

The myths and realities of land registration in Zanzibar

Abdul-Nasser Hikmany

Zanzibar University, Tanzania

hikmany@gmail.com

<https://orcid.org/0009-0003-9235-7831>

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Abstract

In a developing state, such as Zanzibar, registration of lands is not a laid-back method for the government to completely finance. Different approaches have been introduced and undertaken by the government of Zanzibar to fully reap the benefits of land registration. These however remain a myth, as what was expected from registering at least half of Zanzibar has not yielded the exact outcome. The government initiatives consist of enacting proper legislation, reforming the land policy, introducing national agendas and receiving foreign financial contribution. Based on the policies, laws and literatures, this study assessed the most appropriate framework upon which lands can be registered reliably and speedily. The qualitative data analysis method was applied, as this was purely traditional doctrinal legal research. This study used a case study design and specifically focused on the appraisal of the land registration records in Zanzibar. The targeted population for the interviews was the employees under the Commission for Lands responsible for land adjudication and registration. From the population of 195, a total of 27 officers were purposively sampled, nine of which were officers on land adjudication and the remaining 18 were on land registration. Qualitative data was analysed by narrative analysis, which seeks to understand the experiences and perspectives. The findings of the study are presented in narrative and descriptive reporting form. The results showed that the reality on the ground remains to be alarming as less than 10% of the land has currently been registered. The results further showed that the Office of the Registrar of Lands has no leading role in land registration, lack of institutional support, non-applicability of physical planning standards prior to registration, expensive land survey methods, limited application of electronic facilities, human resources and financial capacity. In order to reach the objective of the government on registering all lands of Zanzibar, this study recommends improvement of the Office of the Registrar of Lands, integrating planning standards, choosing cheaper demarcation costs and most importantly introducing electronic land registration system.

Keywords: land, registration, Zanzibar, tenure, adjudication, electronic system

1. Introduction

As major development projects and national planning depend on land, registration of land is a helpful tool for a nation's development. Land registration is all about recording the land information and putting it into a systematic detailed manner. The records on land are factual information used in planning, development projects, financial transactions and disaster recovery schemes, and more. Records on land must therefore be detailed properly, diligently and efficiently to be passed to public and private sectors, whether for economic or social purposes.

In Zanzibar, land registration has a history over generations from the 1920s to the 21st century (Land Policy 2018:7). In the 1920s, 'land registration' was not termed registration per se, but was rather known under the umbrella of land survey, which was anticipated in those times to assist land registration. As of the current regime, the land registration has not materialised in the manner it was anticipated. Concentrating on registering the whole of Zanzibar, the government has introduced different projects and engaged several development partners to reach the target. However, the registration moved gradually for the past three decades (Land Policy 2018:7). The speed and records of lands are not efficient to allow the information to be shared with other public and private stakeholders.

This study aimed to investigate the myths and realities of land registration in Zanzibar to recommend a reliable and speedy land registration process. The study revolved around policies, laws and literature.

1.1. Contextual setting for land registration in Zanzibar

Zanzibar has an area of 2,654km² comprising of two sister islands, named Unguja and Pemba, and 53 other small islands (Land Policy 2018:1). Zanzibar City, the capital city of Zanzibar, is in the West Urban Region of Unguja. Zanzibar is a semi-autonomous state within the United Republic of Tanzania (URT), with its own constitution that introduces the three democratic pillars: Executive headed by the President (Constitution of Zanzibar 1984:art.26), Legislature headed by the House of Representatives (Constitution of Zanzibar 1984:art.63) and the Judiciary headed by the Chief Justice (Constitution of Zanzibar 1984:art.93). Matters of land are non-union matters. Zanzibar has the liberty to regulate land affairs exclusive of directives from the URT (Constitution of the United Republic of Tanzania 1977:art.4, 1st Sch.).

Land registration in Zanzibar is regulated by the Registered Land Act, 10 of 1990. The Registrar of Lands is the chief officer of the Office of the Land Registrar. The Registrar is appointed by the President of Zanzibar as per section 7(1) of the Act. Other associates include the Deputy Registrar of Lands (stationed in Pemba) and Assistant Registrar of Lands who are appointed by the Minister responsible for land affairs as per section 7(2) of the Act.

Read together, the Registered Land Act is the Commission for Lands Act, 6 of 2015. The latter establishes the Office of the Registrar of Lands which specifies that the Office shall be supervised by the Commission under the Executive Secretary as the Chief Executive Officer of the Commission (Commission for Lands Act:s.6(2)(e)). Therefore, matters of financial and administration for the Office are managed by the Executive Secretary of the Commission.

This study argued that the laws and policies on land registration remain a myth. The reality is that limited concentration is set on their application. This restraint resulted in not attaining the targeted outcome of land registration, including resolving land disputes, acceptable physical planning, increase of revenue collection, among others.

2. Statement of the problem

There never has been a land registry in Zanzibar (Land Policy 1982:14). Prior to 2006, the method used was to register documents under the Registration of Documents Decree Cap.99 (1919). This means that there was no systematic registration of land requiring each parcel to be registered. Rather the registration was based on where a parcel of land has been the subject of a transaction. For example, entries would appear in the Register of Documents from a sale or

inheritance. The result is that not all parcels of land appear in the register (Land Policy 1982:14-16; Biitir, Miller & Musah 2021:14).

The introduction of systematic land registration in 2006 was expected to systematically register the whole Zanzibar. The Registered Land Act desires to have a proper registration system where each plot is accurately surveyed and beacons and particulars of ownership with encumbrances are registered in a comprehensive model (Enemark, McLaren & Lemmen 2021:975). However, a large area remains to be identified and registered through transfer documents using a description of boundaries and adjoining properties. This is an ad hoc system, resulting in much litigation (Singirankabo & Ersten 2020:147).

As no scholar has attempted to do in-depth research on current issues surrounding land registration in Zanzibar, this study sought to add to the continuum of literature and propose recommendations. These included advising a full cadastre and registration system in a modest way, beginning with a small area and moving gradually to other parts of the country. This modest approach is possible through the Land Administration and Registration Information System (LARIS), which is currently being negotiated between the Government of Zanzibar and the Institute of Geographic and Forest Information (IGN-FI) Paris.

3. Objectives of the study

The objectives of the study were to:

- i) ascertain the myths to which the legal and institutional frameworks deprive full registration of land in Zanzibar
- ii) establish the realities to which the present legal and institutional framework of Zanzibar provides a reliable and speedy registration
- iii) propose appropriate recommendations upon which land registration can be registered smoothly.

4. Literature review

Pertinent literature on land registration, which includes Vision 2050, Land Policy 2018 and the Registered Land Act 1990, was reviewed. These documents are the foundation of the institutional and legal framework of land registration in Zanzibar. This section reveals a mythical application of the Torren system of land registration in Zanzibar. The reality is that land registration is not moving as intended, neither through policies nor laws, and this will be discussed in the study findings section. This literature review assists the reader in understanding the importance of land registration in land management and how far land registration can be used as a tool to guarantee land security and minimise land disputes.

4.1 Land utilisation and management

Pillar four of the Vision 2050 is devoted to land utilisation and management (Vision 2050:59). The objective of the fourth pillar is to ensure the “continuity of social, economic, political and environmental stability in Zanzibar” (Vision 2050:58). The Vision aspires to review land laws and policies and to allocate and utilise land for different economic activities (Vision 2050:60). Vision 2050 “is the culmination of a series of stakeholder consultations and sectoral analyses to determine national priorities in policy making, project planning and decision making” up to 2050 (Vision 2050:i).

4.2 Guaranteed land security and disputes

As for the National Land Policy (2018), the government has undertaken to register all land in Zanzibar to guarantee land security, minimise land disputes and enhance economic growth (Land Policy 2018:7). As land registration still has to rely on foreign funding and no special programme is in place to improve the needed land registration, it will take years to have all land in Zanzibar registered as targeted (Land Policy 2018:7). The policy calls for the government to ensure that “adequate resources are available, capacity is improved and public awareness is strengthened to consolidate the land registration process” (Land Policy 2018:29).

4.3 Vision 2050 and the Land Policy 2018

Through Vision 2050 and the Land Policy 2018, the government clearly emphasised land registration in Zanzibar to enhance economic growth and minimise land disputes. The same applies from the Ministry of Land’s budget speech 2024/25 (Ministry of Lands 2024:45). However, during the 2020 Presidential run up of Mwinyi’s campaign, the focus was on revenue collection, jobs, fishing industry, employment, oil and gas industry, and not on land registration (The Citizen 2020). Similarly, the Ministry of Finance’s budget speech 2024/25 has shown that in the year 2023/24 the Ministry’s priority projects included construction of infrastructures such as roads, hospitals, schools and government offices (President’s Office 2024:21-36). If the government is serious about land registration, all institutes must reflect this in every angle of their reports and strategic plans. The government must provide a nationwide service, introducing full or half financial support to ensure complete land registration (Enemark et al. 2021:975).

4.4 Land registration through a Torren system

The current legal framework is based on a Torren system in which claims to land are registered and a title is issued. Zanzibar applies systematic title registration of land supported by comprehensive surveys carried out area (Shehia) by area (Hanstad 1998:701). This framework is founded under the Registered Land Act, which requires rights or interest claimed and approved from the adjudication to be registered (Registered Land Act:s.13). The Land Adjudication Act, 8 of 1990, gives the manner of receiving, reviewing and approving claims to land, whether privately or institutionally (Land Adjudication Act 1990:s.10). All approved claims are legally termed as first registration and forwarded to the Land Registrar for subsequent registration (Land Adjudication Act 1990:s.25). Land ownership is regulated per the Land Tenure Act, 12 of 1992, and therefore the adjudication and registration processes must confirm the procedures provided under the Land Tenure Act. This includes execution of the title by the Minister responsible for lands (Land Tenure Act 1992:s.9(1)). No minerals or foreshore can be registered privately (Land Tenure Act 1992:s.8(2)(g), although trees can be registered differently from land ownership (Land Tenure Act 1992:s.19(1)).

5. Methodology

To gather an understanding of the myths and realities of land registration status in Zanzibar, this research applied a qualitative study that used the case study design to focus specifically on the appraisal practices of recording land registration for government plans and the collection of oral histories from the staffs of the Commission for Lands. Traditional doctrinal legal research involving analysis of primary and secondary sources of law was used in this study to

address the focus and aim of this study (Ihugba, 2020:74-78). This methodology is overwhelmingly used in similar legal studies (Hsu, Kan-hsueh Chiang & Chang, 2024:339).

The library literature research involved a review of relevant legal instruments and materials for the study from various libraries and documentation centres. These include, but are not limited to, Zanzibar University, the Attorney General's Chambers, the Commission for Lands, and the House of Representatives. Various materials, including the Constitution of Zanzibar 1984 and the Constitution of the United Republic of Tanzania 1977, legal instruments, articles in journals and books, textbooks, thesis and dissertations, reports and newspapers were critically analysed. Some other documents and information, related to or on the subject under study, have also been retrieved from the internet.

Apart from the library literature research, semi-structured interviews were conducted with the experience of the personnel with the reading portion. This study used the narrative analysis, which seeks to understand the experiences and perceptions rather than relying on numbers of statistics (Thanh & Thanh 2015:24). The targeted population was the employees under the Commission for Lands responsible for land registration. From the population of 195, 27 officers were purposively sampled, nine of which were officers on land adjudication and the remaining 18 were on land registration. Observations were similarly applied to elicit a considerable level of the myths and realities of land registration in Zanzibar (Ihugba 2020:42).

This study used narrative analysis method (Reyes, Bogumil & Welch 2024:93). After examining the existing myths and realities of land registration in Zanzibar and exploring the current status, success and challenging facts; the data was subjected to narrative analysis. This approach focused on getting a deep understanding of the interviews and readings.

6. Study findings

Below are research findings based on the data collected through interviews, observation and document analysis. The findings of the study are presented in line with the objectives of the study in ascertaining the myths and establishing the realities of land registration in Zanzibar. The myths were assessed under the literature review. In this part, the findings showed that the reality remains a myth as the registration of land does not move as required by policies and laws.

6.1 Establishing the land registration framework

Although the Act was legislated in 1990, Respondent J indicated that “the office did not come into effect until 2006 when the first Registrar was appointed”. There was a long time interval between the enactment and introduction of land registration in Zanzibar. In addition to the late commencement of the Registered Land Act, changes from the 1960s' revolutionary period to current land rights are relatively high. This proves to be more difficult in recognising ownership of land, be it private or public land (Singirankabo & Ersten 2020:147).

Respondents A revealed that “the appointment of the Registrar in 2006 follows the requirements for registration which were during this period under a project titled Sustainable Management of Land and Environment (SMOLE)”. As matters of registration of lands could not commence, it was necessary at this juncture to appoint a Registrar. Currently, three Land Registrars have executed matters of land registration in Zanzibar.

Land registration requires accomplishment of section 7 of the Land Adjudication Act in regard to public participation. This entails the people and public or private institutions to be fully engaged in submitting their claims (Kusmiarto, Sutanta & Aditya 2020:45). The process only takes into consideration people, leaving out many institutions to be adjudicated and registered. It was pointed out by Respondent C and through observation that the public institutions themselves are not properly harmonised and sometimes the institutions blindly do not take the adjudication process well. As a result, places of public usage (such as roads, public buildings, easements, open spaces, water pipelines, etc.) are not registered.

As per legislation, the adjudication process in Zanzibar covers only selected parts. However, the selection of areas is not clear on what problem the adjudication system intends to solve. Respondent C stated that “a year is dedicated to an area of an urban nature, the next year a rural one and the following year a disputed area”. Before land rights are registered, the government must ascertain existing rights to determine what land rights should be entered on the register (Agyei-Holmes et al. 2020:1). It is, therefore, significant to decide whether the registration system is to solve agricultural problems, rural areas or commercial farming. If the primary goal is to reduce disputes, then areas with high degrees of litigation or unregulated squatting might be chosen first. In any case, it is wise to delay adjudication implementation in areas that pose difficult conditions with regard to such factors as land tenure or survey methods until the process is well established (Jong, De Bruin, Knoop & Vliet 2021:227).

6.2 The Registrar not the leading role in land registration

In Zanzibar, land is administered by the Commission for, Lands whereas land registration is the sole responsibility of the Office of the Land Registrar. All lands are to be registered in the auspices of the Land Registrar per the Registered Land Act. However, Respondents K specified that “there is a confusion of the responsibilities between the deed and title registration”. The Business and Property Registration Agency (BPR) performs its activities as per the Zanzibar Business and Property Registration Agency Act 13 of 2012. The Transfer of Property Registration Decree Cap.150 (1917) and the Registration of Documents Decree Cap.99 (1919) are applied to register documents, including lands, with the BPR Act, 13 of 2012:s.18).

This gives BPR the power to register any kind of document, including one of the lands. In the days prior to the appointment of the first Registrar of Lands in 2006, land documents were registered at the Registrar General; the law was amended later to dismantle the Registrar Generals’ powers and introduce different institutes, including the BPR. Registration of land documents is still performed under the roof of BPR, and it claims that registration is for documents and not land. The other conflict in this institutional setup is caused by sections 9(1) and 10(2) of the Land Tenure Act, which permitted documents to be registered as per Cap.99. Making things worse is that Cap.150 and Cap.99 are still active and not repealed. In order for registration of lands to run smoothly, it is advisable for matters of land registration to be put under one wing, the Land Registrar Office (Biitir et al. 2021:14).

6.3 Lack of institutional support

Land registration has been introduced in the early 21st century. All respondents acknowledged that it is now nearly 18 years since its commencement. A review of the legislation established that the registration process is not a new process in Zanzibar. As specified by Respondents C, “registration of land was done through deed registration in which the Registrar General took the role as per the Transfer of Property Decree Cap.150 and Documents Registration Cap.99”.

The Registrar of Lands came into practice when the registration of land had its root for a century. It is difficult for the related institutes to surrender their power when their laws have not been repealed. The Director of the Department of Lands, for example, has the role to keep a “Special Register” maintained by the Director for registration of provisional rights of occupancy (Land Tenure Act 1992:s.11(1)). This is somewhat a concern that must be adjusted for the Director to pass its powers to the Registrar.

The success of registration requires a number of institutions to work together (Economic Commission 1996:18). Records of land ownership are scattered in several institutes; from the Department of Lands, BPRA, Zanzibar Investment Promotion Authority (ZIPA), Wakf and Trust Commission (WTC) to Local Government Authorities (LGAs). Sadly enough, is that the process of adjudication does not harmonise these institutions and no record searching is done prior to issue a certificate of finality (Land Adjudication Act 1990:s.25). The certificate is issued when the adjudication has been completed and the adjudication records are defined as first registration and thus submitted to the Land Registrar for subsequent registration. For example, areas that are heavily invested have their records at ZIPA and the Department of Lands, succession and trust or Wakf areas are under the WTC, records of ownership prior to 2006 have been filed at the BPRA and the LGAs has records of ownership at the grassroot level (agreements of transfer and the like).

In recording the adjudication data, Respondents D received facts from the people only. The received information is not supported with other related institutions such as the BPRA, ZIPA, WTC, Department of Lands or LGAs. This also implies that records are still under other institutions. The Registrar of Lands’ data is therefore not complete, as it does not show the historical chain of ownership prior to registration.

6.4 Non-involvement of planning principles

The current adjudication remains a myth, as the process does not involve the planners due to financial and human resource constraints. It is also worth noting that the planning consumes time. This means that the certificate of finality, which is issued after adjudication does not affirm that the planning rules have been applied. Interviews with Respondents F showed that, the survey is done without adherence to the planning rules – something that is professionally unethical.

For the registration to be in line with the land administration principles, the reality must be that the rules of urban and rural planning be complied with. This implies the need of planning an area prior to survey. Better planning is encouraged to involve zoning, protection of public areas, protection of ecologically sensitive areas, public urban development, land consolidation, irrigation projects and the like (Manara & Regan 2024:11). The process of planning without doubt assists in properly guiding areas of public against private usages. Planning also facilitates to determine land uses of that area. That said, the adjudication process necessarily requires involving planning officials who will suggest proper physical planning channels and standards to be incorporated into the whole process of adjudication.

6.5 Expensive demarcation costs

The main purpose of land registration surveying is to record, with some accuracy, the location of parcel boundaries so that disputed or uncertain boundaries can be redefined. Survey methods range from very simple and less expensive to very complex, detailed and costly. The choice

among surveying and mapping methods generally involves balancing costs and accuracy (Manara & Regan 2024:14).

It must be noted that land registration systems can be successful with even low mapping standards involving simple large-scale maps, making it possible for the identification of the plot (Alhola & Gwaindep 2024:4). In fact, excessive precision can have a detrimental effect by creating dispute and conflict where none previously existed and resulting in extra costs and delays (Manara & Regan 2024:13).

As explained by Respondents E, it was found that Zanzibar currently applies a practice of adjudication which involves demarcating plots through fixing precise boundary positions on the ground in the presence of the parties and accurate ground surveying or large-scale aerial surveying with pre-marking (Alhola & Gwaindep 2024:3). This method would possibly invite lengthy and unnecessary disputes. The method chosen should depend on the accuracy demanded or desired by landowners. Owners of large, inexpensive, rural plots are less likely to be concerned about accuracy or physical demarcation than owners of small, high-value urban plots (Eilola, Kayhko & Fagerholm 2021:2).

The boundaries can be well demarcated based on much cheaper and faster methods. These inexpensive methods include ground features that are noted either from aerial photos or ground surveys, often adjoining land owners will agree on the size and shape of their parcel of property but are unable to agree on the actual boundary (Eilola et al. 2021:4).

6.6 Less than 10% of land registration

In the early years of 2000, the government was ambitious to attain 50% registration of all lands in Zanzibar. This was to be completed through the Sustainable Management of Lands (SMOLE). This is a dual-funded project by Finnish and Zanzibar's Governments. The Zanzibar Strategy for Growth and Reduction of Poverty (ZSGRP) targeted to "demarcate and register at least 50% of the current productive land" by June 2015 (ZSGRP II 2010:29). The launch of the ZSGRP coincided with the implementation of the Millennium Development Goals (MDGs). Beyond the broad aspirations of Vision 2020 of transforming and modernising Zanzibar's economy and eradicating poverty, the ZSGRP is a tool the Government of Zanzibar was expected to deploy to realise the Millennium Development Goals, improve living standards and strengthen good governance (ZSGRP II 2010:1).

Records from the Land Registrar's Office showed that up until 2015 when SMOLE ended, only 5,000 plots have been registered. This accounts for not more than 5% of the registered land in Zanzibar. The total area of Zanzibar measures to 2,654km² in which 1,666 km² for Unguja and 988 km² for Pemba (Land Policy 2018:1). It was estimated that a single plot covers 1,500m² meaning the average plots of Zanzibar would be 1.8 million. As from January 2016 to March 2024, only 5,027 plots have been registered. This brings the total number of registered plots 10,027 in which 6,282 for Unguja and 3,745 for Pemba (Land Registrar's Office, April 2024). If 5,000 have been registered in a duration of five years, it would take nearly 70 years to end the registration process. A similar practice is seen in Indonesia where researchers argue that, at the current pace, it would take around 85 years to complete the land registration process (Wibowo 2019:1).

6.7 Limited usage of electronic facilities

Inefficiencies which arise from using a manual-based system for land records management exist in the land registry. The land registry has not met its mandate to provide accurate and timely information on land ownership and usage. The land registry continues to report delays in processing land titles, difficulty in accessing land information and the falsification of survey information on land titles (Ntongani 2024:759; Luyombya & Obbo 2013:26). Respondent I revealed that the Office of Registrar of Lands lacked software to allow the sharing of information between the land registry and the adjudication office (Luyombya & Obbo 2013:32). This means that data from the adjudication must be retyped to be used by the Office of the Registrar of Lands.

Doing business will be importantly enhanced if most of its services are automated or can be quickly accessed. As the government embarks on the road to e-government by introducing LARIS, there is need in the land sector to prepare infrastructure to make this achievable. LARIS is engineered to exist as a giant project aiming to digitalise land registration with its associated affiliations on land adjudication, survey, planning and valuation. One such exercise is the computerisation of land records at the Office of Registrar of Lands, which will ensure that land information is accessible and transparent to all citizens (Tembo, Nkwae & Kampamba 2014:1). The land registration system is meant to provide the means for recognising formalised property rights, and for regulating the character and transfer of these rights (Tembo et al. 2014:4).

It should be noted that preservation of digital records will also have its challenges in particular obsolescence of infrastructures and technology, continuous migration and deterioration of digital material (Syukri, Sapira, Gaffar & Suyuti 2024:3-4; Tembo et al. 2014:8). However apart from preservation, computerisation of records would suggest that Zanzibar will need to develop and introduce LARIS-like systems that would allow land registration to be transacted electronically. This means that consideration should then be given to e-conveyancing and e-registration (Tembo et al. 2014:8).

There are, however, a number of challenges for its implementation, including technical infrastructure consideration which would allow stakeholders, including the public, access to the registry without comprising its security. Sandberg (2010) states the main challenge in e-registration as the problem of identifying parties to transactions and the authentication of documents (Tembo et al. 2014:8). Through readings of the different pieces of legislation, it was found that another challenge for Zanzibar is that with respect to the legal framework in its current form does not authorise digital signatures and the submission of e-documents (Tembo et al. 2014:8). This also calls for amendment of laws to authorise land registration in an electronic fashionable model.

6.8 Low financial capacity

In a developing state such as Zanzibar, resources are very limited for land registration. Respondent J stated that programmes on land adjudication and registration are dealt with in two ways.

First, current systematic registration in Zanzibar is restricted to specified areas and extended only as fast as the government's resources become available. Resource requirements for first-time registration can also be vastly increased by the fact that the cost of mapping increases exponentially with precision.

The cost of running the land registry system requires upfront attention at the design stage, especially in resource-constrained environments (Gwaleba & Chigbu 2020:3). It is also advised that prior to actually establishing the land registration system, the government should undertake a process of assessment and preparation involving investigation, analysis, determinants, vision, mission, objectives, cost estimation and implementation (Valkonen 2021:7). In Ethiopia, a low-cost method of certification was introduced with high levels of community participation. The method involved field measurement but not creation of a graphical record managed. In less than three years, more than 20 million plots were registered at a cost of less than US\$1 per parcel (Deininger & Feder 2009:245).

Secondly, foreign aid resources, for instance a Finnish project titled SMOLE 2000-2015, has helped fund the establishment of the registration system in Zanzibar in 2006. Foreign aid funds, which typically must go towards specific projects that can be accomplished in a relatively short period of time, are more likely to be used for a systematic method of establishment than a sporadic method (Byamugisha 2021:185).

SMOLE recommended an adoption of a title registration system, although this has rarely been substantiated by rigorous analysis of the associated costs and benefits and, possibly as a result, has not always led to the desired outcome. Attempts to shift from a deeds' system to one of title registration in Zanzibar has not had a good record. Up until 2015 when SMOLE came to an end, only 5,000 plots have been able to be registered (Land Registrar's Office, April 2024).

6.9 Shortage of human resources

The most important part of any land registration systems is the staff. Good staff can make a poor system work efficiently, even with inadequate equipment; while poor staff can cause a well-designed and resourced system to fail. Good staff need certain basic attributes. Although no system can ever foresee all possible requests or problems, the staff need to be reasonably intelligent, able to follow instructions and procedures, have empathy with their clients, be able to listen to problems and be capable of finding solutions to new problems (Syukri et al. 2024:3-4; Corker 2008:30).

Specific attributes of the staff will vary, but they must be able to read, understand and apply the law. They must understand maps, plans and surveys and they will increasingly need to have good ICT skills. No matter what background people have, they will need further training, which should be expected to continue throughout their career involving external courses, both long and short term. The options of distance learning and internal course can also be taken advantage of, where staff skilled in particular area passes on their knowledge to others (Corker 2008:30).

The situation for Zanzibar is far from the above. The land adjudication office consists of only nine personnels, while the registration office has 18 officers, making up a total of 27 officers. Together, they are responsible for adjudicating and registering an area of 2,654 km² of the whole of Zanzibar. Out of the 27 officers, two were conversant with surveys, one with mapping, seven had experience in laws and three had ICT knowledge. The remaining 14 staff members were conversant with record keeping. All 27 staff members had no professional knowledge on land registration. They simply worked on experiences and observations. No programmes for skilled continuous training were conducted. With the limitation of financial and human resources, it will take decades to accomplish the land registration of Zanzibar.

7 Conclusion and recommendations

Based on the above findings, the study concludes that land registration needs significant attention to make it cope with the government's vision on registration of all lands in Zanzibar. In order to fully put this into reality and not making the land registration be seen as a myth, there is a need to cooperate with the Office of the Registrar of Lands to work as required under the Registered Land Act. This includes, having the sole role of registration of any type of land and its affiliation (e.g. mortgage) and subsequent records. With regard to land dispute, the land registration is considered to have a direct consequence in reducing land dispute. For this to become visible, then the registration must be done systematically, professionally, timely and efficiently. This includes incorporating the principles of physical planning prior to registration and introducing cheaper survey methods. Otherwise, the land registration will contribute to producing disputes rather than exclusion. Inadequate numbers of personnel managing land registration and lack of training of staff charged with the responsibility of land registration were major contributing factors that needed to be addressed if land registration is to improve its compliance with the Vision 2050 and the Land Policy 2018.

For the land registration to proceed efficiently in a modern ICT fashionable manner, the Office of the Registrar of Lands must be strengthened, physically and electronically, by the government in its capacity to deliver excellent outcomes. This includes building the competence of the office on ICT facilities, as currently restructured through the LARIS project. Additionally, the Office needs development of human resources, which means expanding the current personnel to include professionals and experienced experts on land registration with some related experience in other land administrative fields. As the Land Policy puts it, land registration in Zanzibar is adversely limited to perform fully, due to a lack of resources and capacity (Land Policy 2018:29). The Land Policy requires the government to ensure "adequate resources are available, capacity is improved" in order to strengthen and consolidate the land registration process (Land Policy 208:29).

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- There is not any potential conflict of interest for the research.
- The author takes responsibility to keep participants information confidential as required by legislation, including the Protection of Personal Information Act.

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