, the Government accepts informal transactions and the development of informal settlements. In a few cases it is even involved in this process. It legalises the actions of the middlemen and TAP holders indirectly and claims 25% of the area for its own purposes (eg. roads or services or selling to cover planning and development costs). In this way, Government accepts the process and tries out a new system of land policy. However, in practise it is difficult to implement because it is contradictory to the legal system and is met with the distrust of the landlords (Interview Fakih, 2001).

Another shortcoming of the authorities is the number of qualified staff and the influence of the political decision making process on the administrative procedure. One planner claims that *“often politicians were sent to governmental offices although they are no professionals”* (Interview Rijah, 2002) and the *“Abolition of former planning institutions after revolution brought persons into power without enough experiences and knowledge”* (Interview A. Alawi, 2001).

On the institutional side there is a constraint in terms of range and applicability of laws and regulations. On Zanzibar, building regulations and development control takes place only in urban areas (here in the municipality of Zanzibar Town ZMC), while in rural area there is no control and decision-making is in the hands of the community or traditional local leaders. In villages in rural areas this system works well and follows local traditions. However, urban development of Zanzibar Town today takes place outside the boundaries of the municipality. As the municipality of Zanzibar Town is the only municipal body on the island, the urban expansion takes place in an area where rural regulations apply which means there is no development control. After abolition of the municipality in 1965, the municipality was re-established in 1978. The boundary followed the then existing settlement pattern and was never changed according to urban expansion of today. Although a Chinese Masterplan suggested to expand the urban boundary or at least to expand the area of urban control already in 1982, this expansion has never been implemented. Responsible for the shortcoming is either the ZMC or the existing district administrations or councillors around town. One of the tasks of the ZMC is to provide services as waste collection in its areas, which overstrains the limited resources of the ZMC if the boundaries expand. The district administrations and councillors around town will loose their influence, independence, tax revenue collection potential and political power after an expansion of ZMC (Interview Mzee, 2002). However, even today the boundaries and duties between ZMC and the Districts are not clearly defined. While there is no building control outside the area of ZMC and ZMC cannot collect taxes in this area, it has to provide some services and has to use land outside its area for a waste dump site. It can be summarised that due to different constraints, the legal and institutional framework is not able to deal with the rapid urban expansion of Zanzibar Town.

Conclusion

The analysis of the formal and informal planning processes on Zanzibar shows a multitude of reasons why urban development control is weak and informal urban development occurs. The constraints of the legal framework are the result the different legal systems in land manage-

ment that are still in use and overlap. There is a strong need to revise the entire system with the aim to develop an integrated system reflecting the reality instead of the parallel system of colonial laws, revolutionary decrees and recent acts. The demand for plots for the increasing urban population cannot be covered by the existing system and its planning procedures. Therefore, there is no way out for settlers to use informal offers to get a plot and for the government to accept the informal processes. However, they are excluded from urban services and security of tenure. In order to get the influence on urban development back, there is a need for the Government to revise the planning system and develop new planning approaches. These issues will be covered in the presentation at the 6th N-aerus conference.

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