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**The agrarian constitution of
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*Meinen vier geliebten Frauen
gewidmet.
meiner Mutter Angelika Behrendt.
meiner Frau Cornelia Krain
und unseren Töchtern Zainab und Anissa*

ABSTRACT

The title of this thesis is "*the Agrarian Constitution of Zanzibar and Its Impact on Agricultural Development*". Six elements were investigated in this dissertation: (i) the laws and law-like rules governing land ownership and land use, (ii) the succession to land and tree crops, (iii) the agricultural labor system, (iv) agricultural credit, (v) co-operatives, and (vi) the system of social security.

Data were collected in Zanzibar between 1990 and 1994. Zanzibar is a semi-autonomous area of the United Republic of Tanzania, East Africa. Various formal and informal instruments of socio-economic research were applied during the research. Literature searches, interviews with key informants, semi-structured discussions with groups of male and female farmers, structured interviews with 360 heads of households in six villages, as well as numerous case and in-depth studies were conducted.

The agrarian constitution is defined as the order that has been molded by law and custom and that determines agriculture and the course of life in the agrarian society (LIPINSKY, 1990/91b; LIPINSKY, 1981). The agrarian constitution of Zanzibar is the product of a number of important influences. In the less fertile coral rag area villagers, in many instances, follow rules that derive from African customary law ("mila"). In the fertile plantation area, where Arabs settled since the beginning of the 19th century, Islamic-Arabic laws and customs (Sheria) have been introduced and have had a lasting impact that, until today, extend to the whole of Zanzibar. British influence started with the establishment of a protectorate over Zanzibar in 1897 and continued until independence in 1963. In 1964, during the Zanzibar Revolution, a one-party government, which pursued a firm socialist command economy, was established. One of the most important measures of the new government was a radical land reform that nationalized the land of Arab landlords and redistributed the land to African small-holders. The curtailing and change of various agrarian laws and rules as well as dirigistic measures led to a steady decline in agricultural production. From 1984 onwards, more liberal policies were introduced and laws, in particular land laws, were reviewed. Subsequently important improvements — although not to the desired degree — were legislated. Particularly noteworthy in this respect are the new Land Tenure Act and the Registered Land Act, which have enabled some land transfer-rights (registration, sale, charge, lease). Although the new laws stipulate that land ownership remains vested in the state, important prerequisites have been created that may lead to increased and more sustainable agricultural production. The introduction of a multi-party system in 1992 and a multi-party election in 1995 provides hope that further improvements in the agrarian constitution of Zanzibar will receive the necessary political support to improve the socio-economic frame conditions for agriculture and life in the rural areas.

ABSTRAKT

Der Titel dieser Arbeit ist *"The Agrarian Constitution of Zanzibar and Its Impact on Agricultural Development"* (Die Agrarverfassung von Zanzibar und ihr Einfluß auf die landwirtschaftliche Entwicklung). In der Dissertation werden sechs Elemente der Agrarverfassung untersucht: (i) die Rechtsordnung des Bodeneigentums und der Bodennutzung, (ii) das Bodenerbrecht und die -erbsitte, (iii) die Arbeitsverfassung, (iv) das Agrarkreditsystem, (v) das Genossenschaftswesen und (vi) das System der sozialen Sicherung auf dem Land.

Die Daten wurden zwischen 1990 und 1994 auf Sansibar, einem teil-autonomen Gebiet der Vereinigten Republik von Tansania, Ostafrika, erhoben. Eine Kombination verschiedener formaler und informeller Instrumente sozio-ökonomischer Forschung wurde eingesetzt. So wurden Literaturrecherchen, Befragungen mit Schlüsselinformanten, semi-strukturierte Interviews mit Gruppen von Bauern und Bäuerinnen, strukturierte Befragungen von 360 Haushaltsvorständen aus sechs Dörfern sowie zahlreiche Fallstudien und vertiefende Untersuchungen durchgeführt.

Unter Agrarverfassung versteht man *die durch Recht und Sitte definierte Ordnung, nach der sich die Landwirtschaft und das Leben auf dem Lande richten* (LIPINSKY, 1990/91b, LIPINSKY, 1981). Die heutige Agrarverfassung von Sansibar ist das Produkt einer Reihe von prägenden Einflüssen. In der wenig fruchtbaren Korallenkarstlandschaft gibt es noch viele Dörfer, in denen sich wesentliche Elemente afrikanischen Gewohnheitsrechts (*"mila"*) erhalten haben. In dem fruchtbaren Plantagengebiet, das seit Anfang des 19. Jahrhunderts von Arabern besiedelt worden ist, haben islamisch-arabische Rechtsvorstellungen (*"Scheria"*) Einzug gehalten und beeinflussen bis in die heutige Zeit auch das übrige Zanzibar. Nicht unwesentlich war auch der britische Einfluß, der von der Errichtung eines Protektorats 1897 bis zur Unabhängigkeit im Jahre 1963 andauerte. 1964 kam es zur Revolution in Sansibar. Eine der wichtigsten Maßnahmen der neuen Regierung, die auf einem Einparteiensystem basierte, war, das Land arabischer Großgrundbesitzer zu enteignen und an afrikanische Kleinbauern zu verteilen. Zwischen 1964 und 1984 lenkte die sansibarische Regierung die Landwirtschaft streng nach sozialistisch-dirigistischem Muster. Die starken Reglementierungen führten zu einem stetigen Sinken der landwirtschaftlichen Produktion. Ab 1984 wurden Liberalisierungsmaßnahmen eingeführt und auch die Bodengesetzgebung überdacht. In der Folge wurden durch Gesetze - wenn auch nicht in wünschenswertem Umfang - wichtige Verbesserungen vorgenommen. In erster Linie ist hier die Erweiterung von Verfügungsrechten an Land (Registrierung, Kauf, Beleihung, Pacht) nach dem neuen *Land Tenure Act* und dem *Land Registration Act* zu nennen. Obwohl nach diesen neuen Gesetzen das Land weiterhin im Eigentum des Staates verbleibt, haben sich damit einige Grundvoraussetzungen für eine steigende und nachhaltige landwirtschaftliche Produktion verbessert. Die Einführung eines Mehrparteiensystems 1992 und erste freie Wahlen 1995 lassen hoffen, daß weitere wichtige Verbesserungen an der Agrarverfassung von Sansibar politisch durchsetzungsfähig werden und damit die sozio-ökonomischen Rahmenbedingungen für die Landwirtschaft und das Leben auf dem Land besser werden.

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Eberhard Krain

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Abbreviations

(***)	level of probability, i.e., *, **, *** = statistically significant at the 95%, 99%, and 99.9% level, respectively
ADB	African Development Bank
Cap.	Chapter (of the Laws of Zanzibar)
CGA	Clove Growers' Association
CCM	Chama Cha Mapinduzi (Revolutionary People's Party)
FAO	Food and Agricultural Organization of the United Nations
ERP	Economic Recovery Programme
FINNIDA	Finnish International Development Agency
FL	Family Land
GDP	gross domestic product
ha	hectare
IFAD	International Fund for Agricultural Development
ILO	International Labor Organization
km	kilometer
Mio	million
ML	mainland
mm	millimeter
No.	number
P	(statistical) probability
PD	Presidential Decree
ROSCA	Rotating Savings and Credit Association
RRDP	Rainfed Rice Development Project
QIP	Quasi-Individual Property
\$	currency (dolar) of the United States of America
SDR	Special Drawing Rights
t	(statistical) trend
TANU	Tanganyika National Union
TSh	Tanzania Shilling
WFP	World Food Program
ZADACO	Zanzibar Development Corporation
ZAFICO	Zanzibar Fishing Corporation
ZNZ	Zanzibar
ZILEM	Zanzibar Integrated Land and Environment Management Project
ZNA	Zanzibar National Archives
ZNP	Zanzibar Nationalist Party
ZSTC	Zanzibar State Trade Corporation

Currency **440 TSh**

~ 1 US \$ (June 1992, Bureaux de Exchange)

PART I: RESEARCH DESIGN AND CONTEXT

1. Introduction: Statement of the Problem and Objectives

Most development projects offer technical innovations for increasing agricultural production. Popular interventions consist of providing improved seed, fertilizer, pesticides, giving recommendations for improved husbandry practices, and occasionally supplying agricultural credit. The appropriateness of these interventions is often greatly confined by the natural and socio-economic conditions.

During the author's first years working with the National Coconut Development Program in Zanzibar one of the main tasks was to develop improved coconut extension messages. To evaluate extension messages, field visits were organized to check farmers' response to the messages.

In one of the first visits the author met a farmer in a plot that was overgrown with thick bush. Among the bush there were some tall, "hardly-bearing" coconut palms. The farmer was advised to cut the bush and weeds, to apply fertilizer, and to interplant food crops. He did not show any signs of enthusiasm. He obviously hoped for miracle advice, such as the application of whatever sort of *duwa* (medicine) to convert the crops into palms fully laden with coconuts. After further inquiries it was realized that the farmer was the elder brother of several brothers and sisters, who all possessed this plot as family land. The original holder was their grandfather. The plot passed undivided and in common proprietorship for three generations. Each heir was eager to participate in the harvest, but none was ready to contribute cash or labor to the maintenance of the field.

It was realized that the problem could not be solved by agricultural advice.

During the following years in Zanzibar, the author experienced many of these constraints. Sometimes they concerned land rights, in other instances the gender division of labor, informal credit practices, and so on. Without going into further examples, it shall suffice to state that all these constraints had something in common. They either had a deep connection with the formal laws of the country or with the customary practices of people.

Singular laws and customary practices have to be seen from a wider perspective. Each one is embedded in a set of rules. Together, all the sets of rules create the socio-economic framework conditions that determine the scope of farmers' activities, and eventually all actions within an agrarian society.

The most important sets of rules for the agrarian society of Zanzibar are the focus of this research. The objectives of this research are:

1. to describe how the most important sets of rules of the agrarian society of Zanzibar operate,
2. to show how different sets of rules interact,
3. to assess the impact of different sets of rules on agricultural development, and
4. to identify policy options to change inherent constraints.

2. Definitions

In the German literature of agricultural science, two terms are used to capture the meaning of the above mentioned sets of rules and their impact on agrarian society: *Agrarverfassung* and *Agrarstruktur*. These terms literally translate into *agrarian constitution* and *agrarian structure*. The latter term is sometimes used in English publications, but the former term is not yet used.

There is a long tradition of research on the agrarian constitution and structure. Numerous scholars provided definitions¹. A recent definition by LIPINSKY (1981: 134)² shall be used in this dissertation:

"Agrarian constitution and agrarian structure are those two categories that in a given natural environment provide the frame conditions for the course of life in the rural areas. The agrarian constitution is the order that has been molded by law and custom. This order determines life in the countryside. The agrarian structure is the statistical image of agriculture that has developed within this order."

Several points in this definition have to be considered.

As already explained above, agrarian constitution and structure provide the socio-economic frame conditions. These do not deal with the natural conditions (climate, soil, etc.). The agrarian constitution and the agrarian structure should be seen intimately interwoven, yet they are separate.

The agrarian constitution has to be understood as *"institutional, its elements are unambiguously qualitative in character"* (LIPINSKY, 1990/91b). In contrast to the agrarian constitution, the agrarian structure is quantitative in nature. It is the *impact* or the *output* of the agrarian constitution. The inheritance law is a good example. In certain societies, land is inherited by only one heir, and other heirs are nominally compensated. In other societies, each heir gets an equal share of land. In this example, the law of inheritance is one element or one institution of the agrarian constitution. The degree of land fragmentation resulting from that law is statistically measurable and part of the domain of the agrarian structure. This example also shows that undesirable features of the agrarian structure can be changed by altering elements of the agrarian constitution.

The agrarian constitution has a deep impact. In fact, it is claimed that it *"determines rural life"*. This far-reaching impact is one of the issues to be shown in this thesis. Most of the agricultural scientific work only goes as far as assessing the impact on agricultural production. The work of social researchers, especially social anthropologists, goes further, and their accounts substantiate the deep impact of the agrarian constitution. Three accounts about societies in different developing countries are particularly noteworthy in this respect. One is the pioneering work on land tenure and the life of Trobrianders in the Pacific by MALINOWSKI (1981³); another is the famous book "Facing Mount Kenya" about the Kikuyu of Kenya by KENYATTA (1968⁴); and finally CAPLAN's (1975) thorough study on a Swahili village community of Mafia island, Tanzania.

¹. See, e.g., ABEL (1956: Preface), CONZE (quoted by KOSNER, 1990: 60), DIETZE, VON (quoted by RINGER, 1967: 59), HENRICHSMEYER AND WITZKE (1991: 40pp) KUHNEN (1980: 11) RAUP (1963: 3) and RINGER (1963: 16).

². All of the following citations about agrarian constitution and agrarian structure are originally in German and have been translated into English by the author.

³. First published in 1935.

⁴. First published in 1938, with a preface by MALINOWSKI.

In early definitions the two main elements of the agrarian constitution were: (i) the rules governing ownership and use-right of land, and (ii) the agricultural labor system. With a developing economy, however, more components became important. The following *constitutional elements* are, thus, included in the definition provided by LIPINSKY, (1990/91b):

1. laws and law-like rules governing land ownership and land use (*Rechtsordnung des Bodeneigentums und der Bodenutzung*),
2. laws and customs of succession to land (*Bodenerbrecht und -erbsitte*),
3. agricultural credit system (*Agrarkreditsystem*),
4. agricultural labor system (*Arbeitsverfassung*),
5. institutions of agricultural interest groups (*System der berufsständigen Institutionen*),
6. the system of agricultural levies and taxes (*das die Landwirtschaft betreffende Steuer- und Abgabensystem*),
7. the system of agricultural education, training, and extension (*landwirtschaftliches Ausbildungs-, Schulungs- und Beratungssystem*),
8. the agricultural marketing system (*System der Regelung des landwirtschaftlichen Warenverkehrs oder der Agrarmärkte*),
9. the system of social security in rural areas (*System der sozialen Sicherung auf dem Land*).

Depending on how broadly *Agrarverfassung* is defined, different translations into English are proposed. RINGER (1967: 59) and KUHNEN (1982: 69) suggest *land tenure*.

CAROLL (1956: 583) defines land tenure as,

"a complex set of relationships between men, embodying their various rights in the use of land ... The lower a society stands on the ladder of economic development, the greater the relative importance of land as the prime resource. ... Over and beyond its role in production, tenure affects the social content of living of the farm population".

This definition shows that the term *land tenure* is much narrower than *Agrarverfassung*. It only includes the first and the second element of the above definition: *"law and law-like rules governing land ownership and land use"* and *"law and customs of succession to land"*.

Agrarverfassung has to be seen more broadly than merely *land tenure*, therefore, LIPINSKY (1990/91b) proposes the literal translation into *agrarian constitution*. The literal translation, however, is not used in the anglophone literature.

Another alternative would be to translate *Agrarverfassung* as *agrarian institutions*. The term *agrarian institutions* is quite often used in anglophone scientific literature. A recent book, published by BARDHAN (1989), entitled "The Economic Theory of Agrarian Institutions", contains typical elements of the *Agrarverfassung*, e.g., Chapter I: Land and Labor, Chapter II: Credit and Interlinked Transactions, Chapter III: Marketing and Insurance, Chapter V: Cooperatives, Technology, and the State. BARDHAN (1989: 3) defines,

"Institutions [as] the social rules, conventions, and other elements of the structural framework of social interactions."

Translating *Agrarverfassung* as *agrarian institutions* is supported by FEDER and FEENY'S (1991: 136) definition. They differentiate between,

"three basic categories of institutions: constitutional order, institutional arrangements, and normative behavioral codes. The constitutional order refers to the fundamental rules about how society is organized ... Institutional arrangements are created within the rules specified by the constitutional order. These arrangements include laws, regulations, associations, contracts, and ... property rights. The third category, normative behavioral codes refers to the cultural values which legitimize the arrangements and constrain behavior."

Thus, there are three possible translations of *Agrarverfassung* into English: (i) land tenure, (ii) agrarian constitution, and (iii) agrarian institutions. Only the last two options come close to a broader and acceptable definition.

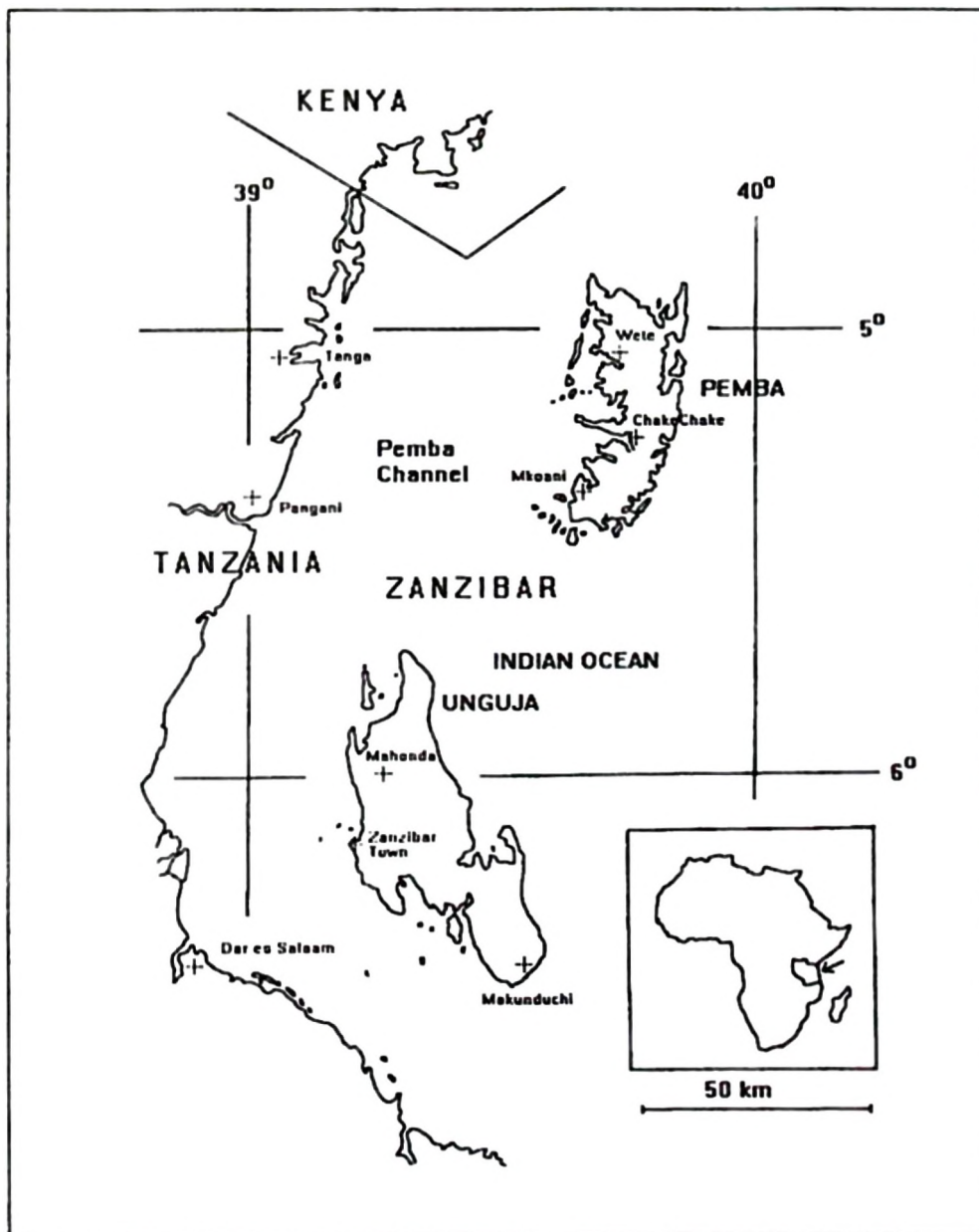
3. Study Area

3.1 Location and Name

Location

Zanzibar consists of two main islands, Unguja and Pemba. The islands lie in a north-south direction from 4°50'S to 6°30'S and in an east-west direction from 39°10'E to 39°50'E, and between 30 to 50 km off the shore of the Tanzanian mainland in East Africa. Unguja covers 1,464 km² and Pemba covers 868 km² for a total land area of 2,332 km² (ANONYMOUS, 1993a).

Figure 1: Location of Zanzibar



Name

There are two theories of the origin of the name *Zanzibar*. One is that it is derived from *Zinjibar*, which means the "land of the black people". The second mentions the name *Kyanzubar* or *Kanzubar*, "land of wealth" (ANONYMOUS, 1991a). Most of the scholars favor the first derivation and think that originally the name *Zinjibar* was applied to the whole coast of East Africa; only later was it specifically connected with Unguja (SUTTON, 1990: 66).

Unguja is the Swahili name for the larger island. According to one explanation, Unguja derives from *Ungu-jaa* meaning "a densely populated area" (BAUMANN, 1899a), while another explanation is that *Unguja* means "country of plenty". The second explanation coincides well with the name *Kyanzubar*, "land of wealth". Although the latter name for Zanzibar is not much favored by scholars it is appealing because *Kyanzubar* would be a literal translation of the Swahili *Unguja*.

The name of the smaller island is *Pemba*. BAUMANN (1899b) conjectures that the word is derived from the Swahili verb *kupemba*, "to steer a ship carefully to the island" and refers to the dangerous deep channel surrounding Pemba. Pemba was also called *Al-Jazira* or *Al-Hutheva*, the "green island" by Arabs.

3.2 Physical and Ecological Environment of Zanzibar

Climate

The Zanzibar climate is that of a marine tropical monsoon system. An average of 1500 mm of rain falls in two rainy seasons. The longer and more reliable rainy season, *Masika*, extends from March to May, and the shorter *Vuli* occurs from November to December (ANONYMOUS, 1993a). Annual rainfall amounts vary throughout the islands. Highest annual rainfalls are recorded for north Unguja with 1,800 mm, while 1,900 mm is reported around Mtambile and Wete in Pemba. The wettest areas of Pemba are in the south and north-central regions. Less rain falls in the eastern parts of the islands (HETTIGE, 1990: 18). The mean annual temperature is 26.3°C, varying from 24.3°C to 27.7°C between the cooler (June-September) and the warmer periods (December-February) (ANONYMOUS, 1993a). Both islands are influenced by monsoon winds (*trade winds*) that blow from the south-east (*kusi*) from April to September, and from the north-east (*kaskazi*) from November to February. The average daily evaporation is between 4 and 5 mm (HETTIGE, 1990: 19-20).

Geology

The ridges of Zanzibar are mainly deposits of sediments of the Miocene (12 to 26 million years ago) when the area of today's Unguja and Pemba was part of the ancient Rufiji and Ruvu delta. During this time the landform was shaped by the many south to north flowing deltaic streams, which produced several corridors that still shape landform patterns on Unguja today. During the early Pleistocene (1 to 2 million years ago) uplifting and block faulting caused the emergence and separation of the islands. During the Quaternary (less than 1 million years ago) higher sea levels than at present caused considerable marine erosion. The gradual fall in sea level resulted in the formation of the terraced coralline limestone reef at the outlying fringes of the islands (HETTIGE, 1990: 25-26).

Soils⁵

CALTON et al. (1955) did the pioneering work of describing the soils of Unguja and Pemba. HETTIGE in 1990 correlated their classification system to the FAO System. The following

⁵ A map of the soils of Zanzibar is presented in Appendix 3.

short description follows CALTON et al. (1955). The terms as per FAO System have been appended in Appendix 3.

On Unguja there are three important soil groups.

The *mchanga* group is a quaternarily-related group derived from non-calcareous sediments that vary from very deep sandy to heavy reddish soil types through brown, orange-brown, yellowish-gray to gray color. It is the soil most commonly found in the coastal area in the west of the island, and is permanently cultivated with coconuts and cassava.

The *kinongo* group covers practically the rest of the island. These soils are free draining, derived from limestone and are not quaternarily related. The deeper *kinongo* soils are very fertile and are permanently cultivated with cloves and other nutrient-demanding crops.

Another soil type of the *kinongo* group is the *uwanda*, a dark-colored, loamy, very shallow soil over limestone. The final member of this group is the *maweni*, a highly porous soil developing over coralline limestone. This soil consists of pockets of black, humic material located in crevices in the parent limestone. Due to their shallowness, the *uwanda* and *maweni* soils are mainly used in a shifting-cultivation system for growing non-permanent crops such as maize, millet, cassava, pawpaw and pigeonpea.

The *kinamo* group is described as sluggish-draining soils derived from clays and marls. The *kinamo* group can be found in three isolated areas of Unguja. The largest area of this soil type is in the Cheju rice plain.

Most of the Pemba soils are very different from those of Unguja. There are four upland soils: *utasi*, *ndamba*, *semi-utasi* and *bopwe*; and three lowland soils: *mtifutifu*, *kinako*, and *makaani*. The *utasi* is a deep gray to brownish-gray, firm sandy soil with a tendency towards cementation. The *ndamba* soil is usually associated with *utasi* and has a level surface with vigorous vegetative growth. The *semi-utasi* closely resembles *utasi* on the surface, but has some gray and brown mottling at lower depths. *Bopwe* soils occupy the higher altitudes, which are characterized by a sharply dissected topography. Coarse and fine sand, silts, and silty clays are common in the upper layers. The *mtifutifu* soils are deep, brownish-gray, sandy, and without a marked profile differentiation. The *kinako* resembles the *kinamo*, and the *makaani* resembles the *maweni* in Unguja, therefore, the reader is referred to their descriptions in the previous paragraphs.

Soils in Pemba are generally more fertile than in Unguja. The fertile *bopwe* soils are especially favored for growing cloves, the main cash crop of Zanzibar.

Hydrology

Since time immemorial Zanzibar was famed for its pure spring water, which is hard to find elsewhere on the East African Coast. The main water sources are spring zones, limestone caves, hand dug wells, and boreholes. There is no surface water development or storage due to the poor water-holding characteristics of the surface layer. Generally, all the Zanzibar strata have aquifer potential. The *shoestring* limestone of the corridor zones of Unguja acts as the most important aquifer (HETTIGE, 1990: 30-31).

Topography

Topographically, Unguja is characterized by a series of corridors bounded by a number of parallel ridges, with the highest point at 117 meters. The corridors were originally the streams of the aforementioned Miocene Rufiji/Ruvu River delta system. Pemba is dominated by a central ridge (maximum 97 meters above sea level). The landscape of the island is very undulated with many crevices and valleys (HETTIGE, 1990: 32).

Natural Vegetation

Due to the activities of man, little natural vegetation is left in Zanzibar. Evergreen and semi-evergreen coastal forests and thickets occur in pockets on Unguja and Pemba. The most

important forest reserves are in Jozani, Unguja, and Ngezi, Pemba. The vegetation type belongs to the Zanzibar-Inhambane regional mosaic, an undifferentiated forest type that has been isolated from other forest-blocks in Africa for perhaps the past 30 million years. This isolation gave rise to a high level of endemism and near-endemism (BURGESS et al. 1992: 205-207).

3.3 Socio-Economic Environment

Population

According to the 1988 census, 642,578 people live in Zanzibar: 375,539 in Unguja, and 267,039 in Pemba (ANONYMOUS, 1993a). Two thirds (66.7%) live in rural areas, and one third in towns. The urban bias is especially high in Unguja, with nearly half of all people (47.1%) living in the town of Zanzibar. On Pemba there are only the three small towns of Wete, Chake Chake, and Mkoani, which contain 13.0% of the population (own calculations based on 1988 Census figures provided by ANONYMOUS, 1988). The average annual growth rate of the population is 3.1%, with 3.3% for Unguja and 2.7% for Pemba (ANONYMOUS, 1993a). These growth rates reflect the population movements from Pemba to Unguja. The population density is high, with 257 people per square kilometer in Unguja and 305 in Pemba (ANONYMOUS, 1993a).

Economy

After the Revolution, Zanzibar was turned into a command economy with a strong socialist orientation. Much of the land and other private property was nationalized. The failure of various state and parastatal production enterprises corresponded with a steadily declining economy. In 1984 the situation started to improve when cautious liberalization policies were initiated.

Throughout the last one hundred years Zanzibar depended heavily on agriculture, particularly on clove and coconut exports. This did not change after the Revolution, and currently about half of the gross domestic production is obtained from agriculture.

In 1986 the Government launched the Economic Recovery Program (ERP). The ERP aims to diversify Zanzibar's economy, to liberalize trade, and to shift emphasis from the public to the private sector. Four free trade zones have been established, two on each island.

The first positive responses come from trade and tourism, which gained a one-quarter share of the GDP in 1992. Other promising sectors are the fishing industry and seaweed farming (MUSHI, 1994).

Table 1: Macro-Economic Indicators for Zanzibar 1988-1992

Economic Indicators	1988	1989	1990	1991	1992
GDP in Mio TSh					
- at current prices	6,908	8,473	10,361	17,986	30,294
- at 1976 prices	768	789	815	854	880
As % of GDP for					
- agriculture	51.5	48.2	44.6	48.8	45.8
- trade & tourism	21.1	22.6	26.6	18.9	25.6
Population in 1,000	643	663	683	705	727

GDP = Gross Domestic Production at Factor Cost

Source: ANONYMOUS 1993a

The GDP, in constant 1976 prices, grew by about 3% annually from 1988 to 1992. Zanzibar, however, is a very poor country by international standards. The per capita GDP is TSh 41,670, which is equivalent to just 95 US \$ (at Bureaux de Exchange rate, June 1992).

3.4 Agriculture in Zanzibar

Zanzibar's agriculture is very heterogeneous, despite the small size of the country. This diversity is evident in crop and livestock production, and off-farm activities. Every farm is a multipurpose enterprise.

The vast majority of farms belong to about 100,000 peasant households. Most households, 98.4%, have less than five acres of land and occupy 93.6% of the agricultural area (own calculations based on ANONYMOUS (1993b: 9, 12-13)). Low agricultural production is common to nearly all peasant households because:

- the hand hoe is the principal tool of soil cultivation,
- hardly any inputs, such as fertilizer and pesticides are used,
- there is little employment of hired labor for farm work, and
- there are severe constraints in the marketing and delivery systems of inputs and outputs.

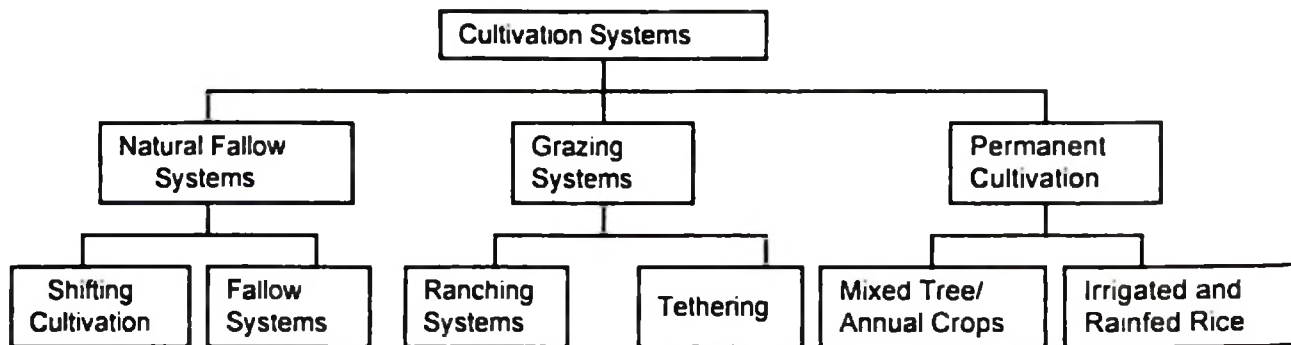
Agricultural production is characterized by a very high proportion of subsistence production, for most of the households this is above 80% (WIRTH et al., 1988: 120; KRAIN, 1989: 12; KRAIN et al., 1993: 36).

Agro-ecological Zones and Farming Systems

Zanzibar has three major distinct agro-ecological zones, the coral rag area, the plantation area, and the hydromorphic valleys⁶. These zones form the basis for the classification of the farming systems of Zanzibar (see Figure 2). The coral rag area contains only non- or semi-permanent cultivation systems such as shifting cultivation and fallow systems. Among the grazing systems, ranching is only found in the coral rag, while tethering is also common in the plantation area. Monocropping of plantation crops such as clove trees and coconut palms, as well as mixed cropping of fruit trees and annual crops, is characteristic of the plantation area. Irrigated rice cultivation is confined to the hydromorphic valleys.

⁶ The agro-ecological zones of Zanzibar are shown on the map in Appendix 5.

Figure 2 : Farming Systems of Zanzibar



Source: own elaboration based on the model of "Farming Systems in the Tropics" by RUTHENBERG (1980: 14-18) and RUTHENBERG and ANDREAE (1982: 125); adapted to Zanzibar based on KRAIN (1989)

The Coral Rag Area

This agro-ecological zone mainly extends on the eastern side of both islands and is particularly important on Unguja. The soil is very shallow and the term *coral rag* refers to the stones and rocks that appear and form a ragged pattern at the surface. In Kiswahili the coral rag is called *maweni* or *uwanda* in Unguja and *makaani* in Pemba.

Soil pockets in the coral rag area provide a fertile ground for cultivating cassava, maize, millet, pigeonpea, green gram, tomato, yam, banana, and pawpaw. Plots are only used for two to three years, because of declining soil fertility. Afterwards the site lies fallow for 10 to 20 years.

The coral rag area was most likely populated before any other area in Zanzibar, by settlers coming from the African mainland. It has been regarded, therefore, as the *cradle of agriculture in Zanzibar* (KRAIN et al. 1993). MIDDLETON and GRAY postulate that the early settlers started in the coral rag area near the coast because they were part-time farmers and fishermen. They did not cultivate the rain forest, later to be known as the plantation area because of the heavy labor required to clear off the existing vegetation ((MIDDLETON, 1961: 11); see also BENNETT (1978: 26) and MUHAJIR (1990: 19)).

Near the villages, fallow periods have shortened and, in quite a number of cases, land is permanently utilized. Some tree crops are grown, especially orange, lime and coconut. The establishment of perennials, however, is difficult because of uncontrolled bush fires that originate from fires that are deliberately set in shifting cultivation systems.

Grazing Systems

Very few households depend entirely on livestock keeping. A typical farm household depends mainly on crop production and keeps some livestock, often one or two cows, some goats, and free-range chickens. Cattle are rarely kept in fenced plots and are mostly tethered. Very few farmers practice zero-grazing. The importance of livestock keeping is below 10% of the total production value of most households. In most cases livestock serves as a reserve for times of need.

The Plantation Area

With regard to agricultural production, the most important agro-ecological zone is the *plantation area*. This term is derived from clove and coconut plantations established by Arab colonizers in the 19th century.

The plantation area is a zone with deep and fertile, or at least moderately fertile, soils that are under permanent cultivation. It extends from the west coast to the center of both islands and receives more rainfall than the coral rag area along the east coast. A multistory cropping pattern consisting of tree crops, shrubs, and field crops is widely grown. Tree crop associations such as clove, coconut, mango, and breadfruit dominate. These are interspersed with shrubs like pigeonpea and food crops like cassava, sweet potato, banana, maize, cowpea, green gram, and cocoyam.

Shortly after the Revolution, in 1964, most of the Arab landholdings were nationalized and redistributed in three-acre parcels to smallholder farmers. The importance of plantation crops such as clove and coconut has since declined and food crops have become more important. Nevertheless, Zanzibar currently depends mainly on clove exports. For many years, coconut was the second most important agricultural export commodity, but its significance for export was substantially reduced because of the local human population growth. Every year a larger share of the coconut production has been used for domestic consumption⁷.

Hydromorphic Valleys

In Unguja the corridors of the ancestral Rufiji and Ruvu streams form few, but large hydromorphic valleys. In Pemba there are many, small valleys. These areas are mainly used for rice cultivation. Almost every household strives to cultivate some rice land for subsistence. Very few households, however, occupy more than half an acre of rice land.

Off-farm Activities

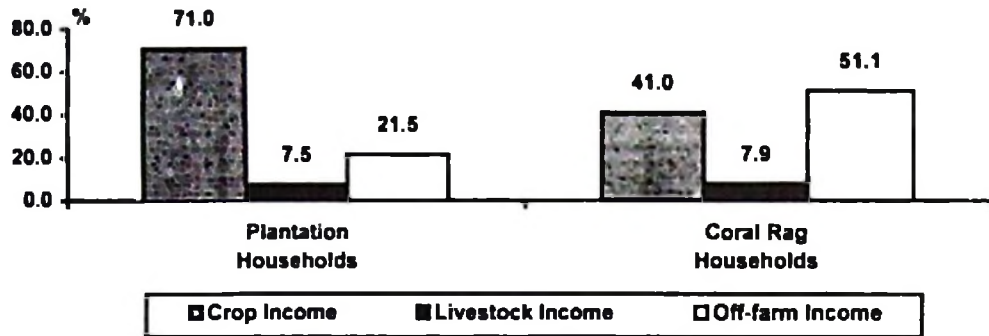
Most farming households engage in off-farm activities. Fishing, sea weed farming, handicraft, preparing biscuits, collecting firewood, burning lime and charcoal, and repairing bicycles are major opportunities for income generation.

The average annual income of households in the plantation area is TSh 200,000. This is slightly less than the TSh 225,000 income of households in the coral rag. This corresponds to about US\$ 465 in the former and \$ 523⁸ in the latter case. The household income composition is depicted in Figure 3. It shows that, in the coral rag area, off-farm income opportunities are more important than agricultural activities.

⁷ For a comprehensive analysis from a historical perspective, refer to MARTIN (1991) for the clove industry and to KRAIN et al. (1992) for the coconut industry.

⁸ Based on source data of 1987/88 presented by KRAIN et al. (1993: 51), updated for 1992 assuming a constant inflation rate of 30% per year.

Figure 3: Average Income Composition (in %) of Households of the Plantation and Coral Rag Area



Source: based on a sample of 144 households in the Plantation Area, and 124 in the Coral Rag Area; modified after KRAIN et al. (1993: 51)

3.5 Historic Context

3.5.1 Important Factors in the History of Zanzibar

A comprehensive chronological account of the history of Zanzibar would go beyond the scope of this dissertation. Rather, some important issues in the history of Zanzibar shall be highlighted to help understand the present agrarian constitution in Zanzibar.

Interaction Between East Africa, Asia and Europe

For more than two thousand years, Zanzibar has been part of a greater commercial system in the Indian Ocean. North-east monsoon winds during November to February and south-east monsoon winds from April to September, reinforced by the Equatorial current flowing in the same directions, facilitated a lively trade. This not only provided early links to the Arabic, Persian, Indian and Chinese world, but also to the Roman Empire (SHERIFF, 1981: 556).

A first written account of the East African coast is traced back to the *Periplus Maris Erythraei*, "Circumnavigation of the Erythraean Sea"⁹, an eye-witness report of an unknown Greek merchant based in Egypt during the 1st century A.D. In the *Periplus*, a number of coastal towns and sites along *Azania*¹⁰ are mentioned, among others *Menouthias*, which was most likely the island of Pemba in Zanzibar (SHERIFF, 1981: 561-562).

Ports along East Africa were known for the export of ivory, ambergris, leopard skins, tortoise shell, and later, slaves (MASAO and MUTORO, 1988: 612-613). Zanzibar provided secure anchoring places for sailing vessels and for what has been described as the finest water supply present between Alexandria and the Cape of Good Hope (BENNETT, 1978: 2).

⁹ The Indian Ocean was called Erythraean Sea by Graeco-Roman geographers.

¹⁰ As the Romans called the East Coast of Africa.

The Swahili-Civilization

The economic and intellectual contact with the wider world resulted in the formation of the Swahili-civilization. *Swahili* literally means "*the coast-dwellers*".

The social and economic organization of the Swahili is largely a coastal adaptation of the agricultural and pastoral communities of the African mainland, with the addition and incorporation of oriental elements in crafts, customs, and language.

The Swahili language developed, in the 9th to 10th century, into a *lingua franca* in East Africa and is currently one of the most widely spoken African languages. Swahili belongs to the Bantu language family, but has adopted many loan-words from Arabic, Persian and, since the last century, from English and German (SUTTON, 1990: 57-60, MASAO and MUTORO, 1988: 602-607).

Islam

About 90% of all Zanzibaris belong to the Islamic religion. A Muslim lifestyle is an integral part of daily life in Zanzibar.

Islam started to spread to the East African coast by the 8th century, but did not become a major factor in shaping and influencing the societies of the coast until the 12th century. This trend may have been different on the islands of Zanzibar because it is generally accepted that Islam was implanted on the East African islands before it spread to the mainland (MASAO and MUTORO, 1988: 605-606). HORTON (1992: 9-11) enumerates four major phases of Islamization in Zanzibar, involving the Ibadi, Sunni/Shafi, and Shi'a schools of Islam.

The last phase of Islamization took place in the 13th century and resulted in the dominance of Sunni/Shafi-Islam, which has prevailed up to today.

Ethnic Groups

Three major ethnic groups emerged during the last two hundred years: Africans from Zanzibar (*Shirazi*), Arabs, and Africans from the African mainland.

The *Shirazi* claimed a legendary Persian origin in order to distinguish themselves as the native inhabitants of Zanzibar and "*to emphasize their rights to preferential treatment as the original owners of the soil*" (HAILEY, 1952, Chap. IV: 3). Although there is no doubt that there was an influx of people and customs from Persia and Arabia, this group is predominantly African in race and customs. Since the Revolution, and the subsequent union with Tanganyika, the term *Shirazi* is much less used. A continuation of the use of this term would over-emphasize the foreign influence and negate the strong African character of this group. Thus, they are called "Africans from Zanzibar" in this dissertation. This ethnic group consists of three tribes: the *Tumbatu*, *Hadimu* and *Pemba* (for their regional distribution see the map in Appendix 5). All three tribes have much in common: the Swahili language, the Islamic religion, and a lot of similarities in customs and community organization.

PRINS (1961: 12-13) distinguishes four types of Arabs in Zanzibar. Petty traders and temporary immigrants from the Hadhramaut (South Yemen) are known as *Shihiri*. Those who possess Arab genealogies, and whose ancestors came mostly between 1700 and 1850, are recognized as "true Arabs". They are also called "*Mangu Arabs*". The "*Old Arabs*" are those who arrived on the coast before the Portuguese in 1500. The last group are Arabs who are basically Africans with quite some "*Arab blood*". Most of those who call themselves Arab in Zanzibar today cannot speak Arabic and have lost some of their Arabic culture. Yet, they identify themselves as Arabs.

A third ethnic group consists of Africans who are either descendants of former slaves and caravan porters, or recent immigrants attracted to the islands as wage earners on the clove and coconut farms. They come from many tribes; the three dominant tribes are the *Nyamwezi*,

Sukuma, and *Makonde*. These Africans from the African mainland often settle together and form tribal communities, continue to speak their tribal language, come together for ceremonies, and often profess the Christian religion. During the last 90 years they gained much through the abolition of slavery and later, in 1964, through the termination of Arab supremacy. They were relatively well treated in the land distribution following the Revolution. Since then, they have become an important support for the leading political party in Zanzibar.

Omani-Arab Dominion and British Protectorate

Up to the 18th century, the coastal communities of East Africa enjoyed a high degree of autonomy (SALIM, 1989: 211). This changed when the Omani Sultan Seyyid Said of the Al-Busaidy dynasty extended his ambitions to direct control. Even before he moved his capital from Oman to Zanzibar in 1832 (AL-MAAMIRY, 1988: 3), Zanzibar had outstripped other coastal towns in economic and political development. Zanzibar was situated opposite the Mrima coast, which had become the most important outlet for ivory and slaves in East Africa (SALIM, 1989: 221).

Seyyid Said was foremost interested in trade and considered himself a merchant prince (SALIM, 1989: 215). His interests were commercial rather than imperial. Yet by the end of his reign it was said: "*When they whistle in Zanzibar, the people dance on the shores of the great lakes.*" (MARSH and KINGSNORTH, 1963: 21-22). Seyyid Said also had a marked impact on the economy by adopting two far-reaching economic policies. First, he encouraged Indian enterprise and settlement. This brought the capital to Zanzibar needed to finance caravans into the hinterland of East Africa. Second, he encouraged the cultivation of clove trees. During the 1850s, Zanzibar had become the most important clove exporter in the world. Clove cultivation and especially clove harvesting required a tremendous amount of labor. This labor demand greatly stimulated the slave trade (SALIM, 1989: 229) and the subsequent immigration of wage-earning laborers from the African mainland. The clove cultivation by Omani Arabs led to an emerging class of landlords (KIMAMBO, 1989: 235).

Due to the need for British military support against internal forces in Oman and to maintain a grip in the Indian Ocean *vis-à-vis* other European colonial powers, Seyyid Said and his successors made a close alliance with the British empire. This cooperation eventually resulted in the establishment of a British Protectorate in Zanzibar in 1890 and in the abolition of slavery in 1897 (MARSH and KINGSNORTH, 1963: 49-55). The abolition of slavery was a blow to the Arab economic fortune and lifestyle. The establishment of the British Protectorate reduced the role of the Zanzibar sultan to a nominal sovereignty. SHERIFF (1992: 1) even concluded that this "*marked the end of Arab rule*" over Zanzibar. The Al-Busaidy dynasty continued to rule Zanzibar under the British in a system of "*indirect rule*" up to 1964.

Independence, Revolution and Union with Tanganyika

After a political wrestling match of more than seventy years, the British colonial power agreed to the independence of Zanzibar on 10 December 1963. The British had carefully prepared for an essentially sovereign Arab state with a constitutional monarchy and the sultan as head of state (MARTIN, 1978: 55).

In the late 1950s and early 1960s, however, a fierce political struggle between pro-Arab and pro-African parties developed. Three elections took place between 1961 and 1963. Pro-Arab parties formed various coalitions to keep the pro-African Afro-Shirazi Party (ASP) out of power. When, because of the election of single member constituencies instead of proportional representation, the ASP won 54% of the vote, but received only a minority number of seats, "*many Africans ... could not understand why the ASP was not running the government*" (MARTIN, 1978: 56). Less than half a year later on 12 January 1964 a short, but bloody, revolution overthrew the government. On 8 March 1964 the first President of Zanzibar, Abeid Karume, announced the immediate nationalization of all land, the banning of all racial clubs, and one-party rule (AYANY, 1970: 126).

The new government was quickly recognized by eastern European countries and communist China, while western European states and America hesitated, fearing a gradual establishment of a communist-type regime. There were also internal threats. Under these circumstances of external and internal insecurity President Karume sought for a merger with Tanganyika. In Tanganyika he found a readily agreeable President Nyerere, who was a fervent follower of Pan-African ideas (AYANY, 1970: 138-142). On 26 April 1964 Zanzibar and Tanganyika formed the United Republic of Tanzania (ANONYMOUS, 1993a).

Since the union, Zanzibar has enjoyed a semi-autonomous status. In so-called "non-union matters" such as land, agriculture, education, sports, and culture, Zanzibar is fully autonomous and has her own government, the Zanzibar Revolutionary Government. In "union-matters" such as national defense and foreign affairs, Zanzibar is not autonomous and is subject to the Union Government of Tanzania. The State of Zanzibar is headed by a president who is also the vice-president of the United Republic of Tanzania. Currently the government consists of 16 ministries. Other important political institutions are the Revolutionary Council (19 members) and the House of Representatives (75 elected members) (ANONYMOUS, 1993a).

To complete the political unification, in 1977 the Afro-Shirazi Party merged with the ruling party of Tanzania mainland, the Tanganyika African National Union (TANU). They formed the Chama Cha Mapinduzi (CCM), the Revolutionary People's Party. During the first two decades the new Zanzibar government pursued a policy firmly heading towards a socialist command economy. Only since 1984 have more liberal economic policies been introduced. In 1992 both the Union and the Zanzibar Government decided to introduce a multi-party system. In the same year, other parties were allowed to register, and a multi-party election was held in 1995.

3.5.2 Development of the Legal System

The analysis of the legal system is of utmost importance when researching the agrarian constitution, because the legal system provides the apparatus to exercise the formal and informal rules of a society. Customary African law (*mila*) and Islamic law (*Sharia*) were the two most important legal pillars in the past few centuries. Since the establishment of the British Protectorate in Zanzibar, statutory law has gained significance.

Customary Law

Customary law (*mila*) is exercised in indigenous villages by a council of elders. They are mostly called *Watu Wanne* (the Four Men) and remnants of these early councils are still found in many places of Zanzibar (KRAIN et al., 1993: 18-19). Customary law must have received a good deal of admixture with the *Sharia* when Sultan Seyyid Bargash (1870-1880) introduced *kadhis* to the indigenous areas (ANDERSON, 1970: 67-68, MIDDLETON, 1961: 9) although, as SEIBEL (1992: 7) asserts, villages often resisted and continued to take their disputes to the *sheha* (the village headman) or to the council of elders.

Islamic Law

When Seyyid Said started to reign East Africa from Zanzibar in 1832, he recognized the jurisprudence of the prevailing Shafi-school of Islam. For the Arabs who had come with him and who belonged to the Ibadhi, however, he installed an Ibadhi-*kadhi* (Islamic judge) next to the usual Shafi-*kadhi* (RAHMADHANI, 1992: 5). Despite the establishment of a British Protectorate in Zanzibar in 1890, the British accepted — and a statutory declaration was made to that effect in the Courts Decree of 1923 — that Islamic law was the fundamental law of the Protectorate in *all* civil matters (MEEK, 1946: 232; ANDERSON, 1962: 296). This has not changed much since the Revolution.

The *Sharia* (the Arabic word for "track" or "road") is not only a legal system. It is also supposed to be a path for guiding Muslims. It provides specific laws but also includes recommendations that are open for Muslims to follow. The jurisprudence of the *Sharia* has two principal, and eight minor sources. The principal sources are the *Qur'an* and the *Sunnah* (the examples from the life of the Prophet Muhammad), which are acknowledged by all Islamic schools of jurisprudence. Minor sources include the *Ijmaa*, *Qiyas*, *As-Ijtihad*, *Al-Istihsan*, *Istis-hab*, *Urf*, *Al-akwal Sahaba*, and *Masalih Al-Musala*. They are accorded different priority depending on the school of jurisprudence. (MISKIRY, personal communication; HAMED, 1993: 160). Western law is essentially secular and can be changed when deemed necessary. In contrast, the Islamic law is essentially religious and is regarded fundamentally as divine law and is thus immutable (ANDERSON, 1975: 2-3)

British Equity and Common Law

Nevertheless, in all Islamic countries the pure religious law has been modified in practice by local custom and *siyasa* (the discretionary power of the ruler or political authority). In Zanzibar the pure religious law has also received quite a number of modifications.

The first British jurisdiction established in East Africa was in the Sultanate of Zanzibar. Since 1833, extra-territorial privileges were granted to citizens of various states (e.g., Great Britain, United States, France, the Hanseatic Republic). In 1869 the High Court in Bombay acquired a civil and also an appellate jurisdiction of suits over British subjects in Zanzibar (ALLOT, 1976: 350-351, RAHMADHANI, 1992: 2).

With the establishment of the British Protectorate in Zanzibar, in 1890, the Sultan authorized the delegation of some part of his jurisdiction to the British representatives. The Order in Council of 1892 gave the Secretary of State power to apply Indian legislation in East Africa and, for a short period up to 1899, the High Court of Bombay became the court of appeal for East Africa.

The court system was completely reorganized by decree in 1899. In that year a Supreme Court was established as a court of appeal, having under it a 'Court for Zanzibar and Pemba' consisting of two *kadhis* and, if called on, a judge of the British court. Subordinate courts were also constituted. Between 1908 and 1923, all magistrates received a dual appointment from the Secretary of State, the highest colonial office, and the Sultan. Thus, a form of a dual jurisdiction had evolved. By 1960, Zanzibar possessed a typical British colonial system of law and courts. This system embraced the courts and law of western patterns on one hand, while the other hand embraced the courts and laws that derived from traditional, indigenous institutions (ALLOT, 1976: 348-352).

Since the establishment of the British Protectorate in Zanzibar, a number of laws were codified and devised along British equity and common law. Typical examples are the *Transfer of Property Decree* and the *Succession Decree*, although Muslims were exempted from some of these laws, because of interference with the Islamic law (MISKIRY, personal communication).

The Legal System after the Revolution

The first decree that passed after the Revolution was the *Legislative Powers Law* of 1964. It vested law-making power in the President of Zanzibar with the advice and consent of the Revolutionary Council. It changed the whole system in such a way "*that all the three arms of the government, the executive, the legislature, and the judiciary belonged to the Revolutionary Council and that specified bodies merely exercised powers on behalf of the Council*" (RAHMADHANI, 1992: 10-11).

In 1969 the People's Court Decree abolished all subordinate Courts, except the Kadhi's Court, and established People's Courts. These courts were composed of three appointees of the President. The appointees did not need any specific educational qualifications. Advocates

were not allowed (RAHMADHANI, 1992: 12). It does not require much imagination to realize that these courts could be greatly abused. However, MARTIN (1978: 65) who otherwise sharply criticized the political system in Zanzibar of that time, concluded that "*this unusual system of Zanzibar worked rather well, thanks greatly to the integrity of the Chief Justice ... and the Attorney General*".

Major changes were effected in 1978, when the *Criminal Procedure (Amendment) Decree* put an end to the People's Courts. In 1979 a new Zanzibar Constitution was passed. The three powers of the state, the executive, the legislature, and the judiciary, were separated. The President was to be the head of the executive branch and the Revolutionary Council was retained as a Cabinet of Ministers. A parliament (the *House of Representatives*) was introduced as the legislature and the Chief Justice was put at the head of the judiciary. The latter is not really independent since "*the Chief Justice and other judges could be relieved of their duties if the wisdom of the President so dictated*" (RAHMADHANI, 1992: 14-15).

The system is now comprised of Primary Courts at the lowest level, with appeals made to the district, and then, regional level. The High Court is at the highest level. There is also an Islamic law court system consisting of District Kadhis' Courts with appeals made to the Chief Kadhi's Court. Further appeals are referred to the High Court with a judge and four *sheiks* (authorities in Islamic matters). Appeals from the Zanzibar High Court are made to the Tanzania Court of Appeal, except on Islamic law matters and on interpretations of the Constitution of Zanzibar (RAHMADHANI, 1992: 13-14; MISKIRY, personal communication).

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4. Methodology

4.1 Researcher's Attitude

A number of writers, e.g., MEEK (1957: 307-308), BOHANNAN (1966: 101), and EBERT (1981: 28) have pointed out that a researcher alien to the society he/she is investigating is subject to the danger of applying the concepts and *termini* of his/her culture and thereby mishandling or misunderstanding the true meaning. To avoid this, the researcher has to undertake all efforts to understand the interpretation of the local concept, by the people who use the concept. Ways to lessen this bias are to:

- acquire a good knowledge of the local language,
- live in the society that is the subject of the research for quite some time, and
- be in close collaboration with research assistants and other local researchers so that they can make the researcher aware of his/her potential misunderstandings.

4.2 Scope of Research

The subject of the research is the agrarian constitution and its impact on the agricultural development of Zanzibar. A number of elements of the agrarian constitution were presented in Chapter 2. Not all of them can or need to be fully analyzed. Depending on the context and the degree of development of a society some elements are more important than others.

This research has been limited to the following elements:

1. laws and law-like rules governing land ownership and land use
2. succession to land and tree crops
3. the agricultural labor system
4. the system of agricultural credit
5. co-operatives and
6. the system of social security.

In all agricultural societies land rights, succession to land, and labor are of prime importance, and therefore must not be omitted here.

The system of agricultural credit is of great interest mainly due to two reasons. First, in a predominantly Muslim society, with its codex against interest and usury, it is worthwhile to determine how people solve financial problems. Second, the Zanzibar Government is negotiating with foreign donors to institutionalize agricultural credit. Findings from this research work may be valuable for the design of future approaches.

Among the institutions of agricultural interest-groups, co-operatives are the most important component in Zanzibar. These went through a riddled history of introduction, dissolution, and reintroduction. Agricultural women's co-operatives are particularly interesting because these provide an important vehicle for women to get access to land and state support.

The system of social security was originally not included in the research. After analyzing and interpreting most of the data for the first five components, however, it was realized that a number of mechanisms could only be better understood by looking closer at the social network. The institution of the "*sharekeeping of livestock*", for example, can only be partially explained in economic terms. This institution has much more relevance when seen in the context of a social network (see chapter 8.6), the

functioning of mutual self-help labor groups (*ujima*) (see chapter 7.7), and in relation to agricultural women's co-operatives (see chapter 9).

4.3 Approach

The research approach combined both formal and informal instruments. The main methods and research tools are shown in Table 2.

Table 2: Research Phases and Instruments

Phase/Activity	Core Period
<u>First Phase, Explorative Phase</u> <ul style="list-style-type: none"> • collecting pre-survey and secondary data • interviewing key informants • interviewing villager groups 	1/90-12/91
<u>Second Phase, Collecting Data in Formal Surveys</u> <ul style="list-style-type: none"> • designing formal surveys to interview 360 households • conducting a pre-test • re-designing the approach and questionnaires • conducting interviews with heads of households (survey A) • collecting labor data (survey B) 	1/92-6/93
<u>Third Phase, Conducting In-Depth and Case Studies on:</u> <ul style="list-style-type: none"> • different land tenure types • gender division of labor • agricultural and shop co-operatives • history of co-operative department • history of the spread of Islam to East Africa • reciprocal working groups • mortgaging of crops • rotating savings and credit groups 	1/94-6/94
<u>Fourth Phase, Analyzing and Verifying Findings</u> <ul style="list-style-type: none"> • compiling and analyzing data • presenting preliminary findings 	7/93-10/94

4.3.1 Overview of Research Steps

In the first phase a literature search was done to get a basic understanding of the topic. A number of interviews with key informants from various ministries followed. After identifying the villages to be surveyed, group interviews were conducted. During this stage, interviews were semi-structured and purposely not rigid. The aim was to collect qualitative data identifying the main principles of the agrarian constitution of Zanzibar.

In the second phase, 360 randomly selected households in the six villages of Zanzibar were interviewed with a questionnaire (Survey A). A lot of useful information was gained. Labor data, however, proved to be very unreliable and was much biased by gender. Therefore, an additional instrument was developed. For a one-year period,

people in each of the six villages were interviewed while they were working in agricultural activities along a predefined route of about 5 km length (Survey B). The route passed through an area with typical agricultural systems. The data from these two surveys (survey A and B) formed the core of the quantitative data.

A number of issues that arose from the formal surveys during the second phase were addressed in a third phase by conducting in-depth and case studies. The latter phase included a systematic effort to get feedback from key persons, dealing with the respective subjects, on their interpretation of the findings.

4.3.2 Literature Search

Three international bibliographic data bases were used: CURRENT CONTENTS, AGRIS (International Information System for the Agricultural Sciences and Technology), and AGRICOLA (AGRICultural OnLine Access).

The following libraries were visited:

- Zanzibar National Archives
- Museum of Zanzibar
- Sokoine University of Agriculture, Morogoro, Tanzania
- Dar es Salaam University
- University of Nairobi, main library
- Institute of Laws, Nairobi
- International Center for Agro-Forestry, Nairobi
- British Institute of East Africa, Nairobi
- University of London, main library
- Institute of Commonwealth Studies, London
- Institute of Advanced Legal Studies, London
- Faculty of Agriculture, Bonn, central library
- University of Bonn, main library
- Gesamthochschule Duisburg, Germany, including the inter-library loan service
- Friedrich Ebert Foundation, Bonn.

4.3.3 Research Assistants

The support of local research assistants, who are competent and familiar with the situation, is vital for this type of research. They introduce the researcher to local leaders and farmers and do routine work such as data enumeration and primary data processing. Throughout the nearly three years of field research the author was fortunate to be supported by one full-time assistant. In the first year this was Ms. Sharifa Ali Haji, who held an agricultural certificate (two years of a vocational training in agriculture). She was absolutely essential in the discussions with women and women's groups. In 1992, Mr. Ali Khamis Kombo, a diploma holder (four years of vocational training), took over. Staff members of the National Coconut Development Program and the Ministry of Agriculture, Livestock, and Natural Resources occasionally assisted, particularly during the survey work.

4.3.4 Interviews with Key Informants

Prior to conducting village-level investigations,, knowledgeable persons from various ministries and institutions were interviewed. These were mainly civil servants, including directors, commissioners, managers, and subordinate staff.

Key personnel in the following ministries and institutions were interviewed:

1. Ministry of Agriculture, Livestock and Natural Resources
 - Commission of Planning
 - Commission of Research and Extension
 - Commission of Agriculture and Livestock
 - Commission of Natural Resources
2. Ministry of Water, Construction, Energy, Lands and Environment
 - Department of Lands
 - Zanzibar Integrated Land and Environmental Management Project
3. Chief Minister's Office
 - Social Welfare Department
 - Labor Commission
 - Department of Co-operatives
 - Waqf and Trust Commission
4. President's Office, Ministry of State (Planning)
 - Department of Statistics
5. Attorney General's Chambers
6. Zanzibar State Trade Corporation
7. Zanzibar Fisheries' Corporation
8. People's Bank of Zanzibar.

4.3.5 Selection of Villages and Group Interviews with Villagers

For the field research, six villages from Zanzibar and two villages from the Tanzanian mainland were selected.

The number of eight villages is certainly too small to arrive at conclusions representative for all of Zanzibar. The intention of this research, however, was to capture the main features of the agrarian constitution and to delineate these features from those of the Tanzanian mainland. This is hoped to have been achieved with these few but carefully selected villages.

Four main criteria were used to select the villages: (i) ethnic composition, (ii) agro-ecological zone, (iii) distance to urban centers, and (iv) population density and its pressure on land. All of these selection criteria, which partly overlapped, were expected to have a significant bearing on the formation of the agrarian constitution. The situation seemed more heterogeneous on Unguja than on Pemba. Therefore, out of the six villages from Zanzibar, four were taken from Unguja and two from Pemba. Based on the selection criteria the villages can be grouped as follows:

Figure 4: Location of Surveyed Villages

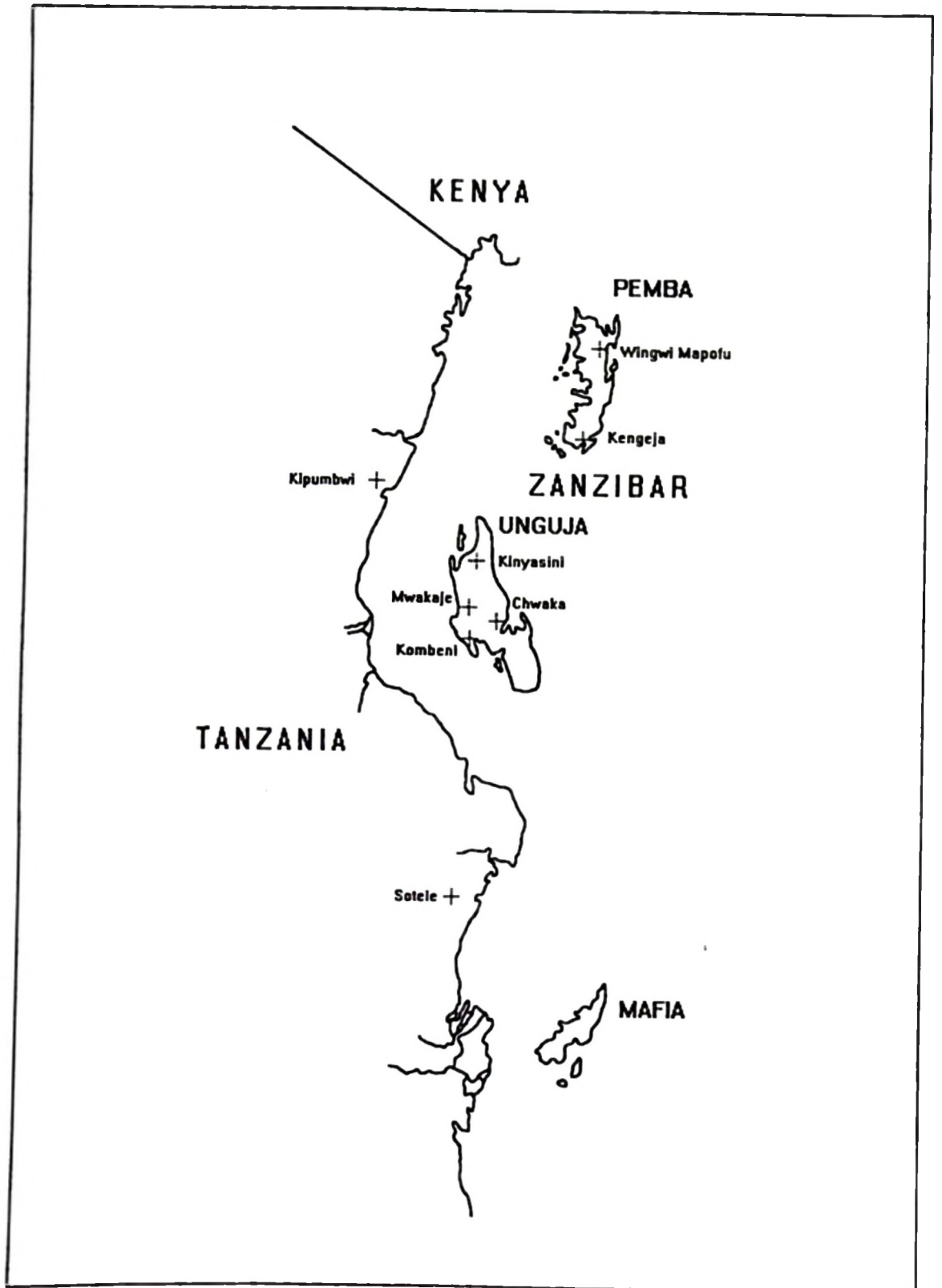


Table 3: Criteria for the Selection of Villages in Zanzibar

Selection Criteria	Village
<u>Ethnic composition</u> - mainly indigenous Zanzibaris - descendants of slaves and plantation workers - recent immigrants from the African mainland	Kinyasini, Kengeja, Wingwi Mapofu Mwakaje Kombeni, Chwaka
<u>Agro-ecological zone</u> - plantation area - coral rag area - hydromorphic valleys	Mwakaje, Kengeja Chwaka, Wingwi, Mapofu, Kombeni Kengeja, Chwaka
<u>Distance to urban center</u> - near to town - far from town	Mwakaje, Kombeni, Wingwi Mapofu Kinyasini, Chwaka, Kengeja
<u>Population density and pressure on land</u> - high population density and high pressure on land - lesser population density and pressure on land	Mwakaje, Kinyasini, Kengeja Chwaka, Kombeni, Wingwi Mapofu

Source: own elaboration

A short description of each village in relation to the selection criteria is presented below.

On the main island, **Unguja**, the villages Kinyasini, Mwakaje, Chwaka, and Kombeni, were selected.

Kinyasini, in the north of Unguja, is part of a very densely populated area. Land pressure has led to some disturbances between land possessors and land borrowers. Many of the inhabitants belong to the indigenous tribe of the *Tumbatu*.

Mwakaje is near the town of Zanzibar. A lot of town dwellers possess land and allow their land to be cultivated by land borrowers. These land borrowers are often descendants of slaves and/or squatters that formerly worked on the plantations of Arab landlords. The land is part of the *plantation area*, which was formerly the main area of Arab cultivation and where a register of land sales deeds (*warka*) has been in use for more than one hundred years.

Chwaka is a village on the east coast of Unguja. The community mainly depends on fishing. Ethnically, the majority of the village population belongs to the indigenous tribe of *Hadimu*. The village is surrounded by *coral rag land*. *Coral rag land* was never under major Arab occupation and villagers have been less exposed to changes in customs. The above mentioned register of sales deeds for land was not introduced into this area. Baseline information on land tenure is available from an excellent study by PACKENHAM (1947). In recent years there has been a strong influx of immigrants from the African mainland.

Kombeni is situated in the south-west of Unguja and near the town of Zanzibar. Kombeni is on the fringe of the *plantation area* and a substantial part is located in the *coral rag*. Due to its position opposite the Tanzanian mainland, and its close proximity to Dar es Salaam, there has been a constant influx of Africans from the Tanzanian mainland. Many of the newcomers settled in the less densely occupied coral rag land of the village.

On **Pemba**, two villages were selected: Wingwi Mapofu and Kengeja.

Wingwi Mapofu is a village in the north of Pemba. It is part of a very marginal, sandy soil area and has also some land in *coral rag*. Cassava and coconut cultivation are the main agricultural activities. The village seems to be a political stronghold of the former Afro-Shirazi party and the now governing CCM¹¹.

Kengeja lies in the south of Pemba. Dense vegetation and fertile soil are favorable for agriculture. Cloves are the major upland crop and there is a significant amount of rice cultivation in several of the valleys. The population tends to politically oppose the ruling CCM. Its pre-Revolutionary history shows that a majority of people were for the Zanzibar Nationalist Party (ZNP)¹².

On the **Tanzanian mainland**, two villages were chosen to delineate features of the agrarian constitution of the mainland from those of Zanzibar. The surveyed villages belonged to the coastal zone of Tanzania, because they share the Swahili culture with the islands of Zanzibar. This necessitated choosing old traditional villages, which were not founded during the *ujamaa* villagization process. The villages of Kipumbwi of Pangani District (Tanga Region) in the north-east, and Sotele of Kisarawe District (Coast Region) in the south-east were selected.

Interviews with both men and women groups were based on semi-structured questionnaires in all of the villages. Five to eight people were invited for each interview, which was spread over three afternoons. Six days were needed to interview two groups in each village. The selection of people was made by the village chairman. He was asked to select experienced farmers and, in Zanzibar, to add one or two immigrants that came from the Tanzanian mainland. The discussions were mainly held in the CCM party branch office, which existed in every village at that time as the lowest administrative level of the state.

4.3.6 Interviews with Heads of Households (Survey A)

Following the group interviews, a questionnaire was designed to interview the heads of households in the six selected villages of Zanzibar. The questionnaire was pre-tested in Kombeni village.

Two methods were used to select the households.

In the first method, household lists of each village were compiled with the help of the CCM-branch chairman or secretary¹³. Thirty households were randomly selected using computer-generated random numbers.

¹¹. This is evident in the 1963 election results presented in Appendix G of AYANI (1970).

¹². According to AYANI (1970: 88-89), the ZNP was ideologically dominated by the rich coconut and clove plantation owners, while the ASP was supported by the landless and poor Africans.

¹³. At the beginning of this research, the CCM-branch was the lowest administrative level of the state. This changed in 1992 when party and state functions were separated. Currently, the lowest administrative level is the *Shehia*, which is identical to the former CCM-branch boundary. The administrative head of the *Shehia* is the *Sheha*.

In the second method, two transects per village were made. Transects are often used in investigations that deal directly with land (POATE and DAPLYN, 1988: 67 and 88-89). The transect began at the flag pole of the CCM-branch office in the center of the village. The compass bearing was selected by a computer-generated random number between 0 and 360. Two transects were made with the restriction that the second transect differed by at least by 90° from the first. The length of each transect was about 2 km. The land use was inventoried after every one hundred steps and the land owner and the land user of that particular plot were identified. Thirty heads of households were eventually randomly selected, among the surveyed land owners and users, to be included in the individual interviews. The reason for selecting households via transects was to use a land-based selection procedure rather than to choose from a list of village households. This method has the advantage of identifying land-owners who do not reside in the village. The proportion of these people was estimated to be substantial for a number of villages, especially those near the town of Zanzibar (Kombeni and Mwakaje). The hypothesis was that people residing in town and holding land in the countryside are part-time farmers. They differ significantly from farmers who reside in the village.

4.3.7 Collection of Labor Data (Survey B)

After analyzing the data of Survey A, it became obvious that the labor data were unreliable and seemed to be biased by gender. Thus, it was decided to use a different method to collect labor data (Survey B).

In each village a route of about 5 km, which covered two typical agricultural areas, was purposively chosen. The survey routes were measured with a motorcycle odometer. For one day each month an enumerator went along the route by motorbike and inquired every person that was *found farming* about age, sex, tribe, crops cultivated, and labor operations. The survey was conducted from October 1993 to September 1994.

Labor data were only collected between Monday and Thursday in order to avoid distortions due to religious holidays, i.e., Fridays for Muslims, and Sundays for Christians. One route was made in the morning between 8.00 and 10.00, and a second was made in the afternoon between 16.00 and 18.00. All farmers who were encountered within a distance of about 50 m from the route were included. One km of the route corresponded to 10 hectares.

Labor operations and the intensity of cultivation differed according to the agro-ecological zone. Therefore, segments of the routes were classified into plantation area, coral rag area, and hydromorphic valleys.

A number of points were considered during data processing. For Table 24, page 83, data were multiplied by 24 (assuming 24 working days per month) in order to enable an assessment of labor input per hectare per month. Segments of different agro-ecological zones were unequal, as shown in Table 4.

Table 4: Importance of Agro-ecological Zones in Survey Areas

Survey Area	Plantation Area	Coral Rag Area	Hydromorphic Valleys	Total
- in hectares	151	80	62	293
- in percent	51.5	27.3	21.2	100.0

Accordingly, the figures for the survey area in Table 24, page 79, were calculated by applying the following formula for calculating the weighted average:

$$x = \frac{x_p P_p + x_c P_c + x_h P_h}{100}$$

- X: labor input per hectare of survey area
- X_p: labor input per hectare of plantation area
- X_c: labor input per hectare of coral rag area
- X_h: labor input per hectare of hydromorphic valleys
- P_p: percentage value of plantation area
- P_c: percentage value of coral rag area
- P_h: percentage value of hydromorphic valleys

Example: calculating average labor input for the month of October 1993 (see percentage values in Table 4 and labor input values in Table 24, page 83)

$$x = \frac{5.7 \cdot 51.5 + 14.1 \cdot 27.3 + 9.7 \cdot 21.2}{100} = 8.8$$

4.3.8 Conducting In-Depth and Case Studies

After the main body of data was collected and analyzed, a number of issues needed further investigation. Thus, in-depth and case studies were conducted (for the respective topics see Table 2, page 19).

4.3.9 Verification of Findings

During the entire research, a number of interim-results were presented in discussion papers. In the final research phase a seminar on the elements of the agrarian constitution was held in Zanzibar from 25-26 October 1994 under the umbrella of the Zanzibar Agricultural Research Council. Relevant authorities of various ministries, parastatals, projects, and non-governmental organizations were invited. During the seminar, policy makers were provided with preliminary results and excellent feedback was obtained from people familiar with the subject.

4.4 Data Processing and Statistics

4.4.1 Cross-Sectional Comparisons

Various cross-sections of data from the interviews with heads of household were compared. The hypothesis was that a number of socio-economic features had a

significant influence on the formation of the agrarian constitution. Table 5 gives an overview of the cross-sectional comparisons that were made.

Table 5: Cross-Sectional Comparisons of Household Data

Cross-Sectional Comparisons	Number of Households	Percent of Households
1. SELECTION PROCEDURE		
- from household lists	179	50.1
- from transects	178	49.9
TOTAL	357	100.0
2. ISLAND		
- Unguja	237	66.4
- Pemba	120	33.6
TOTAL	357	100.0
3. VILLAGE		
- Kombeni	59	16.5
- Mwakaje	59	16.5
- Chwaka	60	16.8
- Kinyasini	59	16.5
- Wingwi Mapofu	60	16.8
- Kengeja	60	16.8
TOTAL	357	99.9
4. ETHNIC GROUP		
- African from Zanzibar	289	81.6
- African from mainland	49	13.8
- Arab	16	4.5
TOTAL	354	99.9
5. PLACE OF RESIDENCE		
- on-farm	328	91.9
- in town	29	8.1
TOTAL	357	100.0
6. MAIN OCCUPATION		
- on-farm activities	174	48.7
- off-farm activities	183	51.3
TOTAL	357	100.0
7. HOUSEHOLD HEADING		
- husband and wife	272	76.2
- single woman	57	16.0
- single man	28	7.8
TOTAL	357	100.0

A total of 360 household interviews were made. Three interviews were omitted from the analysis because the answers given were dubious. Thus, in all but one cross-sectional comparison, 357 households were interviewed.

1. Selection Procedure

As explained in chapter 4.3.6 on page 22, two methods were used to select households: from household lists and from transects. The main purpose of this exercise was to identify households for "5. PLACE OF RESIDENCE" (see below). There was no significant difference, in most of the comparisons, between households that were selected from household lists and those that were selected from transects. This is

because most of the households selected from transects also came from the village. Nevertheless, in a few cases differences were noted. These were mostly derived from the inherent bias of each selection method. In the selection from village household lists, households were included that had no farm land, while in the selection from transects each selected household needed to have land. Thus, especially in comparisons concerning farm size and the like, significant differences were noted.

2. Island

Unguja and Pemba differ in many ways. Unguja has been the main island, is the seat of the Zanzibar Government, and is much more urbanized. The population grows fast. Pemba is the island with the higher agricultural potential, but with the stigma of backwardness and little potential for dynamic people. Life appears stagnant. Many people emigrate to the town of Zanzibar on Unguja or to the Tanzanian mainland and Kenya.

3. Villages

Villages differ in many important ways that have relevance to the agrarian constitution (see chapter 4.3.5, page 21-24). It was expected that differences would arise that are related to issues such as different ethnic origins, distance to urban centers, and off-farm opportunities.

4. Ethnic Groups

Three ethnic groups were compared: (a) Africans from Zanzibar, (b) Africans from the African mainland, and (c) Arabs. The characteristics are described in chapter 3.5.1, page 13-14. Three households did not fit into these categories. One household belonged to the Indian community and two others consisted of people who had emigrated from Kenya. They were excluded from the computation, leaving 354 households for comparison.

5. Place of Residence

The two categories being compared were, (a) households residing in the village next to their farm land, and (b) households located in town far from their land. The latter were identified from the transect selection procedure (see chapter 4.3.6, page 25). It was hypothesized that the households residing in town and having land in the countryside were less engaged in agriculture and were constrained in their efforts to increase agricultural production. An opposing hypothesis was that town dwellers have more opportunities to obtain cash income, which can then be invested in agriculture.

6. Main Occupation of Head of Household

Nearly every household in Zanzibar has access to land. Many farmers, nevertheless, are engaged in off-farm activities. Households were, therefore, compared in relation to whether the heads of households were mainly engaged in (a) agricultural, or in (b) off-farm activities.

7. Household Heading

In the recent agricultural literature of Zanzibar [see e.g., KRAIN et al. (1993) and WIRTH et al. (1988: 109-112)] "woman-headed households" that resulted from either divorce or widowhood were identified as a disadvantaged group. It was found that woman-headed households had less access to land and often depended on borrowed land. In the comparisons of this research, single-man households (without a wife) were also included, although their position was less clear. Single-man households consisted of men as heads of household who were widowed, divorced, or who were young, independent, and unmarried. The widowed and divorced men normally possessed the same amount of land as husband and wife households. They only differed in a lesser intensity of land use. By contrast, the single-man household with a young, unmarried man often had no inherited land and depended on small, intensely-cultivated areas.

4.4.2 Statistical Programs and Procedures

Data from the formal surveys were coded and entered into a personal computer using DBase III+ database software. Statistical calculations were made with SPSS/PC (Statistical Package for the Social Sciences).

Most of the statistical analyses were conducted with the following two methods: (i) $r \times c$ contingency tables for the analysis of discrete data (frequencies) (SACHS, 1984: 474-482), and (ii) analysis of variance for continuous data using the non-parametric Kruskal-Wallis Test (SACHS, 1984: 303-306, 321-322).

Non-parametric procedures were preferred over parametric ones, because parametric techniques require a normal distribution of data and this was not always the case. Rather than conducting cumbersome data transformations, less restrictive statistical procedures were used.

In non-parametric procedures, frequency distributions are characterized by three values, the *median*, the 25th and the 75th *percentile*. The central value is the *median*. The 25th *percentile* is the value that lies at the end of the first quarter of the sequence of values ordered by size, and the 75th *percentile* is at the end of the third quarter of the sequence (SACHS, 1984: 101).

Levels used for showing significant differences in this dissertation follow the statistical standards:

- *** or $P \geq 0.999$: very highly significant, at 99.9% probability
- ** or $P \geq 0.99$: highly significant, at 99% probability
- * or $P \geq 0.95$: significant, at 95% probability
- t or $P \geq 0.85$: trend, at 85% probability

4.5 Limitations

The findings of this survey are not representative for all of Zanzibar. The number of six villages and 360 households is far too small for such a generalization.

The quality of data is another limitation. Many farmers are illiterate, some may think they have to hide facts from enumerators coming through official government channels, while others are simply biased by sex, age, and ethnic group. Thus, it is not expected that the data reflect a near approximation to reality. At best they provide orders of magnitude.

The author, being male, may also have been a disadvantage in interviews with women's groups, although a female translator was always included in group interviews with women.

Quantitative labor data collected in the household survey were unreliable and biased by gender, so an additional method of data collection was employed (see chapter 4.3.7, page 25). This method, however, also had its weakness. People near the enumeration route and in open areas (such as the hydromorphic valleys) were easily spotted, while people working in bushland were harder to see (coral rag and plantation area). Because not all people along the route were interviewed, labor input data in the plantation and coral rag area tend to underestimate the actual situation. Finally, the data for the month of April were lost. This is unfortunate because April is the month with the highest

amount of labor input. It would have been desirable to compare this month with the other months.

PART II: ELEMENTS OF THE AGRARIAN CONSTITUTION

5. Laws and Law-like Rules Governing Land Ownership and Land Use

In the English literature the expression "*laws and law-like rules governing land ownership and land use*" is usually termed "*land tenure*". The term "*land tenure*" has been avoided as a chapter heading in this thesis because "*land tenure*" originally includes only secondary land rights, i.e., land rights held by somebody who is a *tenant* of a land owner. While Zanzibari farmers only hold land as *tenants*, because all *natural [bare] land* in Zanzibar belongs to the state, it is important to work out the nature of the land ownership rights because they form the basis for all derivative rights of land usership.

Formal (laws) and informal (customs) rules of land ownership and land use form the complex of *land rights*. Land rights are commonly categorized as (i) *transfer-rights* – the right to register, lend, rent, mortgage, pledge, bequeath, give, or sell the land, and (ii) *use-rights* – the right to grow crops, collect fruit or firewood, cut trees, graze livestock, and be buried on the land (e.g., PLACE and HAZELL, 1993: 11). The person having control over transfer-rights is usually regarded as the *land owner*, while others have lesser rights.

Land rights vary between regions and countries according to differences in culture, history, religion, social, and economic conditions. They are altered by contacts among different societies and changes in social and economic conditions. Zanzibar has been exposed to a number of indigenous and alien forces, most notably to African, Arab, and European influences. In order to understand the current situation it is necessary to grasp the principles of land rights of each culture involved. Beside identifying land rights, agricultural research on laws and law-like rules should be concerned with determining the ability and flexibility of land rights to provide adequate conditions for farmers to produce, invest, and adopt technologies to increase production.

5.1 Principles of Land Rights

5.1.1 Roman-European Concepts

At first glance it may seem odd to start with the Roman understanding of land and land rights in a thesis concerned with the agrarian constitution of *Zanzibar*. However, the Roman concept of land rights has entered a number of European law systems and has been transferred via the colonial activities of European states to various African countries. It has also been used by a number of African scholars (for example OKOTH-OGENDO and ONALO) to explain the principles of African land rights.

Three aspects in the Roman understanding of property and land are salient:

- the doctrine of *dominium*, of absolute power over a subject,
- the doctrine of *dominium directum* and *utile*, of separated powers over land, and
- the doctrine of the *unity* of the soil and things attached to the soil.

The doctrine of *dominium* entails that a person has absolute and exclusive power over a subject and may use his/her power, to use it, destroy it, and exploit its benefits - *usus*, *abusus*, *fructus* (ONALO, 1985: 10). This shows that, according to the Roman concept,

paramount importance is attached to property. On the other hand, during the centuries the power of abuse has been curtailed or cut off in European states with respect to land. From an ethical point of view, emphasis is instead now put on obligations. Obligations come together with enjoying ownership of land, which for example, found its way after World War I into the *Weimarer Verfassung*, the Constitution of the German Reich, and after World War II into the *Grundgesetz*, the Constitution of the Federal Republic of Germany, in the famous statement "*Eigentum verpflichtet*" (ownership obliges) (RUDOLPH, 1960: 5, 15; LIPINSKY 1970: 15-16). Laws have been created to intervene against abuse and RIDDEL (1987: 2) states "*Indeed, [the] right of intervention is often most developed where concepts of private property are the strongest*".

The Romans already distinguished between *dominium directum* (transfer-rights, in German: *Verfügungsrecht*) and *dominium utile* (use-rights) (LIPINSKY, personal communication). This separation of powers with respect to land was characteristic of the period of feudalism. During that time *primary ownership* rights were vested in the sovereign. Lords and peasants held land in a personal dependency from the sovereign, obliging them to knight's services or villein services and levies (e.g., tithe), respectively. In contrast to "tenancy" under civil law, in which the tenancy contract can be terminated within certain contractual provisions, the peasants of that time could enjoy continued occupancy, at least as long as they fulfilled their obligations. In Germany, due to the particular quality of the land use-right these peasants were called *Untereigentümer*, *secondary land owners* (as opposed to the *Ohereigentümer*, *primary owners*, just mentioned above). As will be shown later, the African concept of land rights has parallels to this understanding. According to the classical African concept land users have about the same rights as a British "tenant", however, they do not hold a freehold estate in fee simple.

The third Roman doctrine entails the unity of the soil and the area above and beneath it. This is summarized in the maxims (i) *cuius est solum, eius est usque ad coelum ad inferos* (whose is the soil, his is also that which is above and below it) and (ii) *quidquid plantatur solo solo cedit* (whatever is attached to the soil becomes part of it) (OKOTH-OGENDO, 1987: 227 and 1989: 8). The unity of the soil and all things attached to it is in contrast to the African customary law and the Islamic law that see the two spheres, the soil and the area above and beneath it, as separated spheres. As shall be elaborated more in detail in chapter 5.2.5, page 40-41, the *Land Tenure Act* of 1992 takes up both principles and regards the spheres as separated with respect to the definition of *natural land* and united¹⁴ with respect to *land*.

In the aftermath of the French Revolution in France, and in a number of other European countries, land ownership was freed from feudal rules. Land was converted into private property. A private property-right system developed and was integrated into the civil codes of many European countries. Tenancy relations became part of the laws of contract and were no longer part of personal law (LIPINSKY, personal communication).

English law remained under feudal influence and never freed itself from all feudal traces. Today, the Crown is still the ultimate land owner. Even the word *freehold* does not mean that the land is free from the ownership of the Crown. It originally meant that the land was free from villein services, but it was nevertheless burdened with services such as knight service, socage, and others. (BURN, 1988: 29-30; SIMPSON, 1954: 52; see also SWEET, 1911: 4; RUDOLPH, 1960: 20; ELIAS, 1962: 97 in a footnote; LIPINSKY, 1990/91b). Over the centuries, nearly all traces of feudal burdens have disappeared. Nevertheless, the *fee simple absolute in possession*¹⁵, *the largest quantum of interests*¹⁶

¹⁴. United only with trees, if specifically registered, but not with buildings.

¹⁵. One of the types of freehold; for a systematic presentation of all types see BURN (1988: 30).

to land one may acquire in England today, only approximates private ownership (BURN, 1988: 5; see also RUDOLPH, 1960: 19; SIMPSON, 1961: 146). Thus, a freeholder — despite being granted land rights that are very near to being a land ownership right — remains a 'tenant' (see also GRAY (1993: 58) who states that "*The estate in fee simple represents the amplest 'estate' which a 'tenant' [!] can have in or over land*").

It was perhaps this character of English land law that enabled the British to develop the concept of the "*right of occupancy*" in Africa. It is a modern adaptation of a *secondary land ownership right system*. It leaves *primary ownership* to the territorial community and awards individuals with secondary ownership rights that clearly go beyond use-rights of a tenancy contract under civil law¹⁷.

5.1.2 Islamic Concepts

In Islam the right to private property is not absolute. Allah is the ultimate owner of the earth and all things on it. Man's role on earth is the one of a *Khalifa*, a trustee, who shall manage the earth's resources in accordance with God's purpose (HAMED, 1993: 153-154). Thus, in a fundamental sense, there is no private ownership of property by man under Islamic law. Nevertheless, in practice, various forms of private ownership of land have developed over time in all areas under Islamic law (MEHNER, 1981: 158).

Under Islamic law, land is divided into three broad categories. First, there are *dead* lands (*mawat*). These are lands that have not been brought under cultivation or reclaimed. They are regarded as *unowned*. Second, there are *living* or *vivified* lands (*ihya*). *Living* lands are held on the principle that whoever *vivifies* land by clearing, planting, or building acquires occupational rights over the land. *Living* lands can be further subdivided, but here it shall suffice to say that '*mulk*' or '*milk*' land is the most important category and refers to land under private proprietorship. Third, there are *dedicated* lands (*waqf*). These are lands that have been assigned for a religious or charitable purpose (MEEK, 1957: 164-165, see also: BUSCH-ZANTNER, 1938: 16-17; MAHUDIN, 1962; RINGER, 1967: 65; JAMES and FIMBO, 1973: 18-19; LIPINSKY, 1990/91a; HAMED, 1993: 154, 157).

There are other noteworthy features concerning land under Islamic law. Any unused land can be repossessed by the ruler of the country (MEEK, 1946: 234; HAMED, 1993: 157), but expropriation of properly used land is illegal (MAHUDIN, 1962; PACKENHAM, 1947: 11-12). On the other hand, the Qu'ran demands a just use of the land and a fair distribution of its produce. In particular, the Qu'ran calls for alms to the poor and destitute (MEHNER, 1981: 158). Buildings and crops are not regarded as part of the land (MEEK, 1946: 234-235). In this respect Islamic law is similar to African customary law and different from the Roman-European concept. If a land proprietor dies intestate and without heirs the land falls to the *Beit-al-Mal*, the state's treasury, and shall be used for pious or charitable purposes (VELTEN, 1905: 422-423).

¹⁶. In English legal publications the term *interest* is more in use than *right*.

¹⁷. The right of occupancy is often described as a right "*of the nature of a lease*" (MAINI, 1967: 88). It was developed for northern Nigeria, where it became statutory recognition in 1910. It was introduced to Tanganyika in 1923 (JAMES, 1971: 97; JAMES and FIMBO, 1973: 33) and to Zanzibar in 1992.

5.1.3 African Concepts

Originally, African people do not have a notion of private ownership of land¹⁸. Land is God-given and the source of human sustenance; it bears a sacred character. The essence is quoted in a famous statement of a Nigerian chief to the West African Lands Committee in 1912 (ELIAS, 1956: 162; ELIAS, 1962: 182; MEEK, 1946; MEEK, 1957: 113; PARSONS, 1984: 30; JAMES, 1971: 146; RIDDEL 1987: 4; EBERT, 1981: 13):

"I conceive that land belongs to a vast family of which many are dead, few are living, and countless members are unborn"

This idea stretches all over Sub-Saharan Africa. OKOTH-OGENDO (1969: 54) quotes the first President of Tanzania, JULIUS NYERERE, saying:

"Land is a free gift from God to all His living things to be used now and in the future... We are mere tenants over land that does not actually belong to us..."

Elsewhere NYERERE (1973: 166) stresses:

"Each individual within our society had a right to the use of land, because otherwise he could not earn his living and one cannot have the right to life without also having the right to some means of maintaining life. But the African's right to land was simply the right to use it; he had no other right to it, nor did it occur to him to try and claim one".

Ownership of land to the territorial community and a right of the individual to its use is the universal concept of African customary land rights (ELIAS, 1956: 162). The control-rights have usually been exercised by elders as headmen, clan heads, or chiefs solely in the capacity of caretakers or trustees. They allocate the land to individuals who are members of the group by birth. The use-right normally passes by inheritance as long as the land is used. Outsiders (non-members) may be given land, but such allotments do not carry the same privileges, especially regarding inheritance by one's children, unless the outsider is adopted into the group, e.g., through marriage (PARSONS, 1971: 31-32).

After the land is cleared and cultivated the one who *"mixes his labor with the soil"* acquires rights to continued occupancy and use (PARSONS, 1971: 14; 32; AKABENE, 1970: 175). If the land is abandoned and left unused it reverts to the unallocated land pool of the territorial community and can be reallocated to individuals by the trustee(s) of the community. (RAINTREE, 1987: 47).

While, traditionally, there is no private ownership of land, there is personal ownership of the fruits of one's efforts. One owns the crops planted and buildings constructed or other objects affixed to the soil, but not the land as such. Annual and perennial crops can be sold, pledged and bequeathed. With it goes the land. The private ownership of long-term crops and other objects affixed to the land give the land user a long-lasting claim over the ground. This facilitated, during the 20th century, the introduction of land laws that are founded on principles of private ownership.

The development towards a private ownership system of land rights is also propelled by the tremendous population growth in Africa that has led to scarcity of land. Less land is unallocated and more land remains under continued occupancy. Individuals identify themselves with "their" land.

¹⁸. Both words are used in Swahili for property and wealth. *milki* and *mali* appear to be of Arabic origin, to own = *ku-miliki* is also derived from *milk*.

Also this development has favored the introduction of private ownership systems of land rights in some African countries, e.g., Kenya. In other countries the ownership of land has remained in the territorial community, but has shifted from the smaller territorial community to the larger one, i.e., from the tribe to the state. Zanzibar and Tanzania are examples of the latter case.

5.2 The Historical Development of the Land Law in Zanzibar¹⁹

As described in chapter 3.5.1, page 15, Zanzibar enjoys a semi-autonomous status within the United Republic of Tanzania. Land matters are not union matters. During the 18th and 19th century the land laws along the coast of East Africa developed along similar lines. With the advent of the German colonizers in Tanganyika, and the British in Kenya, the sovereignty of the Sultan of Zanzibar was first reduced and then cut off from the mainland coast. The effect was that the land law developed separately on Zanzibar. Land tenure matters remained separate, even after independence and the union of Tanganyika and Tanzania.

JAMES (1971: 2-3) points out two important differences between the Tanzanian mainland and Zanzibar that made a merger in land matters difficult, if not impossible, after unification. First, land on Zanzibar was concentrated in the hands of an Arab oligarchy and was confiscated and redistributed by the Zanzibar Government after the Revolution. Whereas, on the Tanzanian mainland, the existing right of occupancy only needed to be remolded. Second, in Zanzibar, the general law of application has been Islamic law, while not so in Tanganyika, where only one-third of the population are Muslims. He emphasizes that, on the Tanzanian mainland, Islamic law is very restricted in application, even among mainly Muslim tribes.

5.2.1 The Period Prior to the British Protectorate

Information on land-related matters prior to the 18th century is scanty, but it is conjectured that land was not a major issue. The coast was sparsely populated, land was plentiful, and labor was scarce. There were no important cash crops and the few merchants from Arabia, Persia, and India who settled in the towns were mainly interested in trade. During the 18th century, and perhaps earlier, the concept of private ownership must have been introduced by Arabs. Written sales deeds about land transactions appeared during that time (EBERSTEIN, v., 1896: 17, 170-171; WEDELL, 1905: 131; SHAMBI, 1988: 80).

Land gained importance in the early 19th century, when Seyyid Said decided to transfer his capital from Oman to Zanzibar in 1832. He was followed by many Omani Arabs who were eager to engage in agriculture. At the same time, clove cultivation, and later coconuts, proved to be economically very profitable. Most historians believe that the acquisition of land in Zanzibar by Arabs was quite peaceful. The native inhabitants had predominantly settled along the eastern and southern coast of Zanzibar in the coral rag area. The coral rag land was fertile enough for the cultivation of food crops and was sufficient for subsistence production together with fishing. The fertile, deep-soil area along the west and center of the island produced lush forest vegetation. It was difficult to clear the forest and to keep down the weeds during cultivation. This was easier for the Arabs who employed slave labor and established what is now called *the plantation area*. Nevertheless, occasional forceful land alienations took place and some of the indigenous

¹⁹. An overview of relevant written laws is given in Appendix 6.

population were gradually pushed out of the plantation area into the coral rag area (MCGEAGH and ADDIS, 1945: 19; HAILEY, 1952, Chap. IV: 13; GRAY, 1956: 11; MIDDLETON, 1961: 12, 63, 71-72, 74; GRAY, 1962: 167-168; COOPER, 1981: 146; GRAY, 1982: 217).

In areas with major planting activities by Arabs, for example the *plantation area* in Zanzibar, the concept of private ownership was introduced. By contrast, the original land tenure system remained in operation in areas where African farming was predominantly undisturbed. This distinction was already observed, in a report for the British Government, as early as 1861 (BAILEY, 1965: 175-176).

The absorption of the concept of private ownership of land by Africans must have developed during this time with the introduction of perennial cash crops. The crops were always under the individual proprietorship of the cultivator, according to the customs along the coast. Since tree crops grow in a plot for a long time, *naturally* a long claim resulted. This was especially so for densely-planted plots because the land could not be separated from the trees. Since the crops could be subjected to sale and bequests according to local customs, the principle of private ownership of crops must have gradually extended to the land on which the crops were cultivated (see, e.g., MEEK, 1946: 72; HAILEY, 1952, Chap. III: 348).

This development also occurred on the African mainland (EBERSTEIN, v., 1896: 170-171; WEDELL, 1905: 124-125; SAYERS, 1930: 243; MAINI, 1967: 23). EBERSTEIN, v. (1896: 170-171) reports that in Kilwa district there was originally no private land ownership, but that this changed under the Arab influence and that in 1896 "*jedes Grundstück hat seinen Herrn*" (each plot had its master). Although the Sultan of Zanzibar was sovereign over Zanzibar and large tracts along the coast of East Africa, it is said that he only held land as a private person (RINGER, 1952: 122).

In 1863 a central register of documents was introduced to register various transactions such as sales of houses and land, acknowledgments of debts, mortgages, and others. Judging from the entries of the register²⁰ during the first years, it is noted that many of the registered deeds had one partner that represented a foreign power (consulate) or trade company. It might even be possible that the register was established upon the recommendation of foreigners, although there is no proof of that. Foreigners from Europe and America must have felt a greater need to secure their transactions because they were in an alien country and not well acquainted with oriental trading habits.

5.2.2 The Period During the British Protectorate

After the establishment of a British Protectorate in 1890, English law entered into quite a number of important land laws such as *the Land Settlement Decree, 1915* (not implemented), *the Registration of Documents Decree, 1919*, *the Limitation Decree, 1917*, and *the Transfer of Property Decree, 1911, 1917* (MCGEAGH and ADDIS, 1945: 9; JAMES, 1971: 2-3). The most important one was the *Transfer of Property Decree, Cap. 150*, which contained the substantive land law. This law assumed that land in the plantation area²¹ was analogous to the English freehold (BAILEY, 1965: 175-176; JAMES, 1971: 2-3).

²⁰. The register is kept by the Zanzibar National Archives.

²¹. For the coral rag area the Public Land Decree, Cap. 93, was enacted. The decree acknowledged that the coral rag land remained occupied in accordance with local or tribal customs. It was also comprised of waste or unoccupied land. This land was not subject to private ownership (YAHYA and ASSOCIATES, 1982: 14).

As a means to make land transactions more secure, the introduction of a voluntary registration of sales deeds in 1863 has already been mentioned. The legislation pertaining to this institution was introduced in 1919 with *the Registration of Documents Decree* (Cap. 99). Registration of transfers of immovable property was now made compulsory (Section 4). The registration of other types of transfers were optional (Section 6). Separate books for registering sales, mortgages, leases, waqf, declarations, deed polls, gifts, and discharge of mortgages were introduced. The registers are still in active service.

However, a *register of sales deeds* of land is not a land register. A register of sales deeds is only proof of the transaction, and not of a land right as such (SIMPSON, 1954: 56, 58; LARSSON and STOIMENOV, 1983: 36). A second disadvantage is that only the land subject to a transaction enters the register of documents and all the other land is not included (YAHYA and ASSOCIATES, 1982: 14-15). This was felt unsatisfactory and, since 1912, attempts have been undertaken to establish a land register (VIKMAN and MOHAMMED, 1990: 2, 12, Annex 9/2). The legal base was a bill introduced in 1937, called a *Bill for the Settlement²² and Registration of Rights to Land*, but this bill never became law (MEEK, 1946: 74-75).

One land issue agitated Zanzibar much during the first third of the 20th century, and entered Zanzibar history as "*the indebtedness of the agricultural classes*" (BARTLETT and LAST, 1934). Many landowners had mortgaged their land. This was not new, and was already a common feature of the 19th century. Clove trees bore erratically. Out of five to seven years there was only one year with a bumper harvest, two to three years with moderate harvests, but otherwise production was minimal. Thus, long periods of low income forced plantation owners to borrow money. Their situation worsened around the turn of the century when slavery was abolished and wage laborers had to be employed. In the 1930s, during the world economic depression, the critical state of many plantation owners was seriously exacerbated by the low world market prices for cloves and coconuts. In 1934 it was estimated that half the agricultural property of Zanzibar had already passed to the hands of mainly Indian money-lenders and at least half the remainder was encumbered to them (BARTLETT and LAST, 1934: 2, 14, ANONYMOUS, 1935; COOPER, 1981: 139-140, 142; MIDDLETON, 1976: 504;).

In the 1930s the Government intervened and passed laws that limited the alienation of land and the power of encumbrance. In 1934 the *Alienation of Land Decree* came into force and declared a moratorium on existing debts and forbade the alienation of Arab or African lands to persons not of Arab or African race except under specific conditions. In 1938 the *Land Protection (Debts Settlement) Decree* enabled the Government to purchase the rights of the mortgagees. In 1939 a decree was enacted to *Control the Alienation of Agricultural Lands*. A *Land Alienation Board* was established and empowered to control and restrict all transfers, mortgages, and leases of land (MEEK, 1946: 73-74, 268; AYANY, 1970: 17; LAWRENCE, 1985).

5.2.3 The Land Reform after the Revolution

A conflict between an oligarchy of mainly Arab landlords and a class of *landless* land users called *squatters* started early in the 20th century. In 1897, slavery was abolished and landlords were eager to keep a labor reserve for the labor-intensive operations of clove harvesting. They allowed former slaves or free immigrants from the mainland to settle on their farms and to grow non-permanent crops within the plantations of clove

²². In modern legislation the term *land settlement* has been replaced by *land adjudication*.

trees and coconut palms. This system has been described as a mutually beneficial *symbiosis*. Through the cultivation of food crops by the *squatters* the plantation crops were indirectly weeded at no extra cost. *Squatters* were also readily available during the erratic periods of clove harvests (MCGEAGH and ADDIS, 1945: 10-11; MEEK, 1946: 73; PRINS, 1961: 61; AYANY, 1970: 17; COOPER, 1981: 83; FLINT, 1982: 650; SINGER, 1990: 33).

The beneficial relationship between landlords and squatters changed during the political awakening. At the same time, the supply of labor tended to surpass demand. Conflicts arose when landlords felt that squatting was out of their control. Some tried to evict land users. The emerging political parties and associations supported either the landlords' case, as the Zanzibar Nationalist Party (ZNP), or the squatters', as the African Union and later the Afro-Shirazi Party (ASP). Eventually this land problem was violently solved during the Revolution and the land reform program after the Revolution (for a discussion of the appropriateness of the term *squatter*, see chapter 5.3.3.1, page 50-51) (AYANY, 1970: 88-89; SHAO, 1978: 97; LARSSON and STOIMENOV, 1983: 4; SINGER, 1990: 33-34).

Shortly after the Revolution in *Presidential Decree (PD) 13 of 1965 (13/65)* all land was declared to be vested in the Government. Thus, the ultimate ownership of land was with the state. While most of the land was practically untouched, meaning the state did not take over active control, the land of the Arab landlords and much of the waqf-land was nationalized by the *Confiscation of Immovable Property Decree (PD 8/64)* and then distributed in three-acre plots by the *Land Distribution Decree (PD 5/66)*.

Within the ASP there was a faction of more radical elements. They demanded the nationalization of all land in Zanzibar and a socialist type of cultivation that followed the east European socialist models. However, they could not assert themselves against the more moderate forces within the ASP (AYANY, 1970: 137; CLAYTON, quoted in BADER, 1985: 210).

In total, 72 landlords with a total of 745 farms (*mashumba*) were expropriated. Forty-one landlords with 557 plots came from Pemba, and 31 landlords with 181 plots came from Unguja (SHAO, 1978: 113-114). The PD 8/64 stipulated that no compensation was to be paid for confiscated land, but it had to be gazetted and registered (Section 2).

Between 1964 and 1974, about 60,000 acres²³ were distributed to 22,262 tenants, squatters, and landless people. In Unguja, 13,364, and in Pemba, 8,898, people benefited. Many recipients in Unguja were former mainlanders, while there were only a few mainlanders receiving land in Pemba (SHAO, 1978: 138) (see also chapter 5.5.2, page 64-65). Allotees needed a proof of ASP membership and citizenship (BADER, 1985: 240). Most of the recipients received an area of about three acres. BADER (1985: 244-245) points out that, depending on the affiliation of the allottee to the local leaders, the ropes used for measuring would either be stretched to full length or slackened. The land distribution stopped in 1967, because most of the land was already distributed and because of the complaints of malpractice, corruption, political favoritism, and mistakes (SHAO, 1978: 18, 138).

The distributed land was subjected to a new form of tenure. The land was granted to the allottee up to the end of his and his spouse's life (PD 5/66, Section 3(1)). Grant conditions

²³ The figure for the distributed land should be used as an indicative figure only. Investigations undertaken by TORIÖNEN (1993, and personal communication) showed that three-acre plots varied greatly in size. In Jumbi village (Unguja) the average size of three-acre plots was 3.7 acres and in several villages of Pemba, plot-size averaged 2.0 acres, the maximum size 13.9 and the minimum 2.0 acres!

[Section 4 (a) to (f)] stipulated proper land use and forbade fragmentation of the allocated land (for further discussions, see chapter 5.3.2.3, pages 47-48). If the grant conditions were violated, the land could fall back to the state for reallocation (Section 6).

Some of the nationalized land remained under firm state control. This land was primarily earmarked for rice cultivation and was located in the hydromorphic valleys of Kibokwa, Kilombero, Mwera, and Cheju in Unguja. Initial, but futile attempts, were made to cultivate this land in state farms (SHAO, 1978: 186-193). Later the land was allocated on a short-term basis, revocable after each season, to small-holders. This land has therefore previously been called *seasonally allocated land* (WIRTH et al., 1988: 20-21) (see also chapter 5.3.3.3, page 53-54).

The majority of land remained outside the control of the state. The state had nominal ownership, but farmers continued to proceed nearly as they wished. It was possible to sell the land or lend it to others, although mortgaging was very much restricted and outright leasing was prohibited (MARTIN, 1978: 59; BADER, 1985: 235; LAWRENCE, 1985).

5.2.4 Recent Legislation

Beginning in about 1980 the Zanzibar Government has felt the need to undertake a new legislative initiative to solve a number of land tenure problems. The core problem was identified as the *lack of tenurial security*, which was responsible for the widespread under-utilization and neglect of land that resulted in a decline of agricultural production. Other issues concerned the:

- lack of a land registration system,
- ambiguity of some laws promulgated after the Revolution,
- insufficient control mechanisms to ensure proper land use,
- high fragmentation of land due to Islamic law,
- low investment in agriculture because of the limitations put on mortgaging land, and
- squatting in town areas (LARSSON and STOIMENOV, 1983: 11-15).

External consultants such as YAHYA and ASSOCIATES, LARSSON and STOIMENOV, LAWRENCE, VIKMANN and MOHAMMED and SINGER were commissioned. The ZILEM-project (*Zanzibar Integrated Land and Environmental Management*), in collaboration with FINNIDA, was launched. They reviewed the existing laws and the land tenure in order to draft new laws and to prepare the establishment of a land registration system.

In 1989, three laws were passed:

- *the Land Adjudication Act*,
- *the Land Surveyors Act*, and
- *the Registered Land Act*.

The Land Adjudication Act provides for an administrative process of ascertaining land rights. It also allows the Adjudication Officer to exercise judicial powers to determine disputes and objections (SINGER, 1990: 29-30).

The Land Surveyors Act deals with the licensing and professional conduct of land surveyors (SINGER, 1990: 32).

The Registered Land Act establishes the legal frame for registering land rights. The law closely follows the British Commonwealth styled *Registered Land Act* and has principal sources in similar laws of Kenya, Nigeria, and the former Tanganyika. The law has,

mainly, simplified and reduced provisions of the old *Transfer of Property Act*. The *statutory trust* for plots with more than ten joint-interest holders is a new concept that was introduced to control fragmentation and to improve the mobility of land. The law also allows a proprietor to mortgage his land to prescribed persons, authorities, or institutions, but not to private money-lenders (SINGER, 1990: 30-31).

Two additional laws are awaiting final approval:

- *the Land Transfer Act*, and
- *the Land Tribunal Act*.

Both laws passed the House of Representatives in September 1994, but have not yet been assented to by the President of Zanzibar.

The Land Tribunal Act creates a *Land Tribunal*, a special court, to deal with land disputes. The tribunal shall have a panel of three persons: the chairperson, who is to be a trained legal person, and two assessors who shall be "*upstanding persons of their community*". The court is designed to be a special informal court. It will not replace the regular courts from hearing all land matters, but shall address the overwhelming majority of cases, which involve more trivial or technical land problems.

The Land Transfer Act provides for a *Land Transfer Committee* that controls the transfer and long-term lease of land, especially of the three-acre plots. It gives wide discretion to the decisions of committee members. For example, members may refuse if they feel that the proposed transaction "... would result in depriving the lessor of sufficient resources for the permanent support of himself and his dependents ..." or "where the transaction would be contrary to the best interests of the lessor" (Part II, Sections 7 and 8).

5.2.5 The Land Tenure Act

The center piece of the new legislation is *the Land Tenure Act of 1992*, which came into force after being assented to by the President in 1993. It contains the most important piece of substantive land law of the recent legislation.

In the act, land is defined in two different ways, as "*natural land*" and as "*land*".

"*Natural land*" means "*any land taken in its natural state without man made improvements*", while "*land*" includes "*land covered by water, all things growing on land, and buildings and other things permanently affixed to land, except trees when specifically classified and owned separately*".

The definition of *land* is a curious mixture of the African and European concept of land, because it takes the unity of the soil with all above and beneath it from the European understanding. It follows the African and Islamic interpretation, however, as far as trees are concerned, by allowing them to be separately owned if they are specifically classified in the register. It is not clear why fixtures such as houses and other buildings cannot be separately owned in the same manner as specified for trees. Many houses in Zanzibar have been built by people on land that is possessed by others, but who had sufficient security under the customary law, which provided for such an arrangement. They will face the possibility of being reduced from house owners to tenants if the law is taken literally. Disputes are bound to emerge.

"*Natural land*" has been defined in a manner that vests ownership of land in the President of Zanzibar by excluding him from any ownership rights in the crops and unexhausted improvements on the land. All *natural land* of Zanzibar has, retroactively, been declared *public land* since 8 March 1964.

Part III of the law creates a *right of occupancy*, a land right hitherto unused in Zanzibar. However, this is not just a *usual* right of occupancy. The Zanzibari-type offers more rights. In fact, it creates a *de facto* type of ownership of land. ANONYMOUS (1991b) explicitly states

"Thus ... one has a 'right to occupancy' which for all intents and purposes has virtually the same meaning as 'ownership' "

The right of occupancy is granted for perpetuity²⁴, thus it is not limited in time and it enables such transfers as sales, bequests, gifts, and mortgages. Section 18 (1) clearly provides,

".. there shall be no restriction on the sale of a right of occupancy".

A right of occupancy can be acquired through a state grant, or through a purchase, gift, or bequest from a person holding a right of occupancy.

Originally, it was intended to place all land under this new category and to attach all abilities of transfer to it. In the final version an important change was made in Section 44(1) which stipulates:

"No land which comprises a granted agricultural land (including the three-acre plots granted under the provisions of the Land (Distribution) Decree of 1966) shall, under any circumstances whatsoever, be sold".

The wording is quite ambiguous²⁵, but the author was assured that the section only refers to confiscated land. Other land shall be liable for all types of transfer.

Yet, enough restrictions remain. The holder must be a Zanzibari. The right of occupancy must be registered in order to be valid²⁶. A right of occupancy can only be acknowledged and registered if the parcel has a minimum size of three-fifths of a hectare and a maximum size of eight hectares. Subdivisions can only be made with the authorization of the appropriate land administration offices, and the subdivisions must not be smaller than the minimum size mentioned above. For continued occupancy, the land must be farmed in accordance with the practices and rules of good husbandry (Section 8).

According to Part V, any adult Zanzibari is eligible for one grant of agricultural land and two grants of residential plots.

The law, if put into practice, will result in granting people land, which they believe already belongs to them. The only difference is that they acquire a documented right. Most likely, many people will have difficulties understanding a process that grants them something that they feel is already theirs. Anyone who holds more than eight hectares of land will be granted land up to eight hectares and shall receive the remainder on the base of a lease from the state.

²⁴. The uniqueness of the Zanzibari-type of *right of occupancy* is evident by LAWRENCE's remark (1985) that he does not know of any model for a right of occupancy without term.

²⁵. For example, one could also think that land, which is not under state control (all non-confiscated land), but which will be allocated in a system of grants under Part V of the law, is also included in the section.

²⁶. This is in contrast to the Tanzanian mainland where a "*deemed right of occupancy*" exists if land is lawfully occupied without a documented right of occupancy.

Conflicts are programmed and the importance of the Land Tribunal is apparent. The Land Tribunal is the most important institution for solving disputes that arise during the adjudication process. It will have far more power than what would be expected from an *informal court*. Explicit reference is made in Sections 34 and 38 of the *Land Tenure Act*. Section 34 reads:

"In any case where an applicant is refused a provisional or final grant of land which he feels he rightly should have received, an appeal shall lie with the Lands Tribunal.... Judicial review by the High Court shall only be allowed in instances where an issue of law is involved".

5.3 Description of Standard Sets of Land Owner- and Usership Rights in Zanzibar

According to BRUCE and FORTMANN²⁷ (1988: 1-2), each society has "*standard bundles*" of land rights, e.g., the freehold and the leasehold in England. In this chapter and the following subchapters these standard bundles, forthwith called *standard sets of land rights* or *land tenure types*, shall be explored for the case of Zanzibar.

MEEK (1957: 307-308) points out that it is no use trying to get at the roots of land rights by asking a lot of abstract questions. One can only get at the facts by tracing the actual history of plots of land and being able to place them in the context of the rural society. Thus, it is important to conduct detailed field studies to determine how codified and customary laws are understood and how they are used in practice by the rural population.

A number of field studies have been undertaken in Zanzibar. An excellent early study by PACKENHAM (1947) dealing with the land rights of a tribe in one village and a comprehensive investigation by MIDDLETON (1961) on the islands of Unguja and Pemba will be discussed. After these *classical works* there was a long gap until SHAO (1978) tried to assess the implementation and outcome of the land reform program. BADER (1985) also concentrated his research work on the land reform program. Then some socio-economic studies followed that had land rights as a *by-product*, namely WIRTH et al. (1988), KRAIN (1989) and KRAIN et al. (1993).

Important recent field studies include the research work done by SINGER (1993) and TÖRHÖNEN (1993). They were commissioned by the ZILEM-project and specifically dealt with: shamba land, urban and rural squatting, officially gazetted reserve land, state farm land, three-acre plots, irrigated rice cultivation, and coral rag land. A lot of their findings are interesting and useful, but their quantitative findings with respect to the importance of various land types appear to be markedly biased. This probably results from selecting the interviewed farmers through local leaders instead of randomly. In particular, land borrowing and the women's access to land seems inadequately covered. The latter aspect, i.e., women's access to land, has recently been examined to quite some extent by DONKERLO and ABOUD (1994).

²⁷. Based on HENRY MAINE.

5.3.1 Principles of Classification

All *natural land* in Zanzibar belongs to the state because ownership is vested in the President of Zanzibar as *the* institution representing the state (Land Tenure Act, Section 3(2)). Anyone else has *occupational* or *possessory* rights to land, although in some instances possessory rights might go very far and amount to *de facto* land ownership.

The main principle used in categorizing sets of land rights, in this respect, has been the right to plant and make use of crops in accordance with JAMES and FIMBO's (1973: 353) famous dictum *planting permanent trees is act tantamount to [land] ownership*. Therefore, bundles of land rights have been classified into primary, secondary, and tertiary rights of occupancy. Primary occupancy entails the right to plant permanent and non-permanent crops and to fully use them. Secondary occupancy includes the right to only plant and use non-permanent crops, while tertiary occupancy is restricted to some plant use-rights, but there is no right of planting.

An overview of land under different sets of rights is presented in Table 6, features are summarized, but dealt with in detail in the following subchapters.

Table 6: Overview of Land Features under Different Sets of Land Rights in Zanzibar

Land Tenure Type	Pl (1)	T&U (2)	LT-C (3)	Con. (4)	DeMa (5)	ImpT (6)	ImpF (7)	Cstr. (8)
<u>Primary Occupancy</u>								
Quasi-Individual Property	P	T	IE	P	I	I	I	0
Family Land	P	t	IEA	P	G	I	II	CC
Three-Acre Land	P	t	CE	sP	I	I	R	CC
State Farms	P	T	C	S	G	u	D	C
Indigenous Communal Tenure	P	U	A	p	IG	u	D	C
<u>Secondary Occupancy</u>								
Borrowed Land	N	u	A	P	I	I	II	C
Temporary Occupied Land	pN	tu	A	P	I	I	D	c
State-Controlled Rice Land	n	u	C	S	i	i	R	c
Waqf	N	u	I	(S)	G	u	D	C
Rented Land	N	u	E	P	I	u	I	0
<u>Tertiary Occupancy</u>								
Rights to Trees	0	u	A	P	I	i	D	0
Right to Fallen Fruits	0	u	A	P	I	I	R	0
Right to Collect Firewood	0	u	A	SP	I	I	R	c
Usufructuary Mortgage	0	u	AI	P	I	I	R	C
Tethering Livestock	0	u	A	P	I	I	R	C

(1) Planting Rights

P: right to plant and use permanent crops
 p: potential right to plant and use permanent crops
 N: right to plant and use non-permanent crops
 n: right to plant rice only during main season

(3) Influencing Land Tenure Concept

A: African concepts
 I: Islamic concepts
 E: European concepts
 C: Command concepts

(5) Decision Making

I: decision making by individual
 i: restricted decision making by individual
 G: decision making by group or on behalf of group

(7) Future Importance

I: increasing
 II: strongly increasing
 R: remaining
 D: declining

(2) Transfer- and Use-Rights

T: full transfer- and use-rights
 t: transfer-rights restricted, but full use-rights
 U: full use-rights
 u: restricted use-rights

(4) State and Private Control

S: under strong state control
 (S): under indirect state control
 s: under weak state control
 P: under strong private control
 p: under restricted private control

(6) Importance Today

I: important
 i: less important
 u: unimportant

(8) Constraints in Agricultural Production

CC: severe constraints observed
 C: constraints observed
 c: constraints sometimes observed
 0: no constraints observed

Not all tenure types listed in Table 6 were found in Survey A. The following Table 7 gives an indication on the importance of land tenure types that fall under the categories of primary and secondary rights of occupancy, which were the main target of Survey A.

Table 7: Importance of Land under Primary and Secondary Rights of Occupancy (in %)

Tenure Type	% of 1,150 plots	% of 606 hectares
PRIMARY OCCUPANCY		
Quasi-Individual Property	21.3	24.4
Family Land	22.2	25.3
Three-Acre Land	5.5	11.8
SUBTOTAL	49.0	61.5
SECONDARY OCCUPANCY		
Borrowed Land	38.2	28.2
Temporarily Occupied Land	2.7	2.2
State-Controlled Rice Land	7.6	5.0
SUBTOTAL	48.5	35.4
OTHERS	2.5	3.1
GRAND TOTAL	100.0	100.0

Source: Survey A

According to Table 7 the most important land tenure type is borrowed land, followed by family land, and then quasi-individual property land. Three-acre land is quite important, while state-controlled rice land and temporarily-occupied land are less important. The percentages differ depending on if they are related to the number of plots or the total area surveyed. Three-acre land is especially more important when related to the area. This can be expected because the plot size of three-acre land is substantially larger than the average plot size of other land types.

5.3.2 Land under Primary Rights of Occupancy

5.3.2.1 Quasi-Individual Property

In the sample, 21.3% of all plots and 24.4% of the area of all plots is under *quasi-individual property* (QIP) (see Table 7). This type of land is called, in Swahili, *shamba binafsi*, private land. The QIP-land has not been subjected to state control. It was acquired either by cultivating unused land, inheritance, gift, purchase, or through share planting²⁸. The QIP-land is possessed by one person. It is normally planted with a mixed-cropping pattern of trees and ground crops.

Many land possessors have an abstract notion of the ultimate ownership of the state, but in principle they regard themselves as the rightful owners²⁹. Land can be freely

²⁸ Many years ago share planting was a popular way to acquire land (see, e.g., MCGEAGH and ADDIS, 1945: 19; MEEK 1946: 72; MIDDLETON, 1961: 53). Someone owned the land, but did not have enough manpower or capital to employ manpower to plant tree crops. Thus, the person looked for somebody to plant the land for him. After planting, the land was divided into one-half, which belonged to the former land owner, while the other half was transferred to the tree planter. Six plots out of the total sample of 1,150 were acquired this way.

²⁹ The depth that this feeling is rooted can be judged from a letter to the editor in the Business Times, 25/2/94, written by M.S. JUMA from Zanzibar. JUMA comments on the Shivji-Report and the vesting of land ownership in the state. "The [Shivji-] Commission is therefore giving ownership of the entire land to the government. What sort of intellectuals have we in Tanzania? Is there no concept of rights any longer?"

transferred between Zanzibaris and carries with it a *de facto* ownership. Therefore, it has been termed *quasi-individual property* by the author. Quasi-individual property came about with Arab colonialization, but is also similar to European concepts of private land ownership. The boundaries of QIP-land are usually marked by trees.

When land is sold, the seller and the buyer normally make this transaction in the presence of the CCM-branch secretary (nowadays the secretary of the local government) and the *halozi*¹⁰ of the area where the land is located. The latter is the most important witness. The secretary issues a paper, often hand-written, to acknowledge that the sale has taken place. This paper includes the location of the plot and the names of the bordering neighbors. With this paper the buyer can acquire a *warka*, which is a sales deed, at the Register of Documents.

In the survey, 67.6% of all QIP-plots had a *warka*. This differs very much from village to village. In Chwaka village, which belongs to the coral rag area, only 2.5% of all QIP-plots had a *warka*¹¹. In the coral rag other documents often serve as proof of an occupancy right, e.g., the written permission given by the Forestry Department or the CCM-office to clear a certain piece of bush land.

5.3.2.2 Family Land

Family land is the largest category of land for primary rights of occupancy (22.2% of number of all plots and 25.3% of area of all plots, Table 7, page 45). Family land is called *shamba la ukoo* on Unguja or *shamba la matumbo* on Pemba. In south Unguja the term *kitongo* is also used.

An *ukoo* usually comprises all family members that are related with each other through one or more ancestors. *Tumbo* (pl. *matumbo*) literally means *body* or *womb*. The nearest *tumbo* of a person is either of one's parents. It can also be translated as *family segment*. Any person creates a new *tumbo* through bearing children.

Family land usually comes into existence when land under quasi-individual property is not divided and is jointly possessed by all heirs after the death of a land possessor. During the following generations the land may be left undivided. The decision not to divide the property is mostly made because the plot is too small to warrant further subdivision.

Although this land tenure type is similar to the European concept of private land ownership, it can also be linked to the African concept of land ownership by the territorial community. According to this concept, the land of the original cultivator remains under the ownership and control of the whole extended family (including the yet to be born) and must not be sold. Remnants of this concept are still observed among the Hadimu (indigenous Zanzibari of south-east Unguja). They usually have strong reservations against the division and sale of family land.

In Zanzibar, family land can be sold, in principle, but very often this is not approved by family members. At least it is made difficult, because all family segments of the extended family have to agree. It can especially be difficult if many generations of an extended family are involved. This is normally the case with *kitongo land* in south and

¹⁰. A *Balozi* is a leader of a small locality, ideally of ten houses.

¹¹. Originally these sales deeds were only issued for the "plantation area", not for the "coral rag".

south-east Unguja. There are frequently so many family segments involved that it is difficult for family members to know them all, let alone to arrive at a sales decision¹².

The joint use of family land normally refers only to permanent crops and to the decision concerning who shall use the land as a borrower for the cultivation of non-permanent crops. The land borrower can be a member of the family land or an outsider.

The sharing of proceeds from the harvests of tree crops between family members is explained in chapter 6.3; see also Figure 6, page 70-71. All costs have to be deducted before the proceeds are distributed. Sometimes the family member who organizes the harvest is remunerated for his work. Normally, the most senior man is the trustee of the family land, but in case of inconvenience (ill health, plot far from residence), somebody else is in-charge. He organizes the harvesting work and the distribution of proceeds.

Most of the family land does not go beyond the second filial generation. By that time the tree crops planted by the original land possessor are old and proceeds from harvests are negligible. The plot is sold, sometimes to one of the family members, or is totally abandoned. The majority of family land is under-utilized (see chapter 5.3.5, page 59-60).

5.3.2.3 Three-Acre Land

Another important category of land under primary rights of occupancy is three-acre land; 5.5% of all plots and 11.8% of all land surveyed is *three-acre land* (see Table 7, page 45). This land type is called *shamba la eka tatu* in Swahili. It accrued from the confiscation of land shortly after the Zanzibar Revolution in 1964. The land is distributed in grants of three acres to smallholders (see also chapter 5.2.3).

The land is granted up to the end of the life of the grantee and his spouse. The devolution of possessory rights on blood-related and adopted heirs depends on the discretion of the President (Presidential Decree 5/66, Section 3(1)).

The conditions for the grant of three-acre land are stipulated in Section 4 as follows: "*the grantee will,*

- (a) *occupy the land and keep and maintain it in good and proper condition, maintaining the fertility of the soil thereof in good and husbandlike manner according to the most modern methods of cultivation, management, and husbandry, not allowing any part thereof to become impoverished by soil erosion, exhausting crops, or otherwise;*
- (b) *plant and cultivate such crops as may be directed by an authorized officer;*
- (c) *not commit or permit any waste, spoil, or destruction on the land;*
- (d) *not do, cause, permit, or suffer upon the land granted anything which may be or become a nuisance or annoyance or cause damage to occupiers of adjoining land;*
- (e) *not to assign, subdivide, underlet, mortgage, charge, or part with the possession of the land granted;*
- (f) *permit an authorized officer enter upon the land granted for the purpose of ascertaining whether the covenants are being complied with and the grantee will comply with any lawful direction given by any authorized officer."*

¹² Recently this has been made much easier through the *Registered Land Act*, which introduced the formation of a *statutory trust* that can act on behalf of all members of the extended family; see chapter 5.2.4, page 39-40.

The grant may be revoked by the President if one or more of the conditions is breached (Section 6). Although many three-acre plots are badly managed, no case is known where a revocation has been enforced, despite occasional campaigns called *mashamba machafu* (dirty fields) by the Ministry of Agriculture during the 1970s (YAHYA and ASSOCIATES, 1982: 19-20; BADER, 1985: 293).

The conditions for the use of three-acre land were extended to all occupied land in Zanzibar by *the Land Distribution Decree (Amendment)*, of 1982, PD 3/82. In the following years the government continued to threaten peasants with the confiscation of their land if they did not abide by these rules³³.

The effect of the stipulations was practically nil. These were the typical product of a command economy. The impact of these stipulations, if any, was more to exacerbate tenurial insecurity than to increase agricultural production.

There are a number of severe constraints on three-acre land. First, the grantee does not feel sure that the land remains with him and his descendants. Second, much of the land was allocated to people who do not reside at the allocated site. Third, but of no less importance, the confiscation of land is illegal under Islamic law (see chapter 5.1.2, page 33 and also SHAO, 1978: 123, 129; BADER, 1985: 22-223, 262, 264; THOMAS, 1993: 8-9; DONKERLO and ABOUD, 1993: 42).

It should be added that although, theoretically, three-acre land cannot be sold, it does happen occasionally. No such cases were encountered in the author's survey, but the issue is sensitive and it cannot be expected that people talk freely about it. Through hearsay, a few examples were brought to the attention of the author, but names and locations were not provided. TÖRHÖNEN (1993: 41) made similar observations.

5.3.2.4 Land under Indigenous Communal Tenureship

Some land is under *indigenous communal tenureship*, although it was not sampled by Survey A. This land type was identified by KRAIN et al. (1993: 17-18) in the villages of Tumbatu and Michamvi of Unguja and Kiuyu Maziwa Ng'ombe of Pemba, all in the coral rag area.

This land is accessible to any villager who may plant tree or ground crops anywhere, provided there is available space. Thus, a very irregular pattern of crops appears, with one tree belonging to A, while the next belongs to B, then the next tree belongs to A again, then a tree that belongs to C, and so forth.

This land tenure type has become very rare in Zanzibar, but from descriptions of land rights among indigenous tribes of Zanzibar about 30 to 50 years ago (see, e.g., PACKENHAM, 1947; MIDDLETON, 1961), it can be assumed that it was much more important in the past.

³³ The author himself remembers speeches of the Chief Minister to this effect as recently as 1992, during the *Mtakula* (food-self-sufficiency) campaign.

5.3.2.5 Land under Communal, Collective Tenure and State Farms

Communal/Collective Tenure

Communal or collective land use as in the *ujamaa*¹⁴ movement of the Tanzanian mainland was practiced to a minute extent in some surveyed villages in the early 1970s, but abandoned after one or two years. The bulk of agriculture remained on fields that were cultivated individually. Communal or collective farming was quickly given up, because promised machinery support remained minimal, communication problems between villagers appeared, and leaders misappropriated harvests. Similar findings were also reported by SHAO (1978: 176-177, 193) and DONKERLO and ABOUD (1994: 31).

State Farms and Farm Units

Initially much of the confiscated land suitable to rice cultivation was organized in two types of systems, the *state farms* and the *farm units*.

Upenja farm consisted of more than 1,100 acres, and thus was one of the largest state farms and the most important one for rice cultivation. It started in 1968 and was run directly under the Ministry of Agriculture with the assistance of Chinese experts. Peasants were hired as laborers. Heavy machinery and irrigation were employed. In 1976 it was changed into a farm unit and in 1978 into a state sugarcane farm (SHAO, 1978: 186-188).

In most of the confiscated rice land the state introduced another type of organized rice cultivation. Each larger rice area was divided into farm units. At Kibokwa, for example, each unit consisted of approximately forty farmers and forty acres. The Ministry of Agriculture provided heavy machinery for plowing and harrowing. Farmers did the weeding and harvesting. The harvest was shared by the peasants and the state, according to the estimated cost of the machinery inputs. The state's share of the harvest increased over the years from one-third to three-fourths. Peasants were selected on application. This was based on the grounds of performing weeding and harvesting operations in the previous year as they had been directed by the representative of the Ministry of Agriculture (SHAO, 1978: 188-189). Yields, however, were unsatisfactory and returns did not cover the state's costs. Thus, it was decided to leave the land almost entirely to the production of smallholders. On the other hand, strong state control continued on this land and shall be further discussed in chapter 5.3.3.3.

A total of 11,842 hectares remained under the direct operation of state farms. Some of the farms are now used for research, but most are used for production. These are assigned to various state institutions such as ministries, parastatals, prisons, and the army (SINGER, 1993: 64-72). Most of the farms operate very inefficiently due to a lack of funds for buying fuel, replacing machinery, buying inputs, and maintaining buildings. Low working morale and embezzlement of produce by farm workers and managers also hinders production. Neighboring farmers note that much of the state farm land is not used or is under-utilized, and they cultivate parts of it without permission.

¹⁴. *Ujamaa* means familyhood and is the Tanzanian special brand of socialism (HESS, 1976: 22). The principle of *ujamaa* signifies living together on land owned in common, working together for the good of all, and practicing cooperation in its broadest sense. In terms of land tenure it involves the transformation of the traditional sector of land tenure into a collective sector (JAMES, 1971: 28).

5.3.3 Land under Secondary Rights of Occupancy

5.3.3.1 Borrowed Land

It is interesting to note from Table 7, page 45, that borrowed land is the most important land tenure type in the surveyed households (38.2% of all plots and 28.2% of the area of Survey A). In Swahili this land is called *shamba la kuazima*, literally meaning *borrowed land*. In Unguja this land may also be called *konde*³⁵.

The term *borrowed land* is much more adequate than the word *squatted land*. The latter term was used during British colonial times and is still occasionally used nowadays. The term *squatting* carries with it the connotation of an illegal occupancy of land, but this is not the case. In fact, land borrowing has a long tradition in Zanzibar and in other African societies³⁶.

Land borrowing comprises a land occupancy on two levels. On the first level there is a *primary occupant*, the one who holds the land in *primary occupancy*. The *primary occupant* is allowed to plant and use permanent crops such as clove, coconut, breadfruit, mango, and also non-permanent crops. The borrower, the *secondary occupant*, requests the *primary occupant* to lend him the land underneath the tree crops for the cultivation of seasonal, annual, or bi-annual crops such as cowpea, sweet potato, maize, cassava, and banana. The land borrower is not allowed to grow any permanent crops.

The agreement on land borrowing is made verbally and may be terminated at any time. If the land borrower is told to stop cultivation by the primary occupant while crops are still growing, he/she is normally allowed to harvest the crops before handing the land back. If the borrower is made to leave before harvest, then there is a right to compensation that approximates the value of the expected harvest.

Periods of borrowing between the same lender and borrower vary greatly. Anything from only one season up to several years is observed in the field. Land borrowing is especially important for single women and young men who tend to possess little land as primary occupants. Land lenders are often those who work in town and older people who are not fit for intensive agricultural labor.

The relationship between lender and borrower is symbiotic. The borrower gets access to land, and the tree crops of the lender are weeded as a *by-product* of the cultivation of non-permanent crops by the borrower.

No payment that resembles anything near to a *rent* is made; even a token payment or a gift is very rare. There are three likely reasons why land borrowing has not turned into land leasing. First, the concept of renting land is customarily quite unusual. Second, renting of land has been abolished since the Revolution. Third, and the author thinks this is the most important reason, there is still enough land available for the borrower to move to another field once a rent is demanded. In fact, the small amount of land rental

³⁵. *Konde* is so widely used in Unguja that WIRTH et al (1988: 116) termed one farming system as *Konde Farming System*.

³⁶. For Zanzibar, see, e.g., BARTLETT and LAST (1934: 9); MCGEAGH and ADDIS (1945: 10-11); MIDDLETON (1961: 43-44); PRINS (1961: 61); BAILEY (1965: 176, 184-185); COOPER (1981: 90-91, 121); for East Africa, see, e.g., DOBSON (1940: 18); HAILEY (1952, Chap. III: 346); ANONYMOUS (1956: 15); TANNER (1960: 19); and for other parts of Africa, see, e.g., ELIAS (1962: 191-192); RINGER (1967: 84-85); EBERT (1981: 36); NIPPOLD (1988: 22, 92-93); LIPINSKY (1990/91a).

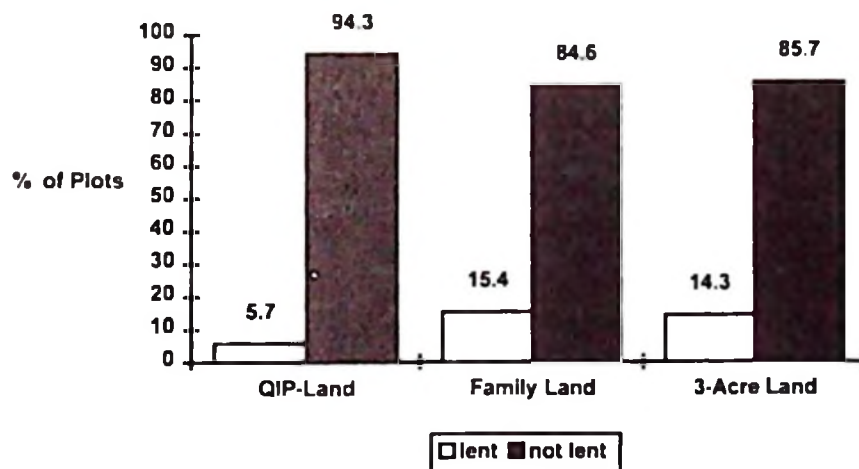
that is found in the field, is observed in the scarce rice valley area (see the following chapter).

Yet the system of land borrowing is not without conflicts. In areas with a high demand for land, land borrowers may sabotage the planting of any new tree crops that would reduce their potential cultivation area in the coming years. This has been observed particularly in Mkwajuni village, north Unguja, by the author and by THOMAS (1993: 8-9).

Sources of Borrowed Land

Entire plots or parts of plots are lent to one or more borrowing farmers from *quasi-individual property*, *family land*, and *three-acre land*.

Figure 5: Percentage of Plots Lent by Tenure Type¹⁷



Source: Survey A

Lending of family land and three-acre land is approximately three times higher than that of quasi-individual property. This difference is statistically significant at $P = 0.999$. Quasi-individual property gives the highest degree of tenurial security and the maximum amount of freedom to manage the land. Therefore, it is not surprising that this land tenure type has the lowest incidence of lent land.

5.3.3.2 Rented Land

Renting of land is similar to borrowing, but it involves a payment in cash or in kind for the rented land.

¹⁷.Number of Plots (absolute figures).

<i>QIP-land</i>	245
<i>family land</i>	254
<i>three-acre land</i>	63

Charging rent for agricultural land is very rare in Zanzibar. In the whole sample, only two out of 1,150 plots were rented by farmers. Both cases concern the renting of rice land. DONKERLO and ABOUD (1994: 45) also found some land rented for the purpose of growing other crops.

There are some accounts about the renting of land before the Revolution. Most reports are about renting land for rice cultivation, and a few mention land rented for growing other crops (MCGEAGH and ADDIS, 1945: 11, 19; MIDDLETON, 1961: 38, 62; ALI et al., 1992: 7).

Within the sample, renting occurs in Wingwi Mapofu, Pemba. Renting happens around this village and also in other villages of Pemba. Interviews and field measurements were undertaken in the two sample cases and in eight additional cases. The findings are presented in Table 8.

Table 8: Summary Data of 10 Case Studies in Renting Land for Rainfed Rice Cultivation

Parameter	Figure
Number of cases (farmers):	10
Number of rented plots/farmer:	1 - 3
Size per plot in hectares:	0.045 - 0.12
Sex of farmers (in No. of farmers)	
- female	6
- male	4
Yield per hectare in tons:	0.8 - 1.5
Gross output in 1,000 TSh/hectare	200 - 375
Rent	
- per plot in TSh 1,000	2 - 9
- per hectare in TSh 1,000	50 - 125
- in % of yield	8 - 20
Type of rent payment (in No of farmers)	
- in kind after harvest	4
- in cash before cultivation	4
- both	2

Source: own case studies

Renting is not new to the interviewed farmers. Some have rented rice land for more than ten years. The mode of settling the rent is interesting. Contracts are made verbally. Four farmers pay in kind after harvest, four pay in cash before cultivation starts, and two pay part in cash before cultivation and pay the remainder in kind after harvest. Those who have to pay in kind after harvest point out that if the harvest is a failure, the rent is

reduced or even canceled. Thus, the land possessor takes over some production risk. In recent years more land possessors have insisted on getting the rent before cultivation, saving them from participating in the production risk.

It seems that land rental has some tradition in Zanzibar. It is an expression of the scarcity of land, because it is mostly found in rice land (little land is suitable for rice growing). Scarcity of land is more pronounced in Pemba, and it is therefore not surprising to find renting in Pemba. The transition of rent from a payment in kind after harvest to a payment in cash before cultivation indicates that the demand for land has increased. This has improved the bargaining position of the primary land possessor. It can be expected that the renting of land will greatly increase in the coming years because of population pressures, and a change in the law, which now allows the renting of land.

5.3.3.3 State-Controlled Rice Land

In the sample, 7.6% of all plots and 5.0% of all land is *state-controlled rice land* (see Table 7, page 45). Historically, it developed from land that was confiscated after the Revolution and then turned into state farms and later into farm units (see chapter 5.3.2.5, page 49). The land mainly consists of the hydromorphic valleys of Unguja: Kibokwa, Kilombero, Bumbwi-Sudi, Mwera, Mtwango and Cheju. Similar confiscation of land in Pemba was at a much smaller scale.

Generally, the land has remained under firm control of the state, exercised through the Ministry of Agriculture, but almost all the agricultural production is made by smallholders. Departments of the Ministry of Agriculture provide advice and offer a tractor-hiring service for plowing and harrowing. The land is allocated on a seasonal basis to peasants who weed and harvest, and includes land preparation for peasants who opt not to hire machinery.

Although cassava is the main staple in Zanzibar, rice is the most desired food. Every household tries to secure some area for subsistence cultivation. In that respect, state-controlled rice land is more important to households than it seems from the areal coverage determined in Survey A. The state has accorded a high priority to agricultural policy with respect to rice. This might be the reason why, in contrast to the three-acre land that was allocated to smallholders and released from *de facto* state control, the rice land remained in firm state control up to today.

Over the years, some changes have occurred on state-controlled rice land. Farmers are organized in associations. Services are hired. Input costs are paid back in cash instead of in kind. The principles, however, remain the same. Each farmer gets a contract for only one rice season and the renewal depends on the performance in the previous period. This does not mean that farmers are not able to find some kind of transfer arrangements among themselves. Land is lent to outsiders or is given to family members, while it nominally remains in the name of the original allottee. Some farmers have held land for several years and have established such strong claims that they cannot easily be pushed out by the site representative of the Ministry of Agriculture.

A number of external donors directly or indirectly support rice cultivation on state-controlled rice land. Most important have been the FAO-Rice Irrigation Project, the FAO-Fertilizer Project, the ADB-Rainfed Rice Development Project, and the ILO-

Pemba Small Scale Irrigation Project³⁸. Despite substantial donor support, rice production remains unsatisfactory. Inputs have to be highly subsidized. Tenurial security is a point of some discussion, but according to the author's and also SINGER's (1990: 35-36) observations it appears a minor issue. The state's policy of fixing a low rice producer price and subsidizing rice imports is most likely the main constraint to increasing rice cultivation.

5.3.3.4 Temporarily-Occupied Land

Only 2.7% of the sampled plots — 2.2% of all land surveyed — are categorized as *temporarily-occupied land* (see Table 7, page 45). This land is under shifting cultivation systems. Shifting cultivation only occurs in the coral rag area. In all other areas of Zanzibar, land is under permanent occupancy. In the coral rag area, the bushland is largely only cultivated for short periods of a few years, alternating with longer periods of more than ten years without cultivation.

During *Kaskazi*, the short hot and dry season from December to February, the bush is cleared (*kukata chenge*). Thick branches are collected and sold as firewood. At the start of the rains at the end of March, fire is set and crops like maize, millet, cassava, pawpaw, pumpkin, pigeonpea, cowpea, and green gram are sown into the fertile ashes. The plot is cultivated for two to three years and then left fallow. During the short cultivation period the soil is very fertile. Later, fertility decreases and farmers shift to another site.

Any farmer resident in the coral rag area can look for uncultivated bush land and may start cultivation without asking permission, although occasionally permission is requested from the CCM-branch chairman (nowadays the Sheha or a representative of the Sheha), the Forestry Department, or village elders. Outsiders coming from another village of Zanzibar or from the Tanzanian mainland normally must request permission before they can settle and start cultivation. This is usually not difficult. Many Africans coming from the Tanzanian mainland have obtained access to land and farm successfully in Chwaka, Kombeni, and other villages of the coral rag land. Reportedly, land was previously allocated by village elders (*watu wanne*) and by guardians of the soil (*mzale*) (PACKENHAM, 1947: 6; PRINS, 1961: 62). Not much of this persists today, although in a few cases village elders still exercise some land allocations, for example in Micheweni and Kiuyu Maziwa Ng'ombe of Pemba (KRAIN et al. 1993: 16; TORHÖNEN, 1993: 54).

Nowadays, a lot of coral rag land is permanently cultivated. In Chwaka, which is the village with the highest percentage of coral rag area of all surveyed villages, only 17.3% of all plots are under temporary occupancy, while the remaining plots are under one of the permanent cultivation systems. Permanent occupancy normally starts on land adjacent to the village and then extends further from the village. New settlers often settle outside of the village.

Farmers keep a plot in permanent occupancy by planting tree crops. Most popular species are lime, orange, and coconut trees. The shallow soil limits tree planting to the soil pockets (patches with deeper soil). The biggest obstacles are out-of-control bush fires.

³⁸ FAO = Food and Agricultural Organization; ADB = African Development Bank; ILO = International Labor Organization

Wild pigs are another frequent problem. Therefore, wooden fences or stone walls are often built. It is said that stone walls brought the notion of land ownership into the coral rag. Anyone who wants to cultivate a piece of land that is surrounded by a stone wall has to look for the builder of the wall even if the land has not been cultivated for many years. The stone-wall builder has to agree to the cultivation or if he does not agree has to be compensated. The compensation was originally not for the land, but for the effort and labor put into the construction of the wall (MEEK, 1946: 73; BAILEY, 1965: 166).

The coral rag area is the area where indigenous Zanzibaris lived without much interference from Arab settlers. Thus, for a long time, land rights were determined by customary rules. This was also acknowledged in the pre-1964 legislation. With the *Public Land Decree, 1921* and the *Decree No. 10 of 1954*, the coral rag land was defined as *public land*³⁹ and comprised of "*land occupied in accordance with local or tribal custom, and all waste and unoccupied land which is not the subject of private ownership*" (MIDDLETON, 1961: 70-71). Through the contacts with the plantation area, the concept of private ownership extended to the coral rag area. For quite some time now it has become clear that the coral rag and the plantation area should not be treated differently. Nowadays, tenure forms such as *temporarily-occupied land* exist, which are similar to former land tenure types under customary African law. This, however, is not so much an expression of the continuation of customary law, rather it is an indicator of the relative abundance of land in these areas. LAWRENCE (1985) rightly concludes that the *Public Land Decree, Cap. 93, is clearly out of date and irrelevant*. Thus, it was a logical consequence to repeal the *Public Land Decree* by the *Land Tenure Act, 1992*.

5.3.3.5 Waqf-Land

Nine plots within the sample of 1,150 plots are waqf-land (in Swahili *wakfu*). *Waqf* is an Islamic institution and is the term for Islamic foundations or endowments. It corresponds to trusts, religious offices, and family settlements that are used in other legal systems. The ownership of the waqf remains with the donor, while the use-right is assigned in perpetuity to the object of the endowment. Waqf may be donated for *religious* and *secular* reasons (MCGEAGH and ADDIS, 1945: 9; MEEK, 1946: 239; ANDERSON, 1953: 154-157; MIDDLETON, 1961: 24; SINGER, 1990: 25)⁴⁰.

Religious endowments may be made, for example, for the construction and upkeep of a mosque, or for the maintenance of an Islamic school. *Secular* waqfs, also called *family waqfs*, are dedications of property to oneself or to one's descendants. After the death of the original beneficiary, the right of usufruct devolves on the descendants. It is important that the property, as such, cannot be divided and only the proceeds are distributed. Therefore, the main reason for creating secular waqfs is to circumvent the Islamic law of succession and to save the property from fragmentation (ANDERSON, 1953: 154; SINGER, 1990: 33; HAMED, 1993: 156-157). The donor may also intend to protect the interests of a daughter, because in the absence of a son, a single daughter would only receive half of the parent's property, while the other half would be inherited by any male relative (Bailey, 1965: 180-181). Finally, it may be the intention of the donor to prevent feckless descendants (or himself) from selling the property (CAPLAN, 1975: 44; DONKERLO and ABOUD, 1994: 83).

³⁹ Not to be confused with the definition of *Public Land* according to the Land Tenure Act, 1992, which defines all land of Zanzibar as Public Land

⁴⁰ The different views concerning waqfs of various Islamic schools are discussed by ANDERSON (1953 and 1970).

Only one third of one's property can be dedicated as a waqf. In order to dedicate a waqf, there should be unrestricted ownership of the property (MEEK, 1946: 239; MEEK, 1957: 165). This is certainly not the case with land ownership in Zanzibar, which is vested in the state. Yet waqfs are acknowledged in Zanzibar and remain an important institution. A beneficiary has no right to assign, encumber, or lease the property, and a trustee has no power to mortgage, sell, or exchange it (MEEK, 1946: 239).

The majority of the waqf properties in Zanzibar are houses. Registered waqfs are administered by *the Waqf and Trust Commission under the Chief Minister's Office*. There are also *unregistered waqfs*, despite registration being compulsory by statutory law (Cap. 103, Section 10(1))⁴¹. Six of the nine waqf-plots of the sample are not registered.

Five case studies were undertaken to investigate how waqf-land is handled in the survey area.

In Kombeni, one family uses the proceeds of tree crops from waqf-land (unregistered religious waqf) to pay musicians for performing songs and prayers at religious festivities.

In Kengeja, a father dedicated his land (registered secular waqf) to his only daughter. The daughter, an elderly lady without any direct heirs, says that after her death the use-right of the land will devolve on the children of her cousin, who is her next relative. Another woman in Kengeja uses rice land that had been dedicated as an unregistered secular waqf. The land is small and, although there are a number of donees, she is the only one who presently uses it. The other donees do not have any benefit at the moment.

In Kinyasini, a small unregistered waqf-plot with a few tree crops is mainly used as a grave yard. The trustee conjectures that the original foundation must have taken place in the 19th century, if not earlier.

In Mwakaje, two brothers hold a piece of land as waqf-land. It was originally part of a large registered waqf-estate belonging to their family. This land was confiscated in 1964 and a portion of six acres was reallocated as three-acre land to each of the brothers. Although the land is formally three-acre land, the brothers regard it as a secular waqf. This also means that the two three-acre pieces are managed in joint usufruct.

Waqf-land is very similar to family land (see chapter 5.3.2.2). In fact, during group discussions some farmers could not differentiate between waqf and family land. The important difference is that waqf-land cannot be sold. It is a permanent and perpetual dedication⁴², while family land can be sold, if all members agree.

Waqf is an interesting institution, because its institutionalization in Zanzibar was one of the early instances of the recognition of the private ownership of land (MCGEAGH and ADDIS, 1945: 9). The first waqf properties were registered in Zanzibar in 1818 (VIKMAN

⁴¹. Although registration is compulsory, this does not mean that unregistered waqfs are void. This is because the Islamic law does not demand a registration. In order to accommodate unregistered waqfs the *Waqf Property (Amendment) Decree*, PD 12/66 provides in Section 4(1) that any private [unregistered] waqf property is vested in the Waqf Commission. Section 4(3) specifies that "*The creation of any private waqf in the future is hereby rendered invalid to the extent that a trustee other than the Waqf Commission has been appointed and any purported creation of such a waqf shall operate as if the Waqf Commission were appointed in place of the trustee appointed by the dedicator*".

⁴². Nevertheless there are some countries that have removed this restriction, for example Egypt (HAMED, 1993: 157)

and MOHAMMED, 1990, Annex 4/3)! In 1916 the *Waqf Property Decree*, which superseded two previous decrees of 1905 and 1907, established a *Waqf Commission* and gave this Commission a right of general oversight over all waqfs (ANDERSON, 1970: 64-64). The *Commission for the Administration of Waqf and Trust Property Decree*, PD 5/80, merged, in 1980, the duties of the Administrator General, the Public Trustee, and the previous Waqf Commission into one entity. Nowadays, the Commission is administering (i) waqfs, (ii) trusts, and (iii) deceased's estates (Section 4(1)).

Although the institution of waqf, as such, was not touched during the Revolution, much of the larger waqf properties were confiscated by the *Confiscation of Immovable Property Decree* (PD 8/64). This caused much vexation. The House of Representatives decided in 1985 to pay TSh 24 Mio as compensation for confiscated waqf-houses, but not for confiscated waqf-land. Presently, only TSh 19 Mio has been paid. The rest is still outstanding and quickly losing value because of the high inflation rate.

5.3.4 Land under Tertiary Rights of Occupancy

If people do not have a right to plant crops, but only to the partial use of crops or land, they hold tertiary rights of occupancy.

Rights to Trees

Sometimes a primary occupant dedicates some of his tree crops to children or to the community, or he sells them separately from the land. SINGER (1993: 37-38) reports that out of 560 interviewed farmers, 159 (28.4%) have trees on their land that belong to or are used by somebody else. This is even more apparent in Pemba (36.1%) than in Unguja (24.4%). Typical tree crops dedicated to the community are mango, golden apple, breadfruit, and bungo.

In many villages, one finds trees or groups of trees that are not used or touched by anyone because they are said to host *mizimu* (spirits). Various tree species may host spirits. Examples in the field are baobab and mango trees and a number of unidentified species.

Fallen Fruits

One important rule in Zanzibar is that any fruit that falls from a tree is the property of the one who finds it (see also MCGEAGH and ADDIS, 1945: 11, 22; PACKENHAM, 1947: 23; GRAY, 1956: 32). This custom has been seen as a particular constraint in coconut production. Coconuts fall from a tree when properly mature. Harvesting fallen coconuts is much cheaper than harvesting by climbing. Additionally, hand-picked coconuts are, on average, less ripe and have a lower copra quality than fallen coconuts. Thus, in 1937, the *Agricultural Produce Decree*, provided in Section 10 (2) that any person removing agricultural produce (including coconuts) from the land of another has to be in possession of a permit from the landowner unless he carries less than four coconuts for his/her own consumption. This, however, has not helped much. Any palm owner who wants to be assured of a harvest has to organize the harvest with climbers.

Collecting Firewood

The *fallen-fruits-rule* also applies to firewood, meaning that any naturally fallen branch may be collected. In the plantation area there is not much firewood from forest trees or bushes, therefore mostly the bracts and the midribs of the fronds of coconut palms are used. In the coral rag area, women collect firewood from anywhere. If firewood is to be cut from a larger area and intended to be sold, a license as per *Wood Cutting Decree, Cap. 121*, issued by the Forestry Department is required.

Livestock Keeping

Most of the cattle and goats are tethered. Very few farmers prepare pastures for their livestock. A farmer is allowed to keep his livestock anywhere provided no crops are damaged. Thus, most of the livestock graze in plantations between the crops or after the harvest of crops. Unfortunately, very often livestock destroy ground crops, tree seedlings, and young trees. This often leads to quarrels among farmers and has been identified as a major constraint in the Zanzibar farming systems (THOMAS, 1993: 16)

Usufructuary Mortgage

A farmer in need of money may *sell* the future harvest of standing ground or tree crops to another person. This is widely practiced and dealt with in detail in chapter 8.5.

Gathering Honey

Bee keeping is rarely practiced in Zanzibar. Honey is normally collected from wild bees. Customarily, anyone in pursuit of wild bees may enter any plot and harvest the honey.

5.3.5 The Impact of Land Rights on Agricultural Production

Land rights should be conducive to agricultural production. A good indicator for assessment is the land use, i.e., the crops grown by farmers and the intensity of cultivation. Under the tropical conditions of Zanzibar, removing the natural vegetation for cultivation is dangerous. The high rainfall on the bare soils can lead to nutrient losses through leaching and erosion, ultimately resulting in soil degradation. Tree crops are important in this type of an ecosystem. Their roots serve as *nutrient traps* and reduce nutrient leaching losses. The trees shade and protect the soil from drying out. Ground crops can be grown among the tree crops. Over the centuries, a multistory cropping system has evolved in Zanzibar. Much of the agricultural area of Zanzibar is covered by this ecologically-ideal system. However, there also exist two more extreme systems. One is bare-soil cultivation of ground crops without any tree crops and the other is the natural forest and bushland; both are agriculturally under-utilized systems. The agricultural optimum is a sustainable land use system that does not over-, nor under-exploit the soil.

Table 9 shows the relatively frequency that various crops were found grown on each land tenure type. These figures shall be discussed together with Table 10, which will give an impression of the intensity of cultivation¹³.

¹³. It is very difficult to measure the intensity of land use, particularly with regard to sustainable productivity. A comprehensive investigation of such an undertaking would have gone far beyond the scope of this research (for a discussion of methods, see HALLU and RUNGE-METZGER, 1993). Therefore, only a qualitative assessment can be made — admittedly arbitrary — based on the impressions of both my own numerous field visits and those of others (for the latter see, e.g., THOMAS, 1993).

Table 9: Frequency (in %) of Crops on Land by Tenure Type

Tenure Type		non-permanent crops								semi-permanent		permanent crops				
Type	No	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
PrOc																
QIP	713	21.9	3.4	6.2	14.2	1.7	4.1	2.2	2.9	6.9	10.4	3.6	5.8	11.4	1.8	3.5
FL	760	17.6	1.1	7.8	11.6	0.4	3.7	0.4	2.2	8.6	9.5	2.6	5.1	14.6	5.3	9.5
3-Ac	275	17.7	1.8	0.7	9.5	2.2	2.5	0.4	0.7	4.4	5.5	8.0	10.9	20.4	4.4	10.9
Subtotal	1748	19.5	2.1	6.0	12.3	1.2	3.7	1.1	2.3	7.2	9.2	3.9	6.3	14.2	3.7	7.3
SeOc																
BOR	997	16.1	4.4	9.6	27.5	4.0	7.9	1.1	3.2	11.5	12.5	0.3	0.1	1.1	0.2	0.5
TOL	77	38.9	14.3	0.0	10.4	5.2	2.6	9.1	1.3	5.2	9.1	0.0	1.3	2.6	0.0	0.0
SCR	127	1.5	0.8	67.7	6.3	0.8	3.1	0.8	13.4	0.8	1.6	0.8	0.0	0.8	0.8	0.8
Subtotal	1201	16.0	4.7	15.2	24.1	3.7	7.1	1.6	4.2	10.0	11.2	0.2	0.2	1.2	0.2	0.5
OTH	97	24.9	1.0	6.2	11.3	4.1	3.1	1.0	1.0	10.3	10.3	4.1	4.1	10.3	3.1	5.2
TOTAL	3046	18.4	3.1	9.6	16.9	2.3	5.0	1.3	3.0	8.4	10.0	2.5	3.8	8.9	2.3	4.5

Remarks: No. = number of valid cases; each crop species per plot = 1 case
 PrOc: Primary Occupancy; SeOc: Secondary Occupancy

Crops

- (1) others
- (2) maize
- (3) rice
- (4) cassava
- (5) yams
- (6) sweet potato
- (7) pigeonpea
- (8) cowpea

Source: Survey A

Tenure Types

- QIP: quasi-individual property
- FL: family land
- 3-Ac: three-acre land
- BOR: borrowed land
- TOL: temporarily-occupied land
- SCR: state-controlled rice land
- OTH: other land tenure types

Table 10: Intensity of Land Use by Tenure Type

Tenure Type	Intensity	Summary Assessment
quasi-individual property	medium	fair to good mix of tree crops and non-permanent crops
family land	low	major areas under-used; tree crops over-aged
three-acre land	low	major areas under-used; tree crops over-aged
borrowed land	high	mostly beneficial; substantial parts over-used and soil tends to degrade
temporarily-occupied land	high	shortened fallow periods, tends to cause soil degradation
state-controlled rice land	medium	constraints not an issue of land rights

Source: own assessment

Quasi-individual Property

This land tenure type normally carries a good mix of tree and ground crops and the land is under fairly good husbandry. This is, however, not universal. There are also cases of over-aged trees and neglected land. Reasons are manifold, although they are usually outside the domain of land rights. For example, landholders may have better income alternatives such as employment in town; fishermen may buy land as an asset to provide security for old age, or agricultural prices may not be conducive to cultivation.

Family Land

Tree crops such as coconut, clove, and breadfruit dominate the land, but these are often over-aged, a clear indicator that they are under-utilized. Ground crops are cultivated less frequently than tree crops and are usually only grown by borrowing farmers. The under-use or even neglect of *family land* is mainly explained by the lack of interest of many heirs.

Three-acre Land

Clove and coconut clearly dominate three-acre land. There are proportionally more of these crops on three-acre land than on *family land* or *quasi-individual property*. However, most of the trees are over-aged and have low productivity. The land is very often under-utilized. Reasons are mostly related to: insecurity of land tenure; political allocations to people who do not reside near the land; and religious objectors who do not feel that they have rightful ownership of the formerly confiscated land. In some villages, where there is a lot of three-acre land, this type of tenure poses a major constraint to the agriculture development (see also THOMAS, 1993: 9).

Borrowed Land

Borrowed land (together with temporarily-occupied land) is the land tenure type under the highest intensity of land use. This land is cultivated with food crops such as cassava, sweet potato, and banana. Tree crops, grown by the primary occupant, benefit from the weeding of ground crops, which are cultivated by the borrowing farmer.

Degradation has been observed, however, in borrowed land during recent decades. This is most evident in areas with high population pressure, such as north Unguja and south Pemba. After a decrease in soil fertility, land borrowers normally look for another piece of land to cultivate. The old plot falls into a natural fallow and regains fertility. In areas with high population pressure this is no longer possible. Soil is continuously cultivated without rest periods and the soil fertility decreases. In a few cases strong conflicts arise between land borrowers and primary occupants. Here, land borrowers successfully cling to *their* borrowed land and even sabotage the tree planting of primary occupants.

Temporarily-Occupied Land

Temporarily-occupied land is under very intensive land use. Short, intense periods of cultivation are followed by long rest periods. The most important crops are maize, cassava, pigeonpea, and banana. Land under this type of tenure is confined to the coral rag area which has less population pressure. Under higher population pressure the rest periods are reduced, which leads to the danger of decreasing soil fertility. Nowadays, some *temporarily-occupied land* is planted with tree crops and is converted into permanent agriculture. Farmers often successfully grow lime, coconut, and orange trees.

State-Controlled Rice Land

This category of land is found on hydromorphic rice soils. Therefore, agronomically, there is very little scope and need for the cultivation of tree crops. Cowpea is an important off-season crop. Sweet potato has been identified by farmers as a profitable cash crop. Sweet potato grown in the off-season, however, interferes with the

subsequent rice crop, because land clearance is delayed for the rice crop⁴⁴. This creates conflicts between the state representatives, who command that the land should be planted with rice in the main season, and farmers, who see better alternatives. However, there are no other constraints related to land rights. Low rice production is mainly due to reasons outside the domain of land rights. These include the often unreliable and insufficient rainfall, and the lack of capital to purchase fertilizer and herbicides.

5.4 Land Disputes

In the survey, farmers were asked if they experienced any land disputes during the last year in any of their plots. Disputes were recorded in 29 out of a total of 1120 plots (2.6% of all plots). Twenty-three of the cases concerned border disputes, and six cases were quarrels about land transactions. Most of the disputes were solved amicably between disputing parties. In some cases a neutral person, mostly the secretary or chairman of the CCM branch, was involved in arbitrating the dispute. In no case was the matter forwarded to a court. Land matter disputes in Zanzibar, therefore, are rare and not of high importance. This conclusion is supported by similar findings of SINGER (1993: 81-82; 87) and DONKERLO and ABOUD (1994: 23).

5.5 Access to Land by Disadvantaged Groups

Land and labor are the two decisive resource factors in the agriculture of Zanzibar. In the discussions with villager groups it was found that little land is available for the cultivation of new tree crops, but in almost any area of Zanzibar, borrowed land can be obtained for growing non-permanent crops. The exceptions are in south Pemba and north Unguja, where even borrowed land is very difficult to get.

It is important to ascertain to which degree land is available to vulnerable or disadvantaged groups. Two groups, women and ethnic minorities, are of particular interest. They shall be dealt with in the following two chapters.

5.5.1 Access to Land by Women

The Islamic religion assigns a passive role to the woman, confining her to the house and the family. It is the man's obligation to provide the material means for the woman and the family's maintenance⁴⁵. However, any property belonging to the woman or any income she obtains, for example from employment, is her own and [theoretically] she is not required to contribute to the upkeep of the family.

In the classical view, the woman should not work outside the house or on the farm. In strict Islamic societies women are, therefore, not seen working on the farm. In Zanzibar, women do work in the field, but to a lesser extent in families who have a stronger Islamic orientation and who can afford to do without the female family labor.

⁴⁴ The main season to cultivate rainfed rice is from January to July and the off-season lasts from August to December

⁴⁵ This is based on Sura 4, Verse 34 of the Qu'ran: "Men shall take full care of women with the bounties which God has bestowed more abundantly on the former than on the latter and with what they may spend out of their possessions".

Since women are not required to contribute to the maintenance of a family, it is argued that they are in less need of land. The discriminatory inheritance law allowing sisters only half of their brothers' share is a consequence of this concept. Additionally, brothers often try to buy out their sisters' shares (see, e.g., MIDDLETON, 1961: 25, 49) in order to make sure that the land remains in the family⁴⁶.

Zanzibar's traditional, patriarchal society is dominated by men. Even if women have certain rights these are usually performed through men. An example is the marketing of agricultural crops. The harvest proceeds that belong to a woman would normally be marketed by her husband, brother, or elder son on her behalf, and only in rare cases by herself. Thus, even in those cases where women have land, they are restricted in executing their rights.

Quite a different conception is prevalent in the *classical* African view. As long as a woman is unmarried she lives in the household of her father and works on the field of her mother. She is married after her bridegroom has paid the brideprice. Through the payment of the brideprice she becomes the *property* of the husband. She is allocated some of the husband's land and has use-rights to the land. The proceeds from the harvest are first used for the upkeep of her children, although any excess normally belongs to herself. Thus, in areas where land is still abundant the size of cultivated land and the wealth of a family is a function of the number of wives married to a man.

In the classical Islamic context, therefore, a woman can inherit land while this is not so in the classical African context. In both societies a woman finds adequate means for her maintenance as a daughter or as a wife. A difficult situation arises when a woman is widowed or divorced, or when she does not get enough support from her husband.

From other research (WIRTH et al., 1988: 110; KRAIN et al., 1993: 2-3) it is known that women heading a household without a husband (hereafter called *single woman household*) are disadvantaged as compared to a normal *husband & wife household*. *Single woman households* have less land and most of that land is borrowed.

A third category, the *single man household*, was included in this research. This is a household where a man who is either widowed, divorced, or not yet married, leads the household affairs alone.

Table 11: Median of Farm Size, Number of Persons, and Land per Family Member by Household Type

Household Type	No. of Cases	Farm Size in hectares	No. of persons per household	Land per family member in hectares
significance		***	***	*
husband & wife	266	1.5	6	0.24
single woman	54	1.0	4	0.22
single man	25	0.8	1	0.40

Source: Survey A

⁴⁶ According to patrilineal inheritance, land inherited by a woman is lost to her husband's family, because eventually her children, who belong to her husband's descent line, will get the land.

The statistical analysis shows that *husband & wife households* have significantly more land than *single woman* and *single man households*. The latter two do not differ statistically. This difference is more a factor of how much land is needed for the upkeep of the household, rather how much land is available to a household. The next column shows that households have to care for quite a different number of household members. *Husband & wife households*, as well as *single woman households*, are significantly greater than *single man households* (the first two categories are not statistically different). The great majority of *single man households* consist of only one person. Calculating the land area available to households per household member, one arrives at the interesting finding that *husband & wife households* have approximately the same area at their disposal (0.24 ha) as *single woman households* (0.22 ha). Both, however, differ statistically from *single man households*, which have substantially more land per family member (0.4 ha). The conclusion may be drawn that, in the majority of cases, *single woman households* still seem to get enough land for the upkeep of themselves and their family members.

Single woman households are generally more stable than *single man households*. One indicator of this is that there are approximately only half the number of *single man households* in the sample compared with *single woman households*. Men do not deal with matters of housekeeping. They are generally regarded as unable to tend children. Thus, in case of divorce or widowhood, a man usually gives his children to close relatives. In contrast, single women usually keep their children, and those who do not have their own children normally try to foster children to have company⁴⁷ (see also chapter 10.1.1, page 129).

Table 12: Overview on Importance of Land Tenure Types (in % of Plots/Area) by Household Type

Tenure Types	H&W	SW	SM	H&W	SW	SM
	No. of plots			Area in hectares		
	994	142	59	524	56	26
PRIMARY OCCUPANCY						
quasi-individual property	21.7	21.8	13.6	25.6	18.7	13.1
family land	21.7	21.1	30.5	25.0	25.4	31.6
three-acre land	5.8	2.8	6.8	11.7	8.7	18.6
SUBTOTAL	49.2	45.7	50.9	62.3	52.8	63.3
SECONDARY OCCUPANCY						
borrowed land	38.1	39.4	35.6	27.9	31.3	28.2
temporarily-occupied land	2.8	1.4	3.4	2.2	1.6	2.3
state-controlled rice land	7.4	7.7	10.2	4.9	6.1	6.2
SUBTOTAL	48.3	48.5	49.2	35.0	39.0	36.7
OTHERS	2.4	5.7	0.0	2.6	8.1	0.0
GRAND TOTAL	99.9	99.9	100.1	99.9	99.9	100.0

Source: Survey A

H&W: Husband and wife household

SW: Single woman household

SM: Single man household

⁴⁷ This occurs, in spite of the fact, that the children from the age of seven (sometimes even at the age of two, or right after weaning) are regarded as the property of the father.

Table 12 verifies earlier findings that *single women households*, rely heavily on borrowed land, with 31.3% of the area comprising borrowed land, compared to 27.9% for *husband & wife*, and 28.2% for *single man households*. Differences are not very obvious in the other land tenure categories. *Single man households* seem to have substantially more family land (31.6% of the area) and three-acre land (18.6% of area). This might be explained by the fact that many of the *single man households* consist of old, single men. They were allocated three-acre land and parted with some of their other land after their family size decreased. The remaining three-acre land forms a higher percentage because of the smaller size of the farm.

5.5.2 Access to Land by Ethnic Minorities

As a consequence of the land reform after the Revolution, Arab landlords, especially, lost land and indigenous Zanzibari as well as Africans from the mainland received land. In this chapter the land access of these three ethnic groups shall be analyzed.

Table 13: Median of Farm Size, Number of Persons and Land per Family Member by Ethnic Group

Ethnic Group	No. of Cases	Farm Size in hectares	No. of persons per household	Land per family member in hectares
significance		***	n.s.	***
African from ZNZ	277	1.2	6	0.23
African from ML	49	1.4	5	0.28
Arab	16	2.5	7	0.46

Source: Survey A

Arabs hold significantly more farm land than *Africans from Zanzibar* and *Africans from the mainland*. They have more land per household and more land per household member. The number of persons per household is higher in Arab households, but this is not statistically significant. It would be an exaggeration to conclude that the Arabs remained the masters of land. Although they possess more land than the other two ethnic groups, they have been reduced to a smallholder level. More than 90% of all farms are below 5 hectares in size regardless of the ethnic group (see Table 14).

Table 14: Distribution of Farm Size Classes (in %) of Households by Ethnic Group

FARM SIZE Class in hectares	African from Zanzibar	African from Mainland	Arab
0 - < 1	33.6	12.2	0
1 - < 2	38.6	51.1	37.5
2 - < 3	17.7	22.4	18.8
3 - < 4	5.4	8.2	25.0
4 - < 5	1.5	1.2	12.5
≥ 5	3.2	4.9	6.2
No. of cases	277	49	16

Source: Survey A

Table 13 shows that *Africans from the mainland* hold slightly more land per household and per household member than *Africans from Zanzibar*, although the difference between these two groups is not significant. Most of their land, however, is borrowed land (see Table 15). Thus, their position as the *squatter tenants of Zanzibar*, or as they are more aptly called, *the borrowing farmers of Zanzibar*, has remained unchanged. Nevertheless, their position improved because they benefited from land distributions after the Revolution. This group received the relatively largest share of three-acre land, in addition to state-controlled rice land, as compared to the other two ethnic groups (see Table 15).

In contrast, *Arabs* hold most of the private land as quasi-individual property or as family land. They also have access to a large portion of waqf-land, which has been merged into the category of *others* in Table 15. Very little state-granted land in the form of three-acre land or state-controlled rice land has been allocated to them.

Table 15: Overview of the Importance of Land Tenure Types (in % of Plots) by Ethnic Group

Tenure Types	ZNZ	ML	Arab	ZNZ	ML	Arab
	No. of plots			Area in hectares		
	916	170	57	465	89	46
PRIMARY OCCUPANCY						
quasi-individual property	22.7	11.8	22.8	25.6	12.6	30.9
family land	24.8	1.8	42.1	28.3	1.4	45.1
three-acre land	4.7	10.0	1.8	10.4	22.4	2.6
SUBTOTAL	52.2	23.6	66.7	64.3	36.4	78.6
SECONDARY OCCUPANCY						
borrowed land	35.8	56.5	24.6	25.7	51.0	11.7
temporarily-occupied land	3.3	0.6	0.0	2.8	0.2	0.0
state-controlled rice land	6.2	17.6	0.0	4.6	10.2	0.0
SUBTOTAL	45.3	74.7	24.6	33.1	61.4	11.7
OTHERS	2.5	1.8	8.8	2.6	2.3	9.7
GRAND TOTAL	100.0	100.1	100.1	100.0	100.1	100.0

Source: Survey A

ZNZ: African from Zanzibar households\

ML: African from mainland households

Arab: Arab households

5.6 Land Registration

Zanzibar is heading towards the formidable task of setting up a land title registration system, an undertaking that has been on the agenda since the early 20th century. An act prepared to this effect (see chapter 5.2.2, page 37) in 1937 was never made law.

Land title registration is a process of recording land rights that comprises four steps: a) adjudication, b) demarcation, c) survey, and d) documentation (TÖRHÖNEN, 1993: 15).

The main advantage of a system of land title registration is to give certainty of possessory rights and, thus, to improve tenurial security. Up until the present time, only sales deeds of land were registered in Zanzibar. A sales deed gives proof that a sale transaction took place, but not that the land right as such has been validated. Therefore, in the adjudication, which is the first step of the title registration process, land rights are verified and acknowledged. The most important service that is provided through a title registration system is the proof of land rights.

There are many more advantages of land title registration, such as reducing land disputes, improving conveyancing, stimulating a land market, improving the security of collateral for credit issuing, providing statistics for monitoring the land market, and providing a base for land taxation (TÖRHÖNEN, 1993: 16-17).

The legal base for land registration has been created through the various recent enactments: *the Land Adjudication Act*, *the Registered Land Act*, *the Land Surveyors Act*, and *the Land Tenure Act*.

In 1994, land title registration is planned for two pilot areas in Unguja and Pemba. Two options of land adjudication were discussed, *sporadic* and *systematic adjudication*. The latter option was decided to be tested in the pilot phase.

Sporadic adjudication only takes place in the case of a land transfer and it is, therefore, less costly during a given year. On the other hand, the process of adjudicating all of the parcels may be very long and might never even be completed (if some parcels are never the object of a transfer).

The *systematic adjudication* has the advantage that in a given adjudication area all the land is adjudicated and registered. Thus, systematic adjudication provides the policy maker with a complete picture of the tenorial position. But the strongest argument in favor of a systematic adjudication, put by many authors (e.g., SIMPSON, 1954: 53-54 and TÖRHÖNEN, 1993: 16), is that systematic land adjudication is cheaper in the long run because of economies of scale.

However, systematic adjudication and registration is a tremendous and expensive undertaking. Kenya is an African example that provides a warning of this. The experiences there are very sobering. Kenya was the first country in Sub-Saharan Africa that about 35 years ago strove for a comprehensive land registration program, starting in the highly populated areas of the highlands and the coast. The cumulative evidence from this country shows that most of the objectives of the land registration program have not been met. The land registers poorly reflect the actual situation: much of the land is registered in the original right holder, now deceased. Land is further subdivided, often illegally; most successions go unrecorded, and a substantial number of sales are not registered. The main reason for this unsatisfactory result is a costly and bureaucratic process (GREEN, 1987; HAUGERUD, 1983; 1989; COLDHAM, 1979; OKOTH-OGENDO, 1976; 1986; ATWOOD, 1990).

A positive example is seen in the Seychelles (KORHONEN, personal communication). It is a good "blue-print" for Zanzibar, because the Seychelles is a small island nation. However, the social setting and the historical developments are quite different.

It was wise to start the systematic registration program in two pilot areas rather than to have invoked the measure for the whole of Zanzibar. Experiences from the pilot areas must be carefully evaluated. If negative experiences outweigh positive ones, policy makers should discuss alternatives such as, for example, a sporadic title registration system or an improvement of the sales deeds registration system.

6. Laws and Customs of Succession to Land and Tree Crops

This chapter deals with the succession to land and to tree crops, since *de facto* rights of ownership to land are expressed in the right of cultivating tree crops as shown in Chapter 5. In fact, the tree crops are often at stake when the estate of a deceased is divided. According to the perception of most of the farmers, the land then usually goes with the trees, not the trees with the land.

There are three bodies of law in Zanzibar that apply to succession: statutory law, customary law, and Islamic law.

6.1 Statutory Law

Chapter 21 of the Laws of Zanzibar, the *Succession Decree*, contains the rules of succession and Chapter 23, the *Administrator General's Decree*, deals with the administration of the estate of deceased persons by the *Administrator General*⁴⁸. Both laws are based on English law.

The *Succession Decree* exempts Muslims, Hindus, Buddhists, and Parsis to most of the important provisions of the law and leaves them to the personal law they are subjected to (Section 5). The law mainly applies to all non-Muslim residents in Zanzibar, including all Africans⁴⁹ who have come from the mainland to Zanzibar during the last two centuries. This law has a number of provisions that deviate substantially from the customary law of these tribes. In most Bantu tribes the use-right to land devolves on male heirs only. A woman does not possess land on her own but may use land belonging to her father or her husband⁵⁰. While most of the customary laws of succession of Bantu tribes discriminate against women, the *Succession Decree* provides equal inheritance to children of *both* sexes (Section 29) in case of intestacy. The status of widows is also greatly improved by the decree. In customary laws, after the death of a husband, a widow has to either return to her parental residence or stay on under the caretakership of one of the husband's family. The *Succession Decree*, Section 25, stipulates that in case of intestacy a widow must inherit one third of all her husband's property if the husband had children, or if there were no children, she is entitled to half of it.

Similar to English law, the *Succession Decree* gives wide discretion to make a testamentary disposition.

Despite the differences between the statutory and customary laws of mainland tribes, no particular conflicts were brought to the author's attention. In most cases, however, mainlanders do not hold much land in primary occupancy and disputes seem to be rare. Most of the devolutions are handled among the elders of the deceased's family. It is possible that customary practices that significantly deviate from statutory law continue to be followed, without being noticed by formal authorities.

⁴⁸. As already mentioned in chapter 5.3.3.5, page 57, in 1980 the function of the *Administrator General* was transferred to the *Waqf and Trust Commission*.

⁴⁹. This is different on the Tanzanian mainland where in matters of succession the customary law of succession of the respective tribe is applied (MWALUSANYA, 1991).

⁵⁰. For an elaborate discussion of the customary inheritance laws of the Bantu tribes of East Africa, see DUNDAS (1921, 266-275).

6.2 Islamic Law

Islamic law is the most important law followed in inheritance matters in Zanzibar and in the coastal area of East Africa. It is the law of general application for all indigenous Zanzibari: Hadimu, Tumbatu, and Pemba.

There are many and quite complicated rules under Islamic law. According to a famous dictum attributed to the Prophet Muhammad, the knowledge of the inheritance rules constitutes the equivalent of one-half of all human knowledge (ANDERSON, 1975: 60)!

Before any estate is divided, all debts of the deceased have to be settled, pledges redeemed, and funeral costs set aside. This is regarded to be in the spiritual interest of the deceased and of paramount importance to Muslim jurists. Then the estate is divided. Only Muslims are eligible to an inheritance. Another important feature is that both sexes inherit. This is not the case in many African tribes, particularly with regard to land. Nevertheless, this practice is discriminatory since sons inherit one share while daughters only receive half a share⁵¹. A widow receives one-eighth of her husband's estate when she has children and one-quarter if not, whereas a husband inherits one-quarter and one-half of his deceased wife's estate, respectively. Each of the parents receive one-sixth of the estate of a deceased son. Parents and spouse receive their shares as *quota-sharers*, meaning they receive the share as stipulated above, while sons and daughters receive from the *remainder*. Collateral relatives are excluded if a son or a father is alive. In case there is an only daughter and a distant male relative, both will receive half of the estate (ANDERSON, 1975: 64-65, 79).

The rigid inheritance rules can be circumvented by making a testament. The Islamic law provides that a person may bequeath up to one-third of his/her estate by will (ANDERSON, 1975: 72). This gives the testator the opportunity of transferring more property to particular heirs (e.g., to a daughter, the spouse) than would be the case without testament. Testaments and waqf dedications can be made up to the limit of the *bequeathable third*. A disposition in excess of the one-third will only be valid with the consent of the testator's heirs. This is then regarded as a gift from them (JAMES and FIMBO, 1973: 236).

A gift during the lifetime is the easiest way to circumvent any inheritance regulations. Gifts can be registered in Zanzibar under the *Documents Decree* and give the widest form of discretion to a person to transfer his/her property. According to CAPLAN (1975: 43-44) a daughter is the most common recipient of a gift, particularly if she is without a brother.

ANDERSON (1975: 77-79) reviews some of the "*defects - real or alleged*" in the Islamic law of succession. The most important weakness regarding land is seen in the potentially multiple division of landed property, often leading to excessive fragmentation. This view is shared by MEEK (1946: 240), who states that much of the indebtedness of the agricultural classes during the crisis years of the 1930s in Zanzibar (see chapter 5.2.2, page 37) originated in the Islamic law of inheritance.

⁵¹ It is argued that after marriage, men are obliged to upkeep the family. The wife is not required to contribute any of her property to the maintenance of the family. Therefore, it is reasoned that men need to be endowed with more resources.

6.3 Customary Law

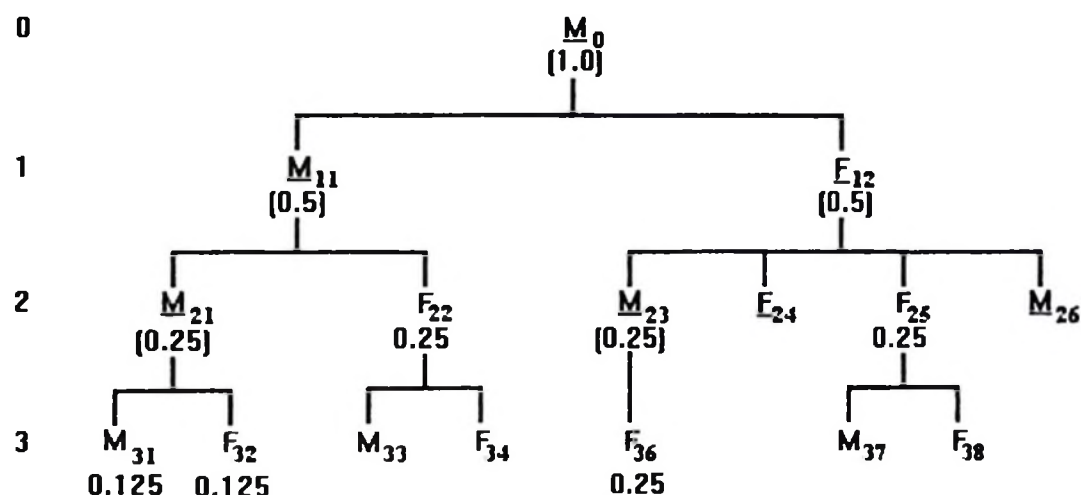
One may safely say that *mila*, customary law, either must have incorporated the tenets of the *sharia*, Islamic law, or has ceded to exist as far as most rules of succession are concerned. For the division of property of a deceased indigenous Zanzibari, i.e., Hadimu, Tumbatu, or Pemba, Islamic law is normally applied. If there is any doubt, anyone belonging to one of these tribes can consult a *kudhi*, an Islamic judge.

Only one important deviation from this principle was noted in the field. It concerns the revenues from the land of a deceased, which is like family land in joint possession of the heirs. In six of nine case studies the proceeds from the tree crops planted by the deceased were distributed in *equal shares between sexes*. This means that a brother and sister received the *same* share, which does not follow Islamic law where the sister only receives half the brother's share. This principle was already observed by MIDDLETON (1961) on *kitongo land* (the name for a type of family land among Hadimu-Zanzibari).

When a sister dies, her *full* share devolves on her children. If a brother or a sister dies without children, his or her share devolves on brothers and sisters. If several generations are involved, the allocation of shares depends on the number of siblings and the hierarchical position in the genealogy, starting from the original founder who held the land or trees in individual ownership. Matters can be quite complicated as shown by the example in Figure 6.

Figure 6: Model Example of the Devolution of Shares in the Harvest of Tree Crops among Members of Family Land

Filial Generation



Source: own case studies

Acronyms

- M = male, alive; M = male, dead
- F = female, alive; F = female, dead
- share without brackets: share due to respective family member
- share in brackets: share devolving on next filial generation
- no share: right not yet realized because respective parent still alive

Explanations for Figure 6

No.	Person	Explanation
1	<u>M₀</u>	Deceased founder of the family land
2	<u>M₁₁</u> ; F ₁₂	Deceased son and daughter of M ₀ , each devolving half a share on their heirs
3	<u>M₂₁</u>	Deceased grandson devolving his share of 0.25 on his heirs
4	F ₂₂	Living granddaughter, receiving a share of 0.25
5	<u>M₂₃</u>	Deceased grandson devolving his share of 0.25 on his daughter F ₃₆
6	<u>F₂₄</u> , <u>M₂₆</u>	Deceased granddaughter and grandson without heirs
7	F ₂₅	Living granddaughter, receiving a share of 0.25
8	M ₃₁ , F ₃₂	Great grandson and great granddaughter receiving each a share of 0.125
9	M ₃₃ , F ₃₄	Great grandson and great granddaughter not yet receiving their share because their mother F ₂₂ is still alive (see 4)
10	F ₃₆	Great granddaughter receiving a share of 0.25 (see 5)
11	M ₃₇ , F ₃₈	Great grandson and great granddaughter not yet receiving their share because their mother F ₂₅ is still alive (see 7)

All the trustees of family land interviewed in these case studies are aware that the distribution of proceeds deviates from Islamic law, but they state that this was a family decision and that it was practiced like this before them. *Kadhis* do not have a problem with an equal distribution of proceeds between sexes since they regard it as a voluntary decision of the male heirs to renounce a portion of their due share. They see it as a gift of the brothers to the sisters. Conflict may only arise if brothers claim for an unequal distribution of proceeds between sexes, as stipulated by Islamic law. They would most likely realize their claim, since the acknowledged authority in this matter is the *kadhi*. In these cases a woman would probably be unable to maintain her customary right.

It should be noted that the equal distribution of proceeds between sexes from joint ownership of trees deviates in one more respect from Islamic law. In Islamic law part of the property of a deceased goes to *quota-sharers*, as for example a widow. This is not so with family land. This devolves on lineal descendants only⁵².

In three of the nine case studies the proceeds from jointly-owned tree crops were distributed according to the Islamic law. From this it seems that customary law is in retreat.

6.4 Fragmentation of Land and Distance to Plots

One of the consequences of all three relevant bodies of inheritance laws is the fragmentation of farms due to the possibility of the multiple division of property. The impact of fragmentation gives rise to small-sized farms and a high number of plots per farm.

Fragmentation has *negative* and *positive* aspects. Among the negative aspects, the amount of time spent in moving between scattered parcels is often mentioned, as well as a reduction in economies of scale. This is particularly important in mechanical farm operations (e.g., plowing, application of fertilizer and pesticides). An additional major negative aspect is the increase in land disputes. Among the positive aspects is the reduction in risk. Since plots are in different locations with respect to soil type, water retention capability, slope, and altitude, farmers have a wider choice of crops and are less affected by pest calamities. Cultivating more crops in different locations also enables farmers to distribute scarce labor more evenly throughout the year.

Three to four plots per farm seem to be a desirable feature. Even more parcels are acceptable if these are not too far away from the farmer's residence. Thus, in the following paragraphs the farm size, the number of plots per farm, and the distance to plots will be analyzed.

⁵². Lineal descendants (children), however, have an obligation to care for the widow (their mother or father). This may be covered through a portion from the proceeds.

Table 16: Distribution of Farm Size by Class (in %)⁵¹

Farm Size Class	Percentage of Farms
0 - < 1 ha	28.7
1 - < 2 ha	40.3
2 - < 3 ha	18.5
3 - < 4 ha	7.0
4 - < 5 ha	1.7
≥ 5 ha	3.8

Source: Survey A

Farm sizes are small in Zanzibar; 87.5% of all farms are less than 3 hectares. It is questionable how much of this is due to fragmentation, since agriculture in Zanzibar relies entirely on hoe cultivation, which requires very high labor input per unit area. Farms larger than 5 hectares would go beyond the labor endowment of an average household.

Table 17: Distribution of Farm Classes by Island

Farm Classes in Plots per Farm	in Percent		
	Unguja	Pemba	Total
1 plot-farms	16.4	5.8	12.8
2 plot-farms	29.8	15.0	24.6
3 plot-farms	23.6	26.7	24.6
4 plot-farms	14.2	24.2	17.7
5 plot-farms	7.1	15.0	9.9
> 5 plot-farms	8.9	13.3	10.4
No. of farms	225	120	345

Source: Survey A

There is no statistical difference between the farm size of households in Unguja and those in Pemba, but Pemba has more plots per farm than Unguja ($P = 0.999$).

⁵¹ Total number of farms: 345.

Table 18: Median, 25th, 75th Percentile and Maximum of Number of Plots per Farm by Village and Island

ISLAND/VILLAGE	No. of Cases	median	25th - 75th Percentile	maximum
UNGUJA				
- Kombeni	59	2	2 - 4	7
- Mwakaje	59	4	2 - 5	8
- Chwaka	50	2	1 - 3	4
- Kinyasini	57	3	2 - 4	8
SUBTOTAL	225	3	3 - 4	8
PEMBA				
- Wingwi	60	4	3 - 4	13
- Kengeja	60	4	3 - 5	10
SUBTOTAL	120	4	3 - 4	13
GRAND TOTAL	345	3	2 - 4	13

Source: Survey A

A smaller number of plots per farm were observed in villages that have a high proportion of land in the coral rag, particularly in Chwaka, and to a lesser degree in Kombeni and Kinyasini. The land pressure is less in these places because unclaimed bushland can be found for cultivation.

Table 19. Distance to Plots by Village and Island

ISLAND/VILLAGE	No. of plots	in Percent		
		near	not far	far
UNGUJA				
- Kombeni	178	52.2	25.8	21.9
- Mwakaje	230	52.2	36.5	11.3
- Chwaka	98	21.4	24.5	54.1
- Kinyasini	180	34.4	26.7	38.9
SUBTOTAL	686	43.1	29.4	27.4
PEMBA				
- Wingwi	225	56.4	26.7	16.9
- Kengeja	236	53.8	24.6	21.6
SUBTOTAL	461	55.1	25.6	19.3
GRAND TOTAL	1147	48.0	27.9	24.1

Source: Survey A

Explanations:

near - plot within 15 minutes walking distance
not far - plot within 15 - 60 minutes distance
far - plot farther than 60 minutes distance

Although there were a higher number of parcels per farm in Pemba, the distance to plots was farther in Unguja (significant at $P = 0.999$). This was particularly the case for rice and coral rag land. Small valleys that allow for rice cultivation are prevalent throughout Pemba, whereas in Unguja farmers have to move — and some even seasonally migrate

— to the hydromorphic valleys. In areas of the coral rag that are used for shifting cultivation, farmers often have to travel long distances to find sufficiently-fertile land. Chwaka is an excellent example. This village had the smallest number of plots per farm (see Table 18), but had the highest percentage of plots far away (see Table 19). Many Chwaka farmers grow rice in the Cheju plain, which is located more than one hour away from Chwaka. For cultivating other crops, fertile coral rag land is also far away from the village.

Fragmentation in Zanzibar does not seem excessive yet, since 75% of all sampled households have less than five plots. However, there were quite a number of households, particularly in Pemba, with a high number of plots per farm. In the future, less land per person will be available — be it as borrowed land or as unclaimed bushland — and more people will cling to the land they occupy. At the same time there is only little scope for the growing population to find alternative employment in the off-farm sector (perhaps with the exception of the tourism industry). This shows that fragmentation is very likely to increase in future.

6.5 Kin Marriages

One important reason for marriage between relatives is to keep land and trees within the family. This is also reported by MIDDLETON (1961: 20, 27, 49) for Zanzibar, and by CAPLAN (1975: 27-29; 1976: 21) and TANNER (1962: 74-75) for other coastal areas of Tanzania.

Table 20: Kin Marriages (in %) by Ethnic Group

Ethnic Group	No. of Cases	Spouses (in %)	
		related	not related
Africans from Zanzibar	259	32.8	67.2
Africans from Mainland	44	9.1	90.9
Arabs	16	18.8	81.3
Total Zanzibar	319	28.8	71.2
Minazini, Mafia	380	31.6	68.4

Sources: for Zanzibar: Survey A
for Mafia: CAPLAN (1975: 27-29)

In Survey A, 28.8% of all marriages were between relatives. Table 20 also shows that kin marriage was highest amongst Africans from Zanzibar and this compares very well with data from an indigenous community of Mafia island⁵¹.

⁵¹ Mafia island belongs administratively to the Tanzanian mainland and is about 130 km south of Zanzibar. The indigenous communities of Zanzibar and Mafia are very similar.

7. The Agricultural Labor System

"In much of rural Africa, access to labor, rather than land, is the basis of economic and political power" (UPTON, 1987: 67)."

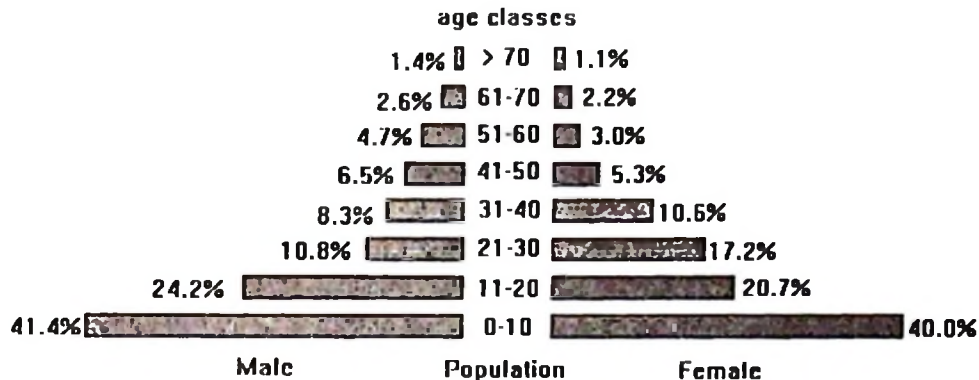
The reason for this statement is that Africa is a continent with plenty of land and a comparatively low population density. In Zanzibar, there are nearly 300 people per square kilometer (see chapter 3.3, page 8). This is one of the highest population densities in Africa. Nevertheless, in group discussions with villagers it was pointed out that for most parts of Zanzibar (except for south Pemba and north Unguja) labor is still scarcer than land. Additional land, however, is only available as borrowed land. The reason for the scarcity of labor is that peasants work with the handhoe as their principal tool of cultivation. According to WIENEKE (1986: 344) not more than 0.5 hectares per adult can be cultivated with a handhoe under tropical conditions. This restricts most households in Zanzibar to a farm area of two to three hectares (see also Table 16, page 73). On the other hand, significant developments in mechanization would immediately make land become the most limiting factor. So far, tractors from the Ministry of Agriculture can be hired for plowing and harrowing for rice cultivation only. Despite high subsidies only one fifth of all households (Survey A) are able to make use of this service.

7.1 The Labor Base

In the following sub-chapters the labor base shall be examined in order to assess the labor potential for agricultural production.

7.1.1 Household Members Working in Agriculture

Figure 7: Age Structure of Rural Population



Source: Survey A

The age pyramid of the sample resembles age pyramids in other developing countries, with more than 60% of the population being below 20 years.

Young adults, especially men, leave the rural areas to look for work in towns. This is evident in the age class of people between 21 to 40 years, where there are more women than men. Similar patterns are observed in the coastal part of Tanzania (HOECK, 1990/91) and other African countries (e.g., BOSERUP, 1982: 41). However, it has been shown by KRAIN (1991/92, based on data provided by HOECK, 1990/91; and NGEREZA, 1991/92) that the loss of young men in agriculture is not as serious in Zanzibar as compared to the coastal area of the Tanzanian mainland.

An average of 2.2 members per household work in agriculture. A significant difference was noted in the various ethnic groups. In *Arab* households an average of only 1.8 household members work in agriculture, while 2.7 household members do so for *Africans from the mainland*. *Africans from Zanzibar households* fall in between the other two ethnic groups, with 2.1 household members working in agriculture.

The differences result because *Arab* household members engage more in off-farm activities (especially in trading) and they also have a higher proportion of adults that are not working. *Africans from mainland households* seem to have less access to off-farm employment and, thus, concentrate more on farming (see also Table 21).

7.1.2 Main Activities Performed by Rural Households

Table 21: Primary Occupation (in %) of Adult Household Members

Factor/Significance	No.	Farming	State Employ.	House-Work	Fishing	Trade	None	Others
TOTAL	879	52.4	10.9	8.2	8.6	1.8	5.9	12.1
GENDER ***								
- Men	396	43.9	19.4	0.0	14.1	3.5	3.0	16.0
- Women	483	59.4	3.9	14.9	4.1	0.4	8.3	8.9
ISLAND ***								
- Unguja	577	43.3	12.1	11.6	11.8	1.4	5.7	14.0
- Pemba	302	69.9	8.6	1.7	2.6	2.6	6.3	8.3
ETHNIC GROUP ***								
- Afr.f. Zanzibar	706	50.1	11.6	7.8	10.6	1.8	6.4	11.7
- Afr.f. mainland	120	72.5	8.3	5.8	0.8	0.0	0.8	11.7
- Arab	44	40.9	4.5	20.5	0.0	6.8	13.6	13.7

No. = number of adults

Source: Survey A

About half of all adults⁵⁵ state that farming/livestock keeping is their primary occupation. A high proportion work in the state service (10.9%). Housework (8.2%) and fishing (7.3%) also account for major types of occupation. Another 5.9% of the people, who are mostly old, unable or disabled, are unemployed.

There are some striking differences in the occupation of male and female household members. A higher percentage of women than men, listed farming/livestock keeping as their primary occupation. Men are much more employed in the state service, while housework is exclusively done by women and fishing by men. It is noteworthy that most women do not regard housework as their primary occupation.

Agriculture is clearly more important on Pemba than on Unguja, while this is the reverse for fishing.

There are interesting differences between ethnic groups. *African from the mainland households* are more dedicated to agriculture as compared with other households, especially *Arab households*. There is very little difference in obtaining state employment for *Africans from Zanzibar* and *Africans from the mainland*, while *Arabs* are markedly disadvantaged. This can be explained by the post-revolutionary discrimination against Arabs. Fishing is a typical primary occupation of *Africans from Zanzibar*, while trading is a noteworthy activity of *Arab households*.

7.1.3 Part-Time Farming

It was stated in the previous chapter that only about half of all adults of the surveyed households are primarily engaged in agriculture. The other half are part-time farmers. Another important indicator of part-time farmers is the number of households that have their residence in town, but possess land in the rural area.

⁵⁵ Adult is here defined as a person that is 16 years or older.

Table 22: Households with On- and Off-farm Residence (in %)

Village/Island	No. of Households	Residence (in %)	
		On-Farm	Off-farm
Kombeni	29	72.4	27.6
Mwakaje	29	96.6	3.4
Chwaka	30	90.0	10.0
Kinyasini	30	83.3	16.7
UNGUJA	118	85.6	14.4
Wingwi	30	66.7	33.3
Kengeja	30	93.3	6.7
PEMBA	60	80.0	20.0
TOTAL	178	83.7	16.3

Source: Survey A (only households sampled by transects)

Table 22 shows that the percentage of households residing *off-farm* varies greatly between villages. Kombeni and Wingwi have a high proportion of landholders living in town. This finding is not surprising since both are near major towns, Zanzibar and Wete, respectively.

Farmers residing in town can be seen peddling their bicycles to their land in the morning and returning late in the evening heavily packed with agricultural produce or fire wood. Most of these farmers have a primary off-farm occupation in town and, therefore, mainly cultivate on weekends.

It is difficult to make a fair assessment of the performance of part-time farmers that reside off-farm because production figures were not available to make statistical comparisons between full- and part-time farmers. Nevertheless, the author got a good qualitative impression during the interviews and case studies.

One would expect part-time farmers to be less engaged in agriculture and inclined to neglect their farms due to prioritizing their primary employment. In fact, this is asserted⁴⁶ by officials of the Government and Ministry of Agriculture. While it is true that part-time farmers dedicate less of their time to their farms, they generally seem to off-set this by employing labor and by using more agricultural inputs. Therefore, by and large, their agricultural production per unit area does not appear to be less and, on the contrary, is often higher than the production per unit area of full-time farmers.

⁴⁶. For example, during the Mtakula-campaign (a campaign to attain food self-sufficiency)

7.1.4 Education

Table 23: Levels of Education (in %) of Household Members

Factor/Significance	No.	primary	secondary	higher	other	none
TOTAL	865	30.8	16.9	2.4	6.6	43.8
HEAD OF HOUSEHOLD	354	33.9	11.9	4.0	10.7	39.5
AGE CATEGORY ***						
- 16-40 years	535	38.7	24.5	3.0	2.4	31.4
- > 40 years	330	17.9	3.3	1.5	13.3	63.9
GENDER						
- Men	390	39.0	18.2	4.1	7.2	31.5
- Women	475	24.0	14.9	1.1	6.1	53.9
ISLAND						
- Unguja	567	33.7	19.8	2.8	7.8	36.0
- Pemba	298	25.2	10.1	1.7	4.4	58.7

Source: Survey A

Education is an important basic requirement for agricultural labor. Educated farmers can inform themselves better through agricultural newsletters, radio, or training by the agricultural extension service.

More than 40% of all adults are illiterate and have not received any kind of education. Heads of household are slightly better educated as compared to the total sample, but nearly 40% of them have not obtained any type of education.

Education depends very much on age. While about two thirds of people above 40 are illiterate, only about one third of people below 40 years of age are illiterate. After the Revolution, primary education was prioritized and facilities were created so that every child could go to school.

More than 40% have obtained their education outside the school system, mainly from Islamic schools, and a few from adult education campaigns.

More than half of all women have no education, while only about one third of their male counterparts have none. This is equally reflected in the figures concerning primary, secondary, and higher education. It shows that women are severely disadvantaged with respect to education.

People on Unguja are significantly better educated than those on Pemba, mainly due to better schooling facilities on Unguja.

7.2 Agricultural Calendar and Labor Requirements

The rainfall pattern determines the requirement of agricultural labor to a great extent. In Zanzibar there are two distinct rainy seasons, *musika*, the main rainy season, from March to May, and *vuli*, the less reliable rainy season, from November to December. There is also a third period, *Mchoo*, which is not really a rainy season, but which has some rainfall and cooler temperatures from June to August. Thus, crop cultivation activities are performed throughout the year and labor requirements are rather evenly distributed as compared to other areas in tropical Africa, particularly those with only

one rainy season. The period of highest labor demand is *masika*, when most of the planting and rice weeding is done. A serious labor shortage usually occurs in years with bumper clove harvests. Seasonal laborers then migrate to the main clove areas of Pemba, many coming from Unguja and from the mainland of Tanzania.

The yearly rainfall pattern differs slightly from north to south. In north Pemba *masika* and *mchoo* are very important, less so *vuli*; in south Unguja *vuli* is nearly as important as *masika*. Thus, the timing of crop cultivation differs from north to south. Cassava is a crop less dependent on rainfall and, therefore, is one of the few crops that is planted throughout the year. Nevertheless, there are peak periods of planting and harvesting. These are presented in the following figure.

The crops grown and the husbandry operations differ very much depending on agro-ecological zone. Data for labor inputs were collected in Survey B (see chapter 4.3.7, page 25) according to the following agro-ecological zones⁵⁸:

- plantation area,
- coral rag area, and
- hydromorphic soils.

Table 24: Labor Input by Land Type in Zanzibar (in Number of Farmers Observed per Hectare per Month)⁵⁹

Month/Year	Plantation Area	Coral Rag Area	Hydromorphic Soils	Survey Area
Oct. 93	5.7	14.1	9.7	8.8
Nov. 93	2.2	7.2	9.3	5.1
Dec. 93	3.7	2.1	9.3	4.4
Jan. 94	2.5	2.4	11.6	4.4
Feb. 94	1.0	1.5	19.0	4.9
Mar. 94	2.2	12.0	25.5	9.8
May 94	2.7	2.1	25.5	7.4
June 94	4.3	3.9	18.6	7.2
Jul. 94	5.1	5.7	13.5	7.0
Aug. 94	4.8	4.8	17.4	7.5
Sep. 94	4.6	3.9	4.3	4.3
TOTAL	38.8	59.7	163.7	70.8

Source: Survey B

The labor input is statistically different ($P = 0.999$) depending on the land type. Labor input in hydromorphic soils is more than two times higher than in the coral rag area and more than four times higher than in the plantation area. This is due to rice cultivation in the hydromorphic soils. Rice is a very labor intensive crop, while tree crops — mainly cultivated in the plantation area — are labor extensive crops.

In the hydromorphic soils, only few crops are grown, and only rice is grown from January to August. Land preparation activities for rice peak in December and January, followed by sowing. The first weeding is conducted between the end of February and the beginning of March. During the following months at least one additional weeding is necessary. In June mostly children perform the task of bird scaring. Harvesting starts in July. In many areas women harvest by cutting single panicles, a very laborious operation. After the rice harvest the land is often prepared for another crop. Cowpea is a very popular off-season crop, but tomato and other vegetables are also important.

Bush clearing (*kukata chenge*) is the main operation in the coral rag area from October to March, just before the onset of the two rainy seasons. At the beginning of the rainy seasons food crops, and to a minor extent tree crops, are sown and planted. Some crops are cultivated twice a year (for example maize). During the period of data collection the main food crops cultivated were maize, tomato, pigeonpea, banana, pawpaw, green gram, and eggplant. Forest and lime trees are often planted together with foodcrops. Apart from the time of bush clearing, no distinct labor peaks were observed. On the

⁵⁸. For an explanation of these three land types, see chapter 3.4, page 10-11.

⁵⁹. For the calculation of figures, see chapter 4.3.7, page 26.

contrary, it seems that during the time of labor peaks in the hydromorphic soils, farmers work less in the coral rag area and give priority to rice weeding in the hydromorphic valleys.

Although there are a lot of tree crops in the plantation area, husbandry activities are mainly confined to ground crops. Only a few farmers were tending clove trees after the previous year's bumper harvest. Coconut palms occasionally receive some labor input when bush is cleared in densely growing coconut plantations.

Most farmers in the plantation area are engaged in cassava cultivation, followed by sweet potato, banana, and cocoyam. In the plantation area planting, weeding, and harvesting seasons are not sharply defined. Cassava ridging and planting, for example, has been recorded for every month except January!

7.3 Family Labor

The core of the farm work force in Zanzibar is self-employed agricultural labor. Self-employed agricultural labor is defined here as family labor plus the labor performed in formal (co-operatives) and informal (ujima) self-help groups. In addition to self-employed labor, hired labor is also important (for hired labor, see chapter 7.6). Self-employed agricultural labor accounted for 86.8%, and hired labor for 13.2%, of all the labor inputs recorded in Survey B (see Table 33, page 91).

The importance of different types of self-employment is depicted in the following table.

Table 25: Types of Self-Employed Labor (in % of Farmers Observed)

Category	Plantation Area	Coral Rag Area	Hydromorphic Soils	Survey Area
Family				
- alone	83.3	35.8	46.5	53.3
- group	5.9	16.4	29.0	20.5
Subtotal Family	89.2	52.2	75.5	73.8
Ujima Group	5.9	5.5	22.0	14.3
Co-operative	4.8	42.4	2.5	11.9
TOTAL	99.9	100.1	100.0	100.0

Source: Survey B

Nearly three fourths of all self-employed agricultural labor occurs in families. Most farmers that were met in the field worked alone, but sometimes they worked in family groups, ujima groups (mutual self-help labor groups), or in co-operatives.

The importance of labor categories such as "alone", "family group", "ujima group", and "co-operative", differed significantly ($P = 0.999$) depending on land type. Family work on an individual basis is particularly important in the plantation area. This might reflect the early introduction of individual land ownership in the plantation area, which caused a shift from more traditional group work to individual work.

Group work is much more common in the two other land types. Plots in the coral rag area are often far away from home, thus farmers seek each other's protection. Also, people form groups to build stone walls or wooden fences as measures against wild

pigs. Many women in the coral rag area work in agricultural co-operatives. Ujima labor groups are particularly popular in rice cultivation.

In a typical family, the husband and wife form the main agricultural labor force. A normal day for both of them starts at sunrise, while for those who are very religious it begins an hour earlier with the morning prayer. The husband buys some bread, or collects some cassava or sweet potatoes for breakfast. His wife prepares the food. At about 8.00 a.m. they depart to begin their farm work. After about four hours they return, with the woman carrying firewood. While the husband rests, the wife prepares a meal consisting of cassava, rice, or bananas with fish. Then follows a period of rest. In the late afternoon the woman or man may again go to the field for a shorter period, usually not more than two hours. A *normal* working day consists of four to six hours of agricultural activities per person.

This description of the typical course of a day may differ greatly. During the hot humid period from December to February, people work less and rest more, while during rainy and cooler days, people may work even eight to ten hours⁶⁰. In the Islamic Holy Month of Ramadhan people only work in agricultural activities during the morning.

In a very few cases during the collection of labor data, the same people were met on the same plot in both the morning *and* afternoon. Working in the morning is much more important than in the afternoon. Over two thirds (70.2%) of the farmers were encountered in the morning, while less than one third (29.8%) were met in the afternoon. Working in the morning is more pronounced in rice cultivation, where about three fourths of the farmers (76.4%) were met in the morning and one fourth were met in the afternoon. This is mainly because mostly women cultivate rice and they often do not return to the field in the afternoon, in order that they can accomplish other household chores.

7.4 Division of Labor

According to BOSERUP (1982: 12) the two factors most decisively influencing agricultural labor are gender and age. In this research these two factors have also been significantly associated with agricultural labor.

7.4.1 Gender Division of Labor

In many parts of Africa, especially among Bantu tribes of East Africa, women do the bulk of agricultural work, with the exception of clearing the bush. BOSERUP (1982: 13-14) calls this the *female system of land cultivation* in contrast to the *male system of land cultivation*, in which men dominate.

⁶⁰. According to VOSS (quoted by WIENEKE 1986: 343-344) the ability to conduct agricultural work is reduced by half when the average temperature increases from 25 to 34°C and is accompanied by high air humidity.

Table 26: Labor Input (in % of Farmers Observed) by Gender

GENDER	Gender Composition of Sample Population in %	LABOUR INPUT			
		Plantation Area	Coral Rag Area	Hydro-morphic Soils	Survey Area
Women	54.5	28.3	60.8	72.6	57.4
Men	45.5	71.7	39.2	27.4	42.6
Total	100.0	100.0	100.0	100.0	100.0

Source: Survey A for gender composition and Survey B for other columns

In Zanzibar, more women are available for agricultural work than men because more men work in town. The labor input in the field shows that the input by gender is not statistically different from the gender composition of the sample (for women: 54.5% versus 57.4%, and for men: 45.5% versus 42.6%).

However, significant differences ($P = 0.999$) between men's and women's labor input were observed with respect to land types. The proportion of female work is particularly high in the coral rag area and the hydromorphic soils, while it is low in the plantation area. The situation is the reverse for men. This relates to another stereotype of labor in Africa, which is also valid in Zanzibar. Men deal with cash and tree crops, while women with ground and food crops. Typical "men's crops" in Zanzibar are coconut, clove, mango, and cassava, which are mostly grown in the plantation area. Typical "women's crops" are rice, maize, and cowpea, mainly cultivated in the hydromorphic soils and coral rag area. Thus, in Zanzibar, we find according to BOSERUP's (1982: 13-14) classification the *male system of cultivation* in the *plantation area* and the *female system of cultivation* in the *coral rag area* and the *hydromorphic soils*.

ELLIS (1988: 179) differentiates between *gender-specific* and *gender-sequential* farm work. In *gender-specific* farm work men and women have their own plots and do all agricultural operations separately. In *gender-sequential* farm work men and women work together but do different kinds of operations.

Table 27: Male and Female Collaboration in Agricultural Activities (in % of plots)

ETHNIC GROUP	No. of plots	in percent		
		man alone	woman alone	man & woman
Africans from Zanzibar	560	39.8	6.4	53.8
Africans from mainland	100	31.0	17.0	52.0
Arabs	43	62.8	2.3	34.9
TOTAL	703	40.0	7.7	52.4

Source: Survey A

In Zanzibar, both types of gender division of farm work occur. Men often work alone, women rarely, but in the majority of cases men and women work together. Although the percentage of plots cultivated by women alone in the sample is fairly low, it is significantly higher among *African from mainland households* (17.0%) and very low among *Arab households* (2.3%). The reason is to be found in the pre-dominant Islamic custom. It is the man's duty to provide food and maintenance for the wife and family. It

would normally be his desire to confine his wife to work in the house⁶¹. The tradition is different on the mainland, where women are not only tolerated, but are required to work in agriculture.

Although the percentage of plots cultivated by women alone was low, it was thought important to inquire about the reasons. This was examined in seventeen case studies.

Table 28: Reasons Why Women Cultivate Alone

No. of Case Studies	in No.	in %
	17	100.0
1. Husband is mainly engaged in off-farm activities	9	52.9
2. Not to be fully dependent on husband	7	41.2
3. To contribute to household needs	6	35.3
4. Polygamous marriage	5	29.4
5. Children from prior marriage	4	23.5
4+5 Children from different parents	9	52.9
6. Others	7	41.2

Source: case studies

Multiple answers were possible and most of the women had more than one reason to cultivate alone.

In about half of the households the husband has off-farm work that keeps him from working together with his wife. The husband's inability to support the family on his own is another important reason (35.3%).

Quite a number of women state that they want some independence from their husband (41.2%). This enables them to make purchases for their own private use; mainly *kangas* (a type of cloth) are mentioned.

The percentage of polygamous households is especially high in the subsample of case studies (29.2% in the case studies versus 16.4% of the total sample of Survey A). Women in polygamous marriages are eager to separate their spheres from those of their co-wives. Similarly, the opposite occurs when a man does not want to care for children from a prior marriage of his wife.

Table 29: Agricultural Operations by Gender (in % of Farmers Observed)

GENDER	No.	land preparation	making ridges	planting & sowing	weeding	harvesting	others	Total
Women	695	16.3	6.0	14.5	41.3	18.6	3.3	100.0
Men	670	24.6	17.0	13.6	30.1	12.2	2.4	99.9

Source: Survey B

⁶¹. Similar observations were made by TANNER (1960: 16-17) and CAPLAN (1981: 102) for other areas of the coast of Tanzania.

In Zanzibar, men predominantly engage in short, but strenuous activities of agricultural work such as land preparation or making ridges, while women tend to do more tedious work such as weeding. While this difference is highly significant ($P = 0.999$), it has to be admitted that the aggregation is quite crude. For example, rice is mainly harvested by women, but coconut palms are exclusively harvested by men.

Table 30: Livestock Keeping (in %) by Gender

GENDER	No.	LIVESTOCK in %				
		Others	Cattle	Goats	Chicken	Total
Women	197	5.6	8.1	7.6	78.7	100.0
Men	265	4.2	53.2	14.3	28.3	100.0
TOTAL	462	4.7	34.0	11.5	49.8	100.0

No. = number of cases of livestock keeping

Source: Survey A

A gender division of labor is also observed for livestock keeping. Men are significantly more involved in keeping cattle and goats, while women mostly keep chicken and ducks ($P = 0.999$). It should also be noted that the milking of cows is a man's job in Zanzibar.

7.4.2 Division of Labor by Age

Working in agriculture usually starts at the age of about 15 years. Children below 15 years old occasionally help their parents in less heavy but often tedious work, as for example in weeding. Young, strong boys may start as early as the age of 12 to help in heavy work such as clearing and plowing. Boys also often work as *wakwezi* (coconut climbers).

Most children regularly go to school and, therefore, can only help after school, on weekends, and during holidays. This is also corroborated by the survey data (Table 31) showing that the 52.3% of all household members that are below the age of 15 only contribute 2.5% of the total labor input.

Boys are also encouraged to help in livestock keeping. Keeping ruminants is typically the responsibility of men and, therefore, fathers like to assign some of the household's goats and sometimes even cows to their sons.

Girls mainly help mothers in the indoor household duties, tending younger siblings, cleaning, and washing. They also often fetch water and firewood. Regarding livestock keeping, they assist their mothers in rearing chicken, which is typically a women's activity in Zanzibar.

Table 31: Labor Input (in % of Farmers Observed) by Age Class

AGE CLASS (in years)	Age Composition of Sample Population in %	LABOUR INPUT			
		Plantation Area	Coral Rag Area	Hydro- morphic Soils	Survey Area
0 - 15	52.3	0.8	0.8	4.0	2.5
16 - 30	24.8	27.6	43.8	35.9	34.7
31 - 45	12.0	55.2	42.2	47.5	49.0
45-60	7.3	14.2	10.9	11.8	12.4
> 60	3.6	2.1	2.3	0.7	1.4
TOTAL	100.0	99.9	100.0	99.9	100.0

Source: Survey A for age composition and Survey B for other columns

The importance of age classes with respect to labor input depends significantly on land types ($P = 0.99$). More young people (age class 16-35) are farming in the coral rag area. This is due to a greater availability of land in the coral rag.

Between the ages of 15 to 60, people are very much engaged in agriculture activities. At around 60 years the reverse is true because people become too old and unable for agricultural work.

7.5 Agricultural Labor and Ethnicity

*"A Nyamwezi with a hoe
is like Yehudi Menuhin with a violin"*
(COOPER, 1981: 170)

COOPER's quotation of a colonial official indicates that *Africans from the mainland*, and in particular those of the Nyamwezi tribe, are renown for their diligent work in agriculture. In fact, indigenous Zanzibaris are presently still regarded as much less industrious in agriculture than mainlanders.

Table 32: Labor Input (in % of Farmers Observed) by Ethnic Group

ETHNIC GROUP	Ethnic Composition of Sample Population in %	LABOUR INPUT			
		Plantation Area	Coral Rag Area	Hydro- morphic Soils	Survey Area
Afr.f.ZNZ	83.4	71.0	50.8	84.8	75.1
Afr.f.ML	12.3	23.5	49.2	4.7	17.7
Arabs	4.3	5.5	0.0	10.4	7.2
TOTAL	100.0	100.0	100.0	99.9	100.0

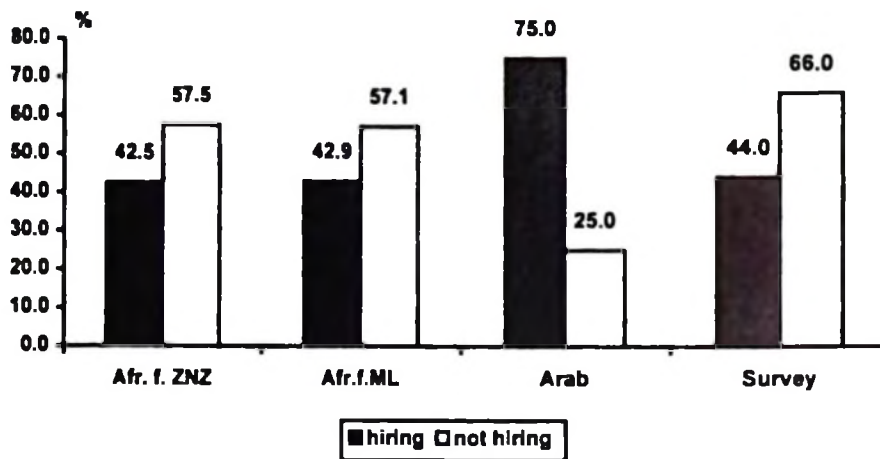
Source: Survey A for sample composition and Survey B for all other data

Africans from the mainland work significantly more ($P = 0.999$) than what would be expected from the ethnic composition of the sample (17.7% versus 12.3%), while *Africans from Zanzibar* (75.1% versus 83.4%) worked less.

Significant differences ($P = 0.999$) are also observed when comparing the figures for the various land types. *Africans from the mainland* farm particularly more in the coral rag area. This is not surprising. Here the immigrants find easier access to land. On hydromorphic soils *Africans from Zanzibar* and *Arabs* dominate. There are two reasons for this. First, rice is the preferred staple amongst *Africans from Zanzibar and Arabs*, while maize is preferred by *Africans from the mainland*. Second, all the rice land, except the state controlled rice land, has long been occupied, thus making it difficult to access by immigrants.

7.6 Hired Labor

Figure 9: Hiring/No Hiring of Labor by Ethnic Group (in % of Households)



Source: Survey A

In the survey, 44.0% of all households hired labor during the recall period of one year. A significantly higher proportion of *Arab households* (75%) hired labor compared to *Africans from Zanzibar* or the *mainland*. The median annual expenditure for hired labor was TSh 4,700. *Arab households* spent significantly more: TSh 7,500.

Table 33: Hired and Self-Employed Labor⁶² by Land Type (in % of Farmers Observed)

LABOUR CATEGORY ***	LABOUR INPUT			
	Plantation Area	Coral Rag Area	Hydro-morphic Soils	Survey Area
hired labor	23.8	17.1	5.2	13.2
self-employed	76.2	82.9	94.8	86.8
TOTAL	100.0	100.0	100.0	100.0

Source: Survey B

From October 1993 to September 1994, 13.2% of all people (Survey Area) were engaged in agricultural activities as hired laborers. Hiring of labor differed significantly between land types. Most of the labor was hired in the plantation area (23.8%), while the least amount of labor was hired in the hydromorphic soils (5.2%). Labor was especially hired for cassava and sweet potato ridging, but also for planting and harvesting tree crops such as orange, lime, mango, and coconut.

Table 34: Hired Labor by Gender and Ethnic Group (in % of Category)

Parameter/ Significance	Gender and Ethnic Sample Composition	Contribution to	
		Total Labor	Hired Labor
GENDER ***			
- Women	54.5	57.4	36.0
- Men	45.5	42.6	64.0
Total	100.0	100.0	100.0
ETHNIC GROUP ***			
- African from Zanzibar	83.4	75.1	40.7
- African from mainland	12.3	17.7	59.3
- Arab households	4.3	7.2	0.0
Total	100.0	100.0	100.0

Source: Survey A for sample composition and Survey B for the other columns

Two factors are found to be significantly associated with hiring labor: gender and ethnicity.

Women are significantly less employed as hired laborers as compared to men. Also the remuneration for men as hired laborers is better than for women. Men usually earn around TSh 500 per day, while women only earn between TSh 250 and 350⁶³.

Africans from the mainland are clearly the most preferred *vibarua* (agricultural laborers). They perform nearly 60% of all hired labor, although they make up only 12.3% of the sample population.

⁶². For the definition of self-employed labor, see chapter 7.3, page 84.

⁶³. Labor is normally hired for piece work, which means the payment is done per a certain task of work, not per day. So only approximate figures for a remuneration per day could be calculated.

7.7 Ujima - Mutual Self-Help Groups

Mutual self-help labor groups are a common feature of traditional farming in Africa. Three to five or more persons form a group for team-work. They cultivate one person's field one day, then another person's field the next day, and so on until the work is done. Similar reciprocal or rotating labor groups are reported all over Sub-Saharan Africa (e.g., ABRAHAMS, 1967: 53; KENYATTA, 1968: 59; MIGOT-ADHOLLA, 1970: 25; AKABENE, 1970: 167; NTIRUKIGWA, 1970: 21; CHARSELY, 1976: 35; HAUGERUD, 1983: 70; NIPPOLD, 1988: 124-129). In the Tanzanian mainland and Zanzibar these groups are often called *ujima*. The name *ujima* signifies that these groups include people that are often beyond the level of the extended family (HYDEN, 1982: 99; OMAR, 1984: 10-11). *Ujima* groups have been reported for Zanzibar by various authors (e.g., KERR, 1950: 9; PACKENHAM, 1947: 20-21; MIDDLETON, 1961: 22; SEIBEL, 1992: 24-25; DONKERLO and ABOUD, 1994: 20; ROSE, 1994: 34).

Household members of 15.6% of the sampled households (Survey A) were involved in *ujima* groups. One seventh (14.3%) of all agricultural work (Survey B) and 22.0% of activities in hydromorphic soils was performed by them. There is no payment for *ujima* work, but group members usually take some food crops from the field they are working on. In Kengeja it is reported that during the rice harvest a sweet rice dish called *pepeta* is often prepared for group members.

Groups consist of either men or women, they are rarely mixed. The median of the group size is five, ranging from 3 (25th percentile) to 6 (75th percentile). Groups work 30 man-days (median) ranging from 15 days (25th percentile) to 60 days (75th percentile).

The main advantage of being a group member is that dull and back-breaking work is done in company and greater progress can be seen. Labor peaks can be more easily overcome. It also serves to keep risks down. A group member may be sick or otherwise prevented from working while some important agricultural work is to be done. The group would continue to work on the sick member's field and trust that the sick member would help if somebody else in the group was ever in a similar situation.

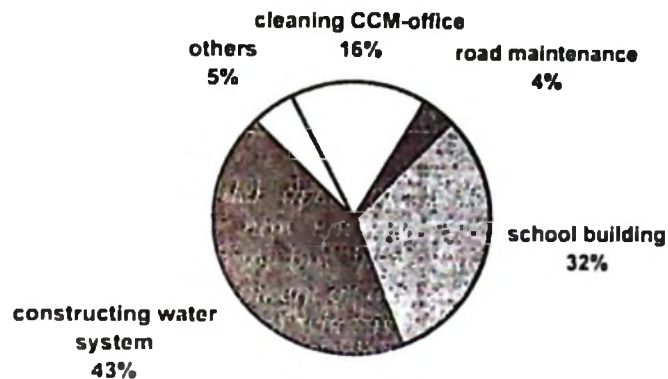
It was found that mostly women work in *ujima* groups. Groups are more popular in Pemba, where 25.0% of households are involved, as compared to only 10.9% in Unguja. This is most likely due to the lesser urbanization and commercialization of the society in Pemba, which favors traditional customs.

7.8 Communal Labor

About half of all households (48.2%, Survey A) participate in communal work. In 75% of these cases one household member participates in communal work, while two members participate in 18.5% of the cases, and three members participate in 6.5% of the cases.

The median of communal work is three days per participating person per year, ranging from 2 to 8 man-days (25th and 75th percentile). The major community activities are shown in the Figure 10.

Figure 10: Communal Activities (in %)



Source: Survey A

In communal work at least one able-bodied person per household should participate. It is a community obligation. Some may not be able to attend on the particular day or may even avoid coming. Normally, however, those who feel a greater obligation to the community, like ten cell leaders and CCM party members, would attend. Male heads of household also attend more than any other household member.

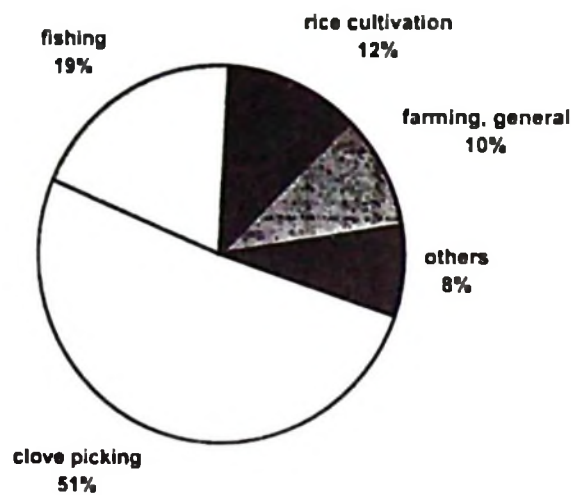
Gender and age have an impact on participation. Male and older household members are over-proportionally involved in communal work.

A political link is also obvious when comparing the participation in communal work on Unguja and Pemba and among the ethnic groups. In Unguja, where state institutions and the CCM party have a greater base, 62.0% of all households are involved in communal work. This, however, only occurs in 20.8% of Pemba households. Households with *Africans from the mainland*, who support the CCM to a great degree, had 79.6% of all households participating.

7.9 Migration

About one third of all households (31.2%) have members who migrate to find work elsewhere (Survey A). The median number of days that household members stay away from home is 60 days, and ranges from 45 to 75 days (25th and 75th percentile). The most important types of work done during the absence from home are shown in Figure 11.

Figure 11: Activities (in %) During Migration



Source: Survey A

Clove picking is the big labor bottle-neck in Zanzibar, especially during years of bumper harvests⁶⁴. People in Zanzibar migrate from areas with few clove plantations to those with many. Most of the clove trees grow in Pemba and clove pickers come from Unguja and the Tanzanian mainland.

Fishermen migrate because fish appear at different times and places. The migration for fishing is called *dago* in Swahili. The villages of Kombeni and Chwaka have a large number of inhabitants who migrate for *dago*.

Suitable rice areas are often far away from the homestead and farmers migrate two to three times during the growing period. Mostly, this consists of two weeks for plowing and planting, two to four weeks for weeding, and about a month for bird scaring and harvesting. One woman reports that she lives in Kombeni and needs an entire day to travel to her rice plot in Kibokwa!

A lot of people also migrate to farm in the coral rag area.

Men migrate more often than women (statistically significant at $P = 0.999$), 64.8% against a representation of 45.5% in the sample (Survey A).

⁶⁴ The recall period of Survey A coincided with a clove bumper harvest

8. The System of Agricultural Credit

"For the smallholder operating with virtually no capital, access to credit is crucial. No matter how knowledgeable or well motivated he may be, without such credit he cannot buy improved seeds, apply the necessary fertilizer and pesticides, rent equipment or develop his water sources. Small farmers generally spend less than 20% of what is required on such inputs because they simply do not have the resources" (HOWSE, 1983: 134, quoting MCNAMARA, then World Bank President).

Credit is crucial to agriculture, and particularly to improving the situation of smallholders. Foremost it alleviates constraints on the purchase of various inputs. On the other hand, credit is just one essence of farming. GRAHAM and FIRESTINE (1984: 304) caution that in terms of their relative strength in affecting farmer behavior, product prices rank first, yields second, input prices third, and credit availability and interest rates only fourth.

Credit has to be seen in a wider system of financial intermediation. It comprises a complex of mainly three components:

- those who save money,
- those who act as intermediaries, and
- those who borrow money.

A self-sustainable agricultural credit system can only exist if all three components work in a balanced way (ELLIS, 1992: 171-172). This means that realistic interest rates are charged on loans, which (i) encourage savings, (ii) cover the average cost of making transactions, and (iii) take into account a risk margin against the probability of loan defaults (ELLIS, 1992: 165).

8.1 Attitudes Towards Credit and Interest, in a Predominantly Islamic Society

Interest is the amount or price paid for the use of money (MILLER, 1977: 15). As mentioned above, interest is important to regulate the supply (money saved) and demand (money loaned) of capital to the credit market. In Islamic societies charging interest is prohibited. The Swahili word for *interest* is *riba* and was introduced from Arabic. In fact, *riba* has two meanings in English, *interest* and *usury*. While *interest* carries a fairly neutral connotation, *usury*, or excessive interest, is very negative and is prohibited in most non-Islamic societies.

The prohibition of *riba* is one of the fundamental principles of Islam and is condemned in several verses of the Qu'ran. The primary arguments for the prohibition of interest center on the time and the pre-determined nature of the payment. It is argued that interest entails paying for time, whereas time is common to all and is the property of God. Hence, it is morally wrong to make any payment over and above the principal sum borrowed (YAZDANI and HILL, 1993: 302).

In the discussions with villagers, charging interest was very much frowned upon. Villagers accept that public institutions such as banks are operating with interest, but they mostly exclude it from financial operations among themselves. Therefore money-lending against interest in the informal sector, as observed in many parts of Asia and West Africa, is rare in Zanzibar⁶⁵. In only one of 125 cases of loans from informal

⁶⁵. And also in East Africa (see, e.g., COLLIER, 1983: 164-165; VASTHOFF, 197: 54).

sources, *interest*, and in two cases *gifts*, were reportedly paid, in all other cases loans were interest-free (see chapter 8.3, page 106).

In order to satisfy the need for credit, various systems have developed in Zanzibar to evade or disguise the prohibition of charging interest. For example, there is the mortgaging of crops and the sharekeeping of livestock, which shall be dealt with in chapters 8.5 and 8.6. Another practice that was formerly very popular was the *fictitious* or *conditional sale* (BARTLETT and LAST, 1934: 6; MEEK, 1946: 72; ANDERSON, 1970: 66). Money was raised by making two separate contracts. In the first contract real property was sold. In a second contract the same property was promised to be resold to the original owner against a higher price if payment was made within a certain period. *Fictitious sales* stopped after the introduction of laws against the alienation of land in the 1930s.

8.2 Formal Credit Sources

There has never been a comprehensive rural banking system in Zanzibar. The *Co-operative and Rural Development Bank* of Tanzania, which has some scope for the agricultural sector, only operates on the Tanzanian mainland.

In Zanzibar there was one effort in 1963/64 to establish an *Agricultural Development Bank* with the help of Canadian development aid. However, this idea was shelved shortly after the Zanzibar Revolution. The aid money was then used to establish the *People's Bank of Zanzibar*, which did not offer banking services to the agricultural sector. This may change soon, because the International Fund for Agricultural Development (IFAD) intends to make credit available to the agricultural sector through the *People's Bank of Zanzibar* (TURTIANEN et al., 1989: 10, 18).

Credit before and after the Revolution was directly extended to farmers by various projects and institutions, without involving banks. In these cases services (such as tractor plowing) or inputs (e.g., seed, fertilizer) were given on credit. These organizations created their own infrastructure to disburse the credit, to supervise the credit utilization, and to collect the repayments.

Usually credit was restricted to the promotion of particular technologies (e.g., tractor plowing) or to specific target groups (e.g., rice farmers); general and comprehensive agricultural credit facilities were not offered.

In the following subchapters the experience with agricultural credit shall be analyzed more in detail. Besides the author's own research work, investigations done by BOLA-CLARKSON (1989) and by MOHAMMED (1993) should also be mentioned as useful recent sources.

8.2.1 Zanzibar State Trade Corporation

The Zanzibar State Trade Corporation (ZSTC) was established in 1968. It succeeded the Clove Growers' Association (CGA), which was founded in the 1920s (see chapter 9.1, page 120).

The main objective of the ZSTC is to control clove marketing, although marketing of other cash crops such as copra, chili, lime, and pepper has also been part of its portfolio. The ZSTC also runs two distilleries to produce clove and lime oil. The organization supports clove harvesting operations by selling gunny bags, scales, drying mats, and hurricane lamps at subsidized prices.

Since 1986/87 the ZSTC has provided credit for clove harvesting. Funds between TSh 5,000 and 100,000 are loaned to farmers, depending on the expected value of the crop. The loan is repayable after six months. Interest rates increased from 13% in 1986/87 to 17.5% in 1988/89 and to 20% in 1991/92. Farmers have to provide collateral such as land or a house. When this is not possible, which is often, high state officials can vouch for farmers who can then get loans without providing collateral.

Table 35: Credit for Clove Harvests Provided by the Zanzibar State Trade Corporation, 1986/87 - 1993/94

Season ⁶⁶	A M O U N T (in Mio TSh)		Recovery in %
	Disbursed	Recovered	
1986/87	8.88	6.55	73.8
1988/89	9.87	5.12	51.9
1991/92	40.13	16.40	40.9

Source: Own Inquiry Based on Data of the ZSTC

Recovery of credit tends to decrease over the years for two reasons. First, there are farmers who default on their loans, providing a bad example to those who pay back the full amount in time. Second, followers of opposition parties claim that the credit is a due payment to the growers to assist them in harvesting operations, hence, the state is the final beneficiary. Therefore, the opposition party followers encourage clove farmers not to repay their loans.

8.2.2 World Food Program

The *World Food Program* (WFP) supports Zanzibar's agriculture in various fields. One aim is to increase milk production and the standard of living of farmers by improving the keeping of dairy cattle.

The program is supported by a credit scheme of a revolving fund that started with two million TSh in 1988. Advice is given by the extensionists from the Department of Livestock, who closely cooperate with WFP. Poor farmers with not more than two cows are the target group.

From 1988 to 1992, the scheme was operated through the Zanzibar Dairy Corporation (ZADACO). Afterwards, it was directly run by the WFP. The scheme provides medium-term loans. After a three-month grace period the loan has to be repaid in installments within 18 months. The interest rate was formerly 26%, but since December 1993 the rate has been lowered to 18%. Collateral in the form of either moveable and immovable assets is required.

Loans are provided for the purchase of in-calf heifers (in kind) and for the construction of water supply systems. As a prerequisite farmers have to establish pastures, a structured shed, and water troughs, using their own funds and effort.

Up to March 1994, 35 farmers⁶⁷ in Zanzibar (29 from Unguja and 6 from Pemba) have benefited from the scheme.

⁶⁶ Clove harvests fluctuate erratically between years. Thus, in some years no credits are extended (1989/90, 1990/91) and in others they are negligible (1992/93: TSh 40,000; 1993/94: TSh 130,000).

⁶⁷ Six farmers received more than one loan

Table 36: Credit for Investments in Dairy Production by the World Food Program

ISLAND	No. of farmers	Amount in Mio TSh		No. of farmers paying back		
		disburse	recovered	regularly	delayed	problem
UNGUJA						
- various activities	8	1.03	0.50	3	4	1
- Kenya in-calf heifer	22	6.10	0.88	9	9	4
- recent activities	5	1.16	p	p	p	p
PEMBA						
- various activities	6	0.22	0.09	2	3	1

p = paying back just started

Source: Own Inquiry, Based on Data of World Food Program

Recovery of loans is a problem. Only half of all farmers pay back regularly. A large part of the farmers pay back with considerable delay, and then only after repeated follow-up and warnings have been issued. About one sixth of all farmers do not pay back at all or have abandoned the scheme altogether. Some farmers refuse to pay interest due to religious reservations. Others lose their heifer due to improper livestock keeping. The new breed from Kenya needs more care and has to be kept inside a shed with zero-grazing (stall-fed). This means a drastic change in technology. A number of farmers find this difficult and very laborious. There are often more rewarding income opportunities that lure farmers to abandon the scheme.

The credit scheme has been difficult to implement. Loan recovery is low and loan application procedures are cumbersome. Therefore, the program intends to experiment with the "heifer-in-trust"⁶⁴ model that is successfully employed in Arusha.

8.2.3 The Fund for Self-Reliance

The *Fund for Self-Reliance* is a non-governmental organization operating on a non-commercial basis. The Fund was established in 1991 with much personal support given by the President of Zanzibar. The Fund depends on subscriptions and donations from individuals, public, private, and non-governmental organizations. The Fund began operations with an initial capital of TSh 160 million.

The Fund's aim is to extend concessional credits to unemployed men, women, and youth. It provides technical services and advice to individuals wishing to use its facility. Main projects supported are petty trade, fishing, farming, livestock keeping, small scale industry, and various kinds of technical and vocational work. Credit is supplied to income-generating activities of groups as well as individuals. Nevertheless, even in the latter case, credit applicants have to form groups and group members are held liable. So far the Fund is only active in Unguja.

Short to medium-term loans (about 6 - 12 months) are issued. Loans are to be paid back in equal installments, plus a 10% service charge and 5% forced saving which is returned to the debtor after repayment of the loan. No collateral is required.

⁶⁴ A farmer is given a heifer free-of-charge under the condition that the first born female calf is returned as a heifer (after artificial insemination) to the program. That heifer is then given to another farmer.

Table 37: Credit Extended by the Fund for Self-Reliance

PHASE	No. of areas	Amount (In Mio TSh) disbursed	Number of Recipients				
			by gender			repayment	
			men	women	total	in No.	in %
Phase 1	6	7.87	259	246	505	158	31.3
Phase 2	21	40.14	740	520	1260	562	44.6
Phase 3	3	7.22	184	291	475	475	100

Source: Own Inquiry Based on Data of the Fund for Self-Reliance

The above table shows that the Fund faces quite substantial problems in loan recovery. In certain areas of Unguja repayment morale is very high, especially in remote areas like Matemwe and Chaani. It is said that people there have "more respect" for the government.

The program is increasingly confronted with followers of the political opposition calling for no repayment of the loans.

Generally, women repay better than men, mainlanders better than those originating from Zanzibar, and older people better than younger ones.

8.2.4 Agricultural Credit to Rice Farming

Since 1986/87 three projects supported rice farming by extending loans and/or services on credit to farmers: the *Irrigated Rice Project*, the *Fertilizer Project*, and the *Rainfed Rice Development Project*. The credit operations of the two first mentioned projects stopped in 1989 while those of the *Rainfed Rice Development Project* continued beyond 1994.

All three projects issued the credits directly and undertook the operations without the intermediation of a specialized financial institution. All three projects provided credit or services on credit that were related to rice farming, although the projects operated in different areas.

The main features of the credit operations of each project will be briefly presented and the experiences will be discussed at the end of this subchapter.

From 1987 to 1989 the *Irrigated Rice Project* loaned services and agricultural inputs valuing TSh 3.3 Mio. to 6,691 farmers. Services and inputs comprised land preparation by tractor, seed, fertilizer, and irrigation water fees. The short-term loans had to be repaid during harvest time, either in kind (as harvested paddy) or in cash. No interest was levied on the principal and no collateral was required. Services and inputs were supplied at subsidized prices covering only about 30% of the cost (BOLA-CLARKSON, 1989: 8). Nevertheless, loan recovery was poor (between 15.0 and 55.1%) and the project stopped the extension of credit in 1989.

From *Vuli* (short rainy season) 1987 to *Masika* (long rainy season) 1989, 530 farmers benefited from inputs and services provided on credit by the *Fertilizer Project*. The value of services and inputs loaned amounted to TSh 195,000. Repayment was made in kind or cash. The loan was extended to groups of farmers. Loan recovery in the three seasons of credit operations was 21%, 54%, and 85%.

The *Rainfed Rice Development Project* (RRDP) started in 1987 with the assistance of the *African Development Bank*. The RRDP's last phase was to continue until 1995. The

project's main objective was to promote rainfed rice cultivation. Besides extending advice to farmers, a major component was the mechanization of rice farming through a tractor-hiring service.

In the financial year 1988/89 the project established a revolving fund for credit activities that were tied to tractor hiring, rice seed, and fertilizer. Up until 1993/94, credit was issued during three financial years (see the following Table).

Table 38: Credit Extended by the Rainfed Rice Development Project

Financial year	in Mio TSh		Percentage recovery
	disbursed	recovered	
1988/89	2.310	0.773	33.5
1991/92	0.622	0.185	29.7
1993/94	5.338	2.171	40.7

Source: Own Inquiry Based on Data of the Rainfed Rice Development Project

The credit was interest-free. No collateral was required. Credit was issued to individual farmers but channeled through farmers' associations. Repayment was to be made in kind (as part of the harvest) in 1988/89, and in cash in 1991/92 and 1993/94.

Although the services and goods on credit were highly subsidized⁶⁹, recovery of loans was poor, and ranged between 29.7% and 40.7%.

Several factors contributed to poor loan recovery in all three projects. One important factor was that all three projects focused on the spread of technologies (mechanization in rice cultivation, fertilizer, seed), while regarding credit administration as of secondary importance. One indicator for this conclusion is that collateral was never required and no sanctions against defaulting farmers were ever undertaken. The only threat was that a defaulting farmer was not to get a new loan during the following season. But even that principle was often violated.

Another important factor was that rice was and still is a "political crop" in Zanzibar. Rice is regarded as the most important staple by farmers and town dwellers. Rice shortages cause political unrest. Therefore, farmers' associations, despite having a lot of credit-defaulting farmers, successfully exerted substantial political pressure. The effect was that they were often "pardoned" (exempted from paying back) by the President of Zanzibar, and allowed to access credit again. This of course had a very negative impact on those farmers who had hitherto repaid their loans fully and in time. For the next season, many of them followed the bad example set by the defaulters from the previous season.

8.2.5 UNIFEM Project

The UNIFEM project started in March 1991 with financial and technical support from Danish development aid. The project aimed to provide credit to income-generating activities of unemployed village women. During its first phase, from March 1991 to December 1992, the project concentrated on the selection and training of suitable staff,

⁶⁹ This is particularly obvious for the tractor-hiring service. Farmers were only charged TSh 2,000 per acre for each plowing and harrowing, although the full cost of plowing was estimated at TSh 10,510 and for harrowing at TSh 12,611 (OWN INQUIRY).

designing the credit system, and identifying women groups. In 1993 the second phase of the project started to issue loans.

Since 1993, credit was extended to 91 women groups, which had a total of 455 members (April 1994). Income-generating activities supported by the credit scheme varied widely and included activities such as running shops, restaurants, discotheques, bakeries; producing soap, ropes, doormats, mattresses, pillows; and engaging in agriculture and keeping livestock.

In April 1994, during the time of the last inquiry, the project operated in six villages of Unguja and Pemba. Short-term (up to 12 months) and medium-term loans (18 to 24 months) were provided at 26% interest. Single credits ranged from TSh 45,000 to 10,000,000.

In order to be eligible for credit, women had to form groups, with each group consisting of at least five women. Women groups could propose either income activities for individuals of the group or for joint group activities. In the majority of cases women groups applied for individual credits. Another prerequisite for receiving credit was that, for each activity to be supported by credit, 10% equity capital had to be contributed by the respective credit taker. Initially only three of the five women would get credit and the credit to the other two women would only be issued after the first three women had repaid their debts as scheduled. The grace period and repayment modality varied with the type of income activity supported. Usually the first repayment was made when the income activity started to generate revenues, while subsequent repayments were provided in regular, short intervals, mostly monthly.

Collateral was not made a requirement for getting a loan since it was assumed that the targeted women, i.e., unemployed village women, were normally without such assets. The functioning of the credit system rested solely on frequent supervisory visits made by the project and from peer pressure exerted by group members of women groups.

Up to April 1994, a total of TSh 29 Mio. had been disbursed for credits of which TSh 4.0 Mio. was paid back. The repayment was still on-going and assessed as good-to-satisfactory. About 85-90% of the loans were being repaid as scheduled. Delinquencies were particularly observed during the Holy Month of Ramadhan when usually a lot of money was needed for festivities. Project personnel also reported that a lot of women raised objections that the payment of interest was against the Islamic law.

8.2.6 The Sub-Commission of Fisheries

The Sub-Commission of Fisheries is part of the Ministry of Agriculture, Livestock, and Natural Resources. Since 1976, part of its activities were directed towards providing fishing gear to artisanal fishermen on credit.

In 1976, fishing gear, valued at TSh 2.02 Mio, was supplied on credit: TSh 1.6 Mio to fishermen in Unguja and TSh 0.42 Mio to fishermen in Pemba. A prerequisite was that fishermen applying for credit had to form co-operatives and had to raise 50% of the value of the fishing gear as equity capital. The grace period of the loans was half a year. Loans had to be repaid in 36 monthly installments and were interest free.

Only 61.4% of the total credited amount was recovered. A major reason for low recovery was related to the condition that loans were only given to co-operatives. Thus, co-operatives were often hastily formed, with no common purpose other than to acquire the loan. Members of such co-operatives frequently included relatives and non-fishermen, who were not really interested in the newly founded co-operatives. Another important reason was that the loans were not secured through collateral.

In 1990 Zanzibar was granted fishing equipment worth TSh 180.2 Mio from Italian development aid. Up to March 1994, equipment worth TSh 126.1 Mio had been issued: TSh 73.1 Mio to fishermen of Unguja and TSh 52.0 Mio to Pemba.

This time fishing equipment was issued not only to fishing co-operatives but also to individuals. The loan conditions (provision of equity capital, installments, interest) were similar to those of 1976, but this time collateral in the form of land or house was required.

By March 1994 a total of only TSh 15 Mio had been repaid. Although the repayment period was not yet over in most cases, it was expected that a vast amount of money would remain outstanding.

A number of problems contributed to this unsatisfactory development. First of all, the Sub-Commission lacked the transport means to make follow-up visits. It was said that fishermen had to be constantly and repeatedly reminded about their debts. Until recently, neither the headquarters nor the district fishery offices had adequate means of transport. Second, fishermen were reluctant to repay due to political reasons as already mentioned in chapters 8.2.3 and 8.2.4. Third, district and regional authorities, here in particular offices of the district and regional commissioners, did not sufficiently support loan recovery measures because they wanted to remain politically popular. Fourth, many of the fishermen who received loans were relatives or friends of District Fishery Officers who had to approve the loan applications on the district level. These officers frequently exempted their relatives and friends from repaying or were not *wakali* (strict) enough in taking action on defaulters. Last, but no less important, influential politicians also received loans and they normally represented the worst cases of not repaying.

8.2.7 Zanzibar Fishing Corporation

The Zanzibar Fishing Corporation (ZAFICO) is a parastatal which — among other activities — has been engaged in loans to fishermen.

In 1982, loans were extended to fishermen catching lobster on the condition that the lobster were sold to ZAFICO. This worked well for some time until fishermen started to smuggle the lobster to Dar es Salaam. Nevertheless, the loans were fully recovered by 1984 (MOHAMMED, 1993: 42).

A smaller consignment of fishing equipment valuing TSh 31,990 was loaned during 1987/89. Of that loan, 87.8% was recovered.

In 1991 and in the following years, equipment valuing TSh 23.4 Mio. was partly sold and partly sold on credit to 20 fishermen. No interest was levied, but collateral such as a house or land had to be provided, as well as a down-payment of 50%. Up to April 1994, 64.9% have been repaid (payments are partly still continuing as per repayment schedule).

8.2.8 Credit under the IFAD-Smallholder Support Project

In March 1990 a loan agreement was signed between the United Republic of Tanzania and the International Fund for Agricultural Development (IFAD) to fund a smallholder support project⁷⁰.

The project's credit component was to start operating in June 1994, but it had not yet received clearance by then. A total of 430,000 SDR (Special Drawing Rights) and additional resources from the project's development fund were earmarked for a revolving credit fund to benefit smallholder farmers and artisanal fishermen.

The credit was to be made available through the People's Bank of Zanzibar. Smallholder farmers with less than 0.65 ha and a cash income below TSh 30,000 (in 1989 prices), artisanal fishermen, and boatless fishermen were to qualify as borrowers.

Loan disbursements were planned to be in kind (as fertilizer, seed, outboard engines, etc.). The value of short-term and long-term loans was not to exceed US\$ 100 and US\$ 1,500, respectively. Short-term loans were to cover a period of up to 12 months and medium-term loans were for 3 to 5 years. The grace period was to differ between 3 and 24 months, depending on the nature of the activity. Instead of providing collateral as movable and immovable property, emphasis was to be placed on an assessment of the repayment capacity of the borrower. Close supervision was to be organized to focus on *social collateral* such as mutual group responsibility for both group and individual borrowing. The interest rate had originally been foreseen at 18% for short-term loans and at 20% for medium-term loans, but according to the latest negotiations between IFAD and the Government of Zanzibar (October 1994) the interest rate was to be raised to a level around 30%, to be on par with the inflation rate.

8.3 Significance of Credit in Surveyed Households

Table 39: Percentage of Households Involved in Credit Transactions by Island

ISLAND	No. of Households	In Percent			
		not involved	received	given	received & given
Unguja	237	63.3	15.2	11.4	10.1
Pemba	120	79.2	14.2	5.8	0.8
Total	357	68.6	14.8	9.5	7.0

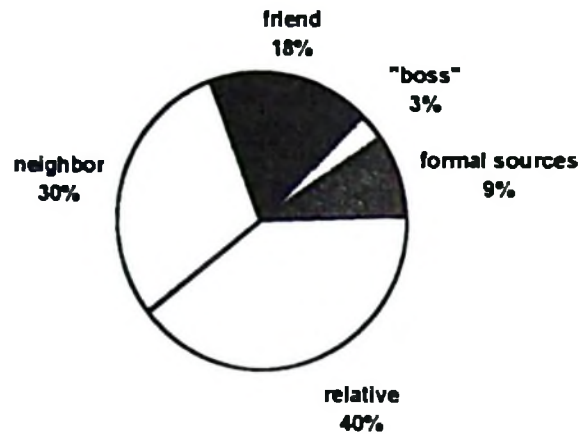
Source: Survey A

More than two thirds of households were not involved in any credit transaction during the last year. The percentage of households receiving loans was higher (14.8%) than those giving loans (9.5), because many households needed credit and only few were in a position to extend loans.

Differences are significant between islands ($P = 0.99$). The proportion of households receiving loans was approximately the same on both islands, but the extension of loans was less frequent from households in Pemba. This is probably because less income is available to households in Pemba.

⁷⁰. Most of the information in this chapter was extracted from FODA (1993).

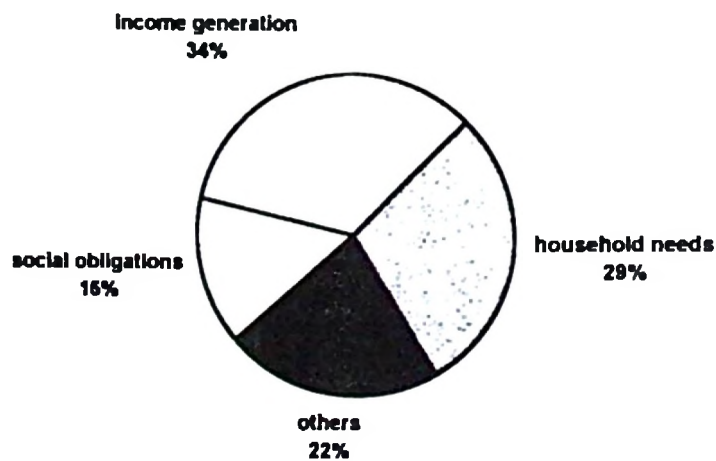
Figure 12: Credit Sources (in % of Transactions)



Source: Survey A

There were a total of 137 credit transactions in the survey. Informal sources such as relatives, neighbors, friends, and one's superior at work ("*boss*") clearly dominate (91%) over formal sources (9%).

Figure 13: Credit Purposes (in % of Transactions)



Source: Survey A

The proportion of credit for *income generating activities* accounts for one fourth of all loans. Most of these loans are used to obtain fishing gear or to employ clove pickers.

Loans from formal sources are important in this group, but loans are also obtained from relatives and friends.

Two thirds of all loans are taken for consumptive purposes.

Food is the most important *household need* requiring a loan, followed by house construction, house repair, medical assistance, and clothing. Loans for household needs come mostly from relatives, neighbors, and friends.

Social obligations normally concern contributions to weddings and funerals. Loans come from relatives and neighbors, less so from friends.

For *other loans*, the majority of loans are provided by state institutions to their employees in order to motivate them. Mostly transport facilities are loaned in kind: bicycles, motor scooters, and in one case a car.

Table 40: Size of Loan by Credit Source (in TSh)

Credit Source	No.	Median	25th-75th Percentile
Formal Source	10	75,000	19,250-600,000
Relative	53	6,000	2,000-18,000
Neighbor	39	1,500	500-4,000
Friend	25	5,000	3,000-25,000
Total	131	12,000	1,500-12,000

Source: Survey A

Most of the loans are small, ranging from TSh 1,500 to 12,000. The size of the loan differs and depends significantly on the credit source ($P = 0.999$). Informal creditors are less able or willing to finance bigger loans than formal sources. Among informal creditors, neighbors provide markedly lower loans than relatives and friends.

The nature of most of the loans becomes clear when looking at the repayment procedures. In 49.2% of all cases the payment has an *open end*, so the borrower will pay back *when he/she is able to*. This shows that most of the loans are, in fact, aid operations. In 32.0% of cases the money must be paid back in one lump sum, while 18.8% of the loans are repaid in installments.

Table 41: Expected Period of Repayment (in Months) by Loan Purpose

Loan Purpose	No.	Median	25th-75th Percentile
Income generation	32	3.0	2.0 - 6.0
Household needs	17	3.0	1.0 - 3.5
Social obligations	10	1.0	1.0 - 2.8
Others	12	3.0	1.3 - 10.5
Total	75	3.0	1.0 - 6.0

Source: Survey A

Half of all loans are expected to be repaid within a very short period of only one to three months. Loans from formal sources for income generation and others (transport facilities) are provided on a longer term than from informal sources. Therefore, the 75th

percentile in these groups is significantly higher than in other categories of loan purpose⁷¹.

In 93.4% of 137 cases it is expected that only the loaned amount has to be repaid. Interest is only expected in 4.6% of the cases, and in 1.5% of the cases, gifts are expected. Interest was charged in only one case, if only informal credit sources are considered. This shows that the Islamic prohibition of *riba* (interest) is widely followed by the villagers. This does not mean that no reciprocal service for the loan is expected. The lender expects to get an interest-free loan from the borrower some time in the future — if in need — or to receive another kind of favor. In any case the *price for the loan* is not monetary, rather it is social and psychological, reinforcing relations and dependencies.

8.4 Upatu - Rotating Savings and Credit Associations

Rotating savings and credit associations (ROSCAs) are a popular informal saving and lending institution in many parts of Africa, East and South Asia, both Americas, the Caribbean, the Middle East, and even Europe (BOUMAN, 1983; see also GEERTZ, 1961/62; KURTZ, 1973; MILLER, 1977: 103-104; STOCKHAUSEN, von, 1984: 140; MWANIKI, 1986: 218; THOMAS, 1988: 406; NIPPOLD, 1988: 157).

On the Tanzanian mainland ROSCAs have been reported in Shinyanga, Tabora, Singida, and Tanga (MOHAMMED, 1993: 53; MORITZ, 1992).

MOHAMMED (1993: 52-57) investigated ROSCAs in Zanzibar from a subsample of the author's household Survey A. In particular, he tried to assess their potential for formal group lending approaches.

8.4.1 The Principles

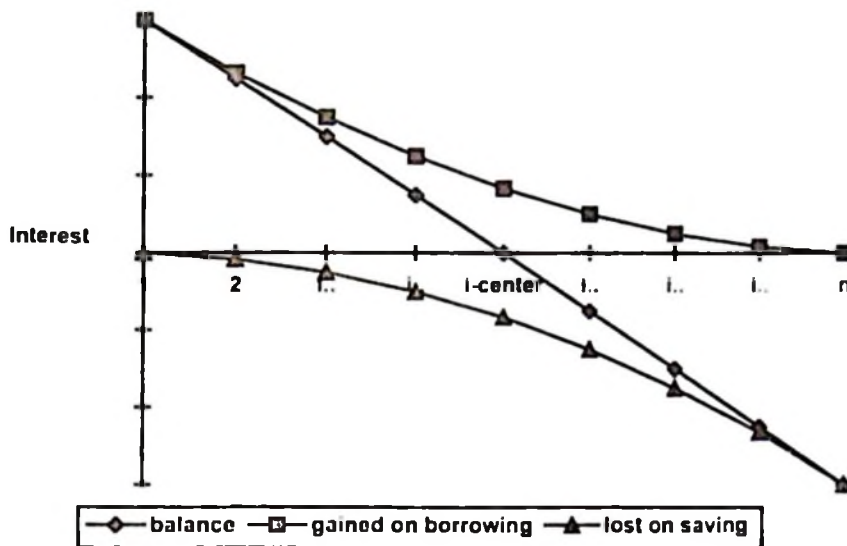
A ROSCA is formed on the initiative of one or more persons. Members agree to contribute a specified amount of money in fixed intervals. At each interval all contributions are disbursed in one sum to one member of the group. At the following intervals those members who have already received money are excluded from receiving it again until all members have received their share once. If, for example, there are ten members each contributing TSh 1,000 per month, at each interval there are TSh 10,000 disbursed to one member. After ten months everyone has received money and the cycle is completed. Then another cycle may follow.

The sequence of receiving money within the cycle is important. If forgone interest for loans to be paid and for savings to be received are calculated at the same fictitious rate⁷² one arrives at a net saver/borrower position as shown in the following figure. The first participant collecting money can be likened to a borrower, the last to a saver. People who receive in the first half of the cycle are net borrowers, those of the second half of the cycle are net savers. If there is an unequal number of participants, the interest rate for borrowing and saving of the participant that receives the money at the midpoint of the cycle balances at zero.

⁷¹. Loans from formal sources are either in the group of *income generation* or *others*.

⁷². This assumes that the *administrative costs* for organizing money collection and disbursement are the same for everyone

Figure 14: Model of Forgone Interest in an Upatu-Cycle



i: receiving at interval $i = 1$ to n in the cycle
 Source: own model

There are a number of characteristics that make participation in upatu-groups appealing. First, all the money loaned is generated as a saving. It is an inherent sustainable saving and credit system, because both saving and lending, play an equally important role. Second, it is a *fair* system. Within only two cycles, potentially everyone equally loses and gains the forgone interest (the one collecting money first in the first cycle will be the one who collects money last in the second, while the last one to collect money in the first cycle will be the first to collect in the second cycle, and so forth)⁷¹. Third, since no real interest is involved there is no violation against the Islamic prohibition of interest.

8.4.2 The Origin of Upatu

Upatu is literally a plate or a vessel that is passed around during wedding and funeral ceremonies to collect contributions. This may also be a metal plate that is beaten with a stick in order to call people for a gathering. The second meaning is also reflected in the term *kibati* used in Tanga Region, on the Tanzanian mainland.

Everybody interviewed replied that *upatu* has been part of traditional life in Zanzibar and East Africa. There are no accounts of an introduction. Thus, it is possible that it was invented and developed in East Africa. Yet an introduction from the outside cannot be excluded with certainty, since it is popular in many parts of the world, particularly in Asia, which has been in contact with Africa since ancient times.

It is also possible that there is a link between *upatu* and traditional Bantu music and dance societies, as described by PAULUS (1967: 59) for the Sukuma tribe (Tanzania mainland). This link between music and dance performances and money collections is also found in Zanzibar. Villagers here often organize *Tuarabs*, a traditional kind of music performance, in connection collecting money for a community purpose.

⁷¹ Fairness is also achieved if the sequence of collecting money is established by drawing lots, although an infinite number of cycles are needed to achieve fairness in this manner.

8.4.3 The Importance and The Working of *Upatu*-Groups in the Sample

Table 42: Participation of Households (in %) in *Upatu*-Groups by Category

Category/Significance	No. of households	Percentage	
		participating	not participating
ISLAND ***			
- Unguja	137	31.4	68.6
- Pemba	120	12.5	87.5
ETHNIC GROUP *			
- Afr. from ZNZ	224	22.8	77.2
- Afr. from ML	17	41.2	58.8
- Arab households	15	0	100
MAIN OCCUPATION ***			
- on-farm	119	11.8	88.2
- off-farm	138	31.9	68.1
HOUSEHOLD HEADING *			
- husband & wife	191	26.7	73.3
- single woman	44	13.6	86.4
- single man	22	4.5	95.5
TOTAL	257	22.6	77.4

Source: Survey A

Approximately every fifth household has a member participating in an *upatu* group (see Table 42). In some households more than one; in very few cases more than two people participate.

Upatu groups are more popular in Unguja than in Pemba. This is because more cash is available to households in Unguja. A minimum amount of cash seems necessary to make the establishment of an *upatu* group meaningful. This explanation is supported by the fact that households in which the head of household has an off-farm cash income, participate more in *upatu*-groups than households in which the head of household is mainly a farmer. This also seems to be the reason for the differences among the various categories of household headings. *Husband & wife* households have some cash to spare for participating in *upatu* groups. *Single woman* households often do not have any money to save, although they certainly seek participation in *upatu*-groups. On the other hand, it is not quite understood why *single men* households involve themselves very little in *upatu*-groups.

Africans from the mainland households are significantly more involved in *upatu* groups than *Africans from Zanzibar* and *Arabs*. The reason seems that *Africans from the mainland* have less security and fewer relationships within the indigenous society. Thus, they look for mutual support systems. By growing cash crops and wage labor they normally have enough cash available to participate.

Table 43: Group Size of Upatu-Groups by Gender and Age

Factor/Significance	No. of Groups	Median	25th-75th Percentile
GENDER **			
- Men	29	6.0	4.5 - 9.0
- Women	43	10.0	5.0 - 10.0
AGE CLASS †			
- 18-39 years	54	6.0	5.0 - 10.0
- 40-60 years	18	10.0	5.8 - 12.3
Total	72	6.0	5.0 - 10.0

Source: Survey A

Most upatu-groups consist of five to ten members. Groups with participating women and older people are larger than those composed of men and younger people. This does not mean that all groups consist purely of men, women, old people, or young people, but their composition tends toward this direction. In three of nine case studies, groups were purely men, women, or mixed. It is not surprising that groups are fairly homogenous with respect to many characteristics, because when upatu groups are formed people look for others — friends, workmates, neighbors, relatives — who are approximately in a similar position.

A reason for women and older people to form larger groups is that they have less cash available (see Table 44). Larger groups offset the effect of small individual contributions, making the received lump sum more substantial (see also Table 45).

Table 44: Amount Paid-in (in TSh 1,000) in Upatu-Groups per Group Member per Turn by Gender, Age and Main Occupation

Factor/Significance	No. of Groups	Median	25th-75th Percentile
GENDER *			
- Men	29	2.0	0.4 - 3.0
- Women	42	0.5	0.2 - 1.5
AGE CLASS †			
- 18-39 years	53	1.0	0.3 - 2.0
- 40-60 years	18	0.5	0.1 - 1.3
MAIN OCCUPATION *			
- on-farm	20	0.5	0.1 - 1.0
- off-farm	51	1.0	0.3 - 2.0
Total	71	1.0	0.3 - 2.0

Source: Survey A

Women, older people, and heads of household that are mainly employed on-farm, participate in upatu groups with significantly less money paid in at each interval as compared to men, younger people, and heads of household that are mainly employed off-farm. This is a reflection of the income situation of each respective category.

Table 45: Median and 25th-75th Percentile of Amount Received During an Upatu Cycle per Group Member by Gender, Age and Main Occupation

Factor/Significance	No. of Groups	Median (in TSh)	25 th -75th Percentile (in TSh)
GENDER *			
- Men	29	2,000	400 - 3,000
- Women	42	500	200 - 1,500
AGE CLASS †			
- 18-39 years	53	1,000	300 - 2,000
- 40-60 years	18	500	100 - 1,300
MAIN OCCUPATION *			
- on-farm	20	500	100 - 1,000
- off-farm	51	1,000	300 - 2,000
Total	71	1,000	300 - 2,000

Source: Survey A

In most upatu-groups an amount of TSh 2,000 to 12,000 is disbursed at each interval. Disbursements are higher in upatu-groups that are composed of people whose main occupation is off-farm, as compared to groups composed of people who are mainly farmers. Gender and age show a weak tendency towards the participation of male and younger people in upatu-groups that disburse larger amounts, while female and older people participate in upatu-groups that disburse less money. This corresponds to the finding that women and older people participate in larger upatu groups to offset smaller individual contributions.

Many of the upatu-group members have regular income. Men are often state employees, and women are engaged in petty business, such as frying fish and selling biscuits. Members enjoy some flexibility in their participation; wealthier members sometimes purchase more than one share, while joint shares can be purchased by those who have little.

People were asked why they joined upatu-groups, rather than to save the money at home or at a bank. They replied that if they save at home, they are tempted to spend the money on trivialities. They would not be able to save a meaningful amount. Saving in upatu groups also prevents other family members from appropriating the money. Finally, it is moral encouragement: since others save, it is easier for one to save as well. Hardly anyone likes the idea of bringing the money to a bank. This is regarded as too cumbersome and not worthwhile for the little amount of money involved. Nevertheless, a few people also have a bank savings account, yet they continue to participate in upatu-groups.

It is difficult to project how the money is used, since this was only inquired in nine case studies. In these cases the money received was usually spent for more than one reason. Nine times it is used for consumption (buying clothing, kerosene, furniture, medicine); four times for agriculture (hiring labor, buying livestock and chicken feed); two times for house construction; once to contribute to a funeral, and once to finance a journey.

There is a monthly interval between payments in 98.6% of cases, and bi-weekly, weekly, or daily intervals are used in the remaining cases.

In the majority of cases the sequence of receiving money is determined after group discussions at each interval of money disbursement. The one who gets the money is the one in greatest need. Since group members know each other and everyone's situation,

this does not seem to be difficult to decide who should receive the disbursement. In many groups it was mentioned that a system between drawing lots and making exceptions due to emergency is followed.

8.4.4 Potential of *Upatu*-Groups for Further Development

MOHAMMED (1993: 55-57) proposes to use upatu-groups for on-lending of formal agricultural credit. He enumerates a number of advantages, such as

- upatu groups are formed on mutual trust,
- members know each other and exercise peer pressure against fraud and default,
- group members are fairly homogenous and have common interests,
- upatu groups have simple procedures and are very flexible,
- saving is an integral part of upatu operations, and
- groups organize loan collection themselves, thus lowering the cost of credit administration for formal credit institutions.

However, he admits a number of disadvantages:

- only few members of upatu groups would use funds for productive, agricultural purposes,
- the long-term stability of upatu groups is questionable, and
- only short- and medium-term loans are made in an upatu group arrangement.

In nine cases members of upatu-groups were revisited by the author in order to assess the stability of upatu-groups and their potential for group lending.

Between the time of the first interview by MOHAMMED and the second visit by the author one to two years had elapsed.

Out of the nine cases only three were still operating with the same member composition. Seven groups performed their cycle without major problems. Minor problems were that some members did not pay in time. In two cases members had defaulted. Defaulting did not result in a break-down of the groups. The groups concerned continued up to the end of the cycle, but they reduced the amount of money that was disbursed. Defaulting group members were constantly *reminded*, social pressure was exercised, but legal steps were never taken.

Thus, it seems questionable, from the point of view of long-term stability, to use upatu-groups for formal group lending. Groups do not appear stable. However, there was also an interesting and very positive example in which one upatu-group had already completed six cycles. The group had formed a transport co-operative, opened a bank account, and paid into the bank account half of the amount that was received at each interval in the upatu cycle. The money was saved in order to buy a passenger vehicle. This shows that upatu-groups can be starters for more sophisticated credit arrangements.

Upatu group members were also interviewed with regard to more commercial adaptations. In other countries the sequence of receiving the money is sometimes determined by bidding over an agreed amount (see, e.g., GEERTZ, 1961/62; BOUMAN, 1983). In this system the highest bidder gets the money at the first interval, the second highest at the second interval, and so forth. The amount that was bid must also be paid in at each turn in the cycle. Thus, those who put in low bids receive more money than they pay in. Early recipients of money virtually pay for the loan, while later recipients benefit from getting more money than they paid in.

Interviewees were very much interested in learning about this modification of the working rules of rotating savings and credit groups, but in all instances, except one, they rejected bidding for sequence. They argued that the bidding system would mean a loss of flexibility. In most of the groups a rearrangement of sequence was possible in order

to accommodate emergencies. This would not be easily possible under a bidding agreement. This might also endanger the social harmony in the group. Finally, it was pointed out that the bidding system would violate the Islamic prohibition of interest.

8.5 Mortgaging Crops

In almost every country there are arrangements in which a farmer who wants to obtain credit has to provide some collateral. The most popular arrangement is a mortgage, i.e., the transfer of proprietary rights in land as a security for the payment of a loan (JAMES, 1971: 303). If the loan is not repaid the mortgage is foreclosed and the property is transferred from the debtor to the creditor. The control of the land and the use-rights remain with the debtor until foreclosure.

This kind of mortgage, in the special form of a *fictitious* or *conditional sale* (see chapter 8.1, page 96), was popular in Zanzibar until the 1930s when the Land Alienation Decree made mortgaging more difficult. Nowadays, there are very few mortgages (mostly houses, see for example chapter 8.2.7, page 102) and these are only allowed with formal credit institutions.

In many areas of Africa a *usufructuary mortgage* (MEEK, 1946: 256-257; PACKENHAM, 1947: 24; BAILEY, 1965: 176; LIPINSKY, 1990/91a) is common. In contrast to the previous category of mortgage, the control of land is transferred from the debtor to the creditor immediately after receipt of the loan. Some prefer to term such an arrangement *native mortgage* (JAMES, 1971: 339), *indigenous mortgage* (ELIAS, 1962: 187-189), or *pledge* (JAMES and FIMBO, 1973: 405; RAINTREE, 1987: 48; FORTMANN, 1985: 232; FORTMANN, 1987: 19).

LIPINSKY (1990/91a) uses the mode of discharge to differentiate between four types of usufructuary mortgages:

1. discharge against interest (transferred use-right covers interest only),
2. discharge against interest and principal (transferred use-right covers both),
3. by reassigning use-rights (the creditor allows the debtor to cultivate the land and receives payments for interest and principal from the revenues of the harvest), and
4. by allowing the debtor to continue cultivation as a *share cropper* (harvests are shared between the debtor and creditor for an agreed period of time).

In Zanzibar it is not *land*, but *crops* that are mortgaged. The debtor agrees to transfer the right to harvest a certain crop to the creditor for an agreed number of harvests against a payment. The land is not charged, as is shown by the fact that other crops grown together with the charged crop continue to be cultivated and harvested by the debtor.

Mortgaging occurs for both tree crops and ground crops. This is not unique to Zanzibar, as shown by examples from other areas of West and East Africa (JAMES, 1971: 346; PARSONS, 1971: 54; ADEGBOYE, 1983: 272-273; FORTMANN, 1985: 239; FORTMANN, 1987: 19; CIEKAWY, 1988: 167; OLDOCH-KOSURA, 1990: 15).

The harvests discharge the debt of the mortgage. No differentiation is made between interest and principal. Therefore, according to LIPINSKY'S classification, in Zanzibar the second type of usufructuary mortgage of crops is common. Disguising interest and principal in one payment in kind also meets the demand of the Qur'an not to charge interest (see also MEEK, 1946: 256-257).

In contrast to prohibiting interest, the Qur'an does permit transactions that entail risk and the possibility of loss (YAZDANI and HILL, 1993: 302). In fact, a usufructuary mortgage, as practiced in Zanzibar, also meets this demand since pledging crops entails risks for the creditor. The creditor may fail to properly assess the quantity to be harvested or the

price and marketing conditions at harvesting time. Therefore, the creditor may incur a loss. This is also expressed in the following saying that was obtained from a trader in one of the case studies:

kukodi ghali - sikukosa
kukodi rahisi - sikupata

which translates to:

an expensive mortgage - I have not failed to get
a cheap mortgage - I never got.

8.5.1 The Rental of Tree Crops

The usufructuary form of mortgaging tree crops is termed *kukodi (kukodisha) miti* in the Swahili of Zanzibar and is translated as *to rent (let) trees*. It makes clear that verbal proximity to credit and interest is avoided.

In the following paragraphs the literal translation of the Swahili shall be used because in some cases a loan transaction is not the reason to transfer the right of harvesting.

Table 46: Percentage of Households Renting and Letting Trees by Island and Ethnic Group

Parameter /Significance	No. of cases	Percentage			
		renting & letting	renting	letting	neither
ISLAND ***					
- Unguja	235	1.3	16.6	7.2	74.9
- Pemba	120	5.8	17.5	20.8	55.8
ETHNIC GROUP **					
- Afr.f.ZNZ	288	2.8	14.6	11.5	71.2
- Afr.f.ML	49	2.0	24.5	8.2	65.3
- Arab households	15	6.7	40.0	26.7	26.7
TOTAL	355	2.8	16.9	11.8	68.5

Source: Survey A

Slightly less than a third of all households are involved in rental transactions. More are involved in renting than in letting.

Significant differences among categories exist between islands and ethnic groups. In Pemba more renting occurs. This is due to the bumper harvest of cloves in 1992, the year of the recall period of Survey A. There were many more cloves on the trees than the households could handle on their own. Many lacked the money to employ clove pickers or did not want to bother organizing the work. Therefore, many households let their trees, often to clove pickers who had come from the mainland to Pemba for the clove season.

Among ethnic groups, *Arabs* are significantly more involved in renting and letting as compared to *Africans from Zanzibar* and *Africans from the mainland*. The reason is that *Arabs*, on average, own more tree crops than the other households and that many of

them are involved in trading; the renting of trees is an important part of trading agricultural produce.

Table 47: Important Characteristics of Renting Tree Crops

Tree Crops	No. of cases	M e d i a n		
		No. of trees/case	rent/tree in TSh	No. of harvests
Coconut palms	36	40	150	3
Clove trees	33	50	250	1
Mango trees	21	3	1,000	1
Orange trees	6	6	530	1

Source: Survey A

All fruit trees qualify for renting. In the sample, coconut, clove, mango, and orange are the most important tree crops rented. Minor tree crops include lemon, breadfruit, and durian.

All tree crops are only rented for the next harvest and only after the fruits have set. This enables a good assessment of the potential harvest. Coconut palms are an exception. Here the contract period is normally longer, three to four harvests (mostly one year). Coconut yields continuously, and the current load of nuts on a palm is a sufficient indicator of yields from the following harvests.

The reason to enter a rent contract, is in the majority of cases, financial. Nevertheless, there are also non-financial or financially less important reasons. Labor shortages and labor management constraints are such examples. Clove picking is very labor intensive. Thus, farmers who have more clove trees than they can harvest, let them. This is preferred over employing labor, due to frequent pilferage by clove pickers and the money needed to finance the time gap between paying the clove pickers and sale of the crop. On family land, members often cannot agree whom to entrust with harvesting operations and are therefore inclined to enter into rental agreements. Copra producers are eager to secure a continuous supply of the raw material. Hence, many of them look for farmers willing to rent their coconut palms.

In 75% of all cases the payment from the creditor to the debtor is made in one lump sum at the time that the rent contract is fixed. This is usually three to four months before harvesting time and is beneficial to those debtors who have a financial problem.

In 25% of cases it was agreed, while fixing the contract, that the rent payment be made at harvest time. This, in particular, was the agreement made in cases where the debtor entered the rent contract in order to avoid both organizing harvesting labor and harvesting risk.

It was observed that quite a high proportion (35%) of rent contracts are made between relatives. This is more often so in households where the head of household is mainly employed in off-farm activities (43.1%), as compared to households where the head of household is a farmer (25.9%). It seems that part-time farmers entrust relatives with looking after some of their farm affairs and that they feel obliged to reward them with a rent contract if they cannot run harvesting operations themselves.

It is difficult to make an overall assessment on *renting of tree crops*. There are some cases where dependence increases between creditor and debtor. A farmer may need food

and lacks money, so he enters into a rent agreement with a village shop owner. If his general economic condition does not improve he is compelled to renew the rent contract with the shop owner. Due to the frequent borrowing of goods from the shop, his bargaining position for future contracts weakens, at each new contract the payment decreases, and eventually the creditor has to sell the trees with the land to the shop owner. Such cases are, however, rare. Another issue seems to be more important, particularly in coconut cultivation. Some farmers let coconut palms for several years. Since they are sure to get a fixed amount of money after the conclusion of the contract, they do not engage in weeding. The one who has rented the coconut palms also does not do any weeding, since he is not sure if he will get a renewed contract after the current one ends. Thus these fields often fall into neglect in the long-term; heavy bush starts to grow, and yields decrease.

8.5.2 The Sale of Standing Crops

Some farmers cannot solve financial problems by letting tree crops, because they have no tree crops. Others do not possess land as primary occupants and are, therefore, not allowed to plant tree crops, but may only grow ground crops as land borrowers. If the ground crops are ready for harvest, these farmers obtain needed cash by harvesting and selling the produce. However, sometimes crops are not ready for harvest when farmers are in need of money. In these cases, farmers may resort to what is called "*selling the standing crop*", translated from the Swahili term used in Zanzibar *kuza mazao*. Sale of the standing crop does not occur often in Zanzibar, but it has also been reported by others (e.g., ROSE, 1994: 31), and is mentioned for some areas of the Tanzanian mainland (TANNER, 1960: 20; DOBSON, 1940: 18; NTIRUKIGWA, 1970: 12) and Africa (RINGER, 1963: 210). The sale of standing crops is similar to what is known as receiving a loan against the harvest as collateral, called a *crop lien* in English (ELLIS, 1992: 154) or a *Fruchtepand* in German (PABSCH, 1981: 28).

However, as in the case of letting trees, a need for cash is not always the reason to enter into a contract of selling standing crops. Some reasons, apart from financial reasons, which were reported by farmers during the survey included: the farming family had a shortage of labor to undertake weeding and harvesting operations, or the farmer and his family had to move to another place and was not able to care for the field anymore. Therefore, the literal translation of the *selling of standing crops* has been retained here rather than adopting the term *crop lien*, which appears too focused on solving a financial problem.

There are 56 instances of selling and buying of standing crops in the sample (Survey A). Of all households, 14.2% were involved during the last year, either as sellers (7.8%), buyers (5.6%), or as participants in both sides⁷⁴ of the transaction (0.8%).

Normally, after harvesting the crop the land use reverts from the seller to the buyer. This was the case in 94.9% of all instances. However, in three cases the land remained with the buyer and therefore a change in the overall land use-right took place. If the seller was the primary occupant, a land sale had taken place and if the seller was a secondary occupant, the buyer became the new secondary occupant. Selling of standing crops in order to disguise a land sale has been reported for the Tanzanian mainland where land sales *per se* are not allowed (ANONYMOUS, 1994; NTIRUKIGWA, 1970). In Zanzibar these three cases concern coral rag areas where the pressure on land is low and, thus, the value of land is actually not above the value of the standing crop.

⁷⁴. This happens if in one household one transaction is done as selling, and another as buying, of a standing crop.

Cassava (78.3% of instances) and banana (13.3%) were the most important crops that were sold as standing crops. Rice, yams, and sweet potato are minor crops.

Table 48: Important Characteristics of Selling Standing Crops

Crops	No. of cases	M e d i a n		
		Plot size in ha	payment/plot in TSh	No. of months before harvests
Cassava	44	0.21	3,800	2
Banana	6	0.10	4,000	1.5

Source: Survey A

Most plots sold with standing crops were small. Contracts were made when the period up to the harvest was short and payments involved were low.

In some instances (15.5% of cases) problems were mentioned. They mainly came from the buyer's side. Some buyers overestimated the quantity and quality to be harvested, the price and marketing situation during harvesting, or their crop was stolen before harvest. This confirms that the selling of standing crops, like the renting of tree crops, entails considerable risks for the buyer.

8.6 Sharekeeping of Livestock

Most rural households in Zanzibar keep much of their savings in livestock and jewelry⁷⁵, rather than depositing it in a bank. Money saved in a bank account loses value in real terms because interest rates are lower than the inflation rate. Also, some people disagree with bringing their money to the bank to receive interest, because that would infringe upon the Islamic Law of prohibiting interest⁷⁶.

Besides its productive value, livestock functions as "*the traditional bank [saving] account*" (KÜNZEL et al., 1982: 12); it is used as a display of wealth and as economic security. In case of need, livestock is sold to meet all kinds of expenses, goats and poultry are usually sold to meet small expenses, while cattle are reserved for extraordinary incidents.

Some households have surplus money available and would like to invest this into livestock. At the same time, they may not have the labor to look after the livestock, nor the space, if they live in an urban or peri-urban area. On the other hand, there are also households that have enough manpower and that would like to build up their own livestock herd, but lack the financial means for the initial investment. The interests of these two different types of households are met by an arrangement that is termed *kuchunga wanyama*, literally translating to *caretaking of* or *acting as a guardian for livestock*. This arrangement shall be explained in the following sub-chapters.

⁷⁵ Jewelry especially by women.

⁷⁶ It is noteworthy that the People's Bank of Zanzibar has made arrangements for such customers. If somebody refuses to receive interest the bank holds the money without paying interest. Nevertheless, for some customers this is still not acceptable, since the bank uses the customer's money in on-lending and charges interest, thus, these people fear that they indirectly violate the Islamic Law.

8.6.1 The Principles

In a caretaking arrangement the *mwenye wa mwanjama*, the owner of livestock, gives livestock (only female livestock) to a *mchungaji*, a caretaker or herdsman. The herdsman is responsible for all operations involved in keeping the livestock. While some of the inputs may be shared or costs may be borne by only one side, the *main output* as offspring is always shared. In Zanzibar the sharing rate for offspring is half/half. *Secondary outputs* such as milk or hides might be shared or received by one side only.

The sharing of output in livestock shows amazing parallels to the sharing of output in crop production known as *sharecropping*. Thus, it seems justified to introduce here the term *sharekeeping of livestock*.

The advantage to the livestock owner in this arrangement is that it gives him an opportunity to invest without infringing the Islamic Law, which prohibits interest. For the caretaker it is a chance to start his own herd. Sharekeeping of livestock is also reported in other parts of Tanzania (GUTMANN, 1926: 440-441; DOBSON, 1940: 20; KUNZEL et al. 1983).

8.6.2 Significance of Sharekeeping of Livestock in Surveyed Households

Of all households (Survey A), 30.6% do not have livestock, 48.9% own and keep livestock, and the remaining 20.5%, or every fifth household, is involved in the sharekeeping of livestock. This may be either as herdsman or as a livestock owner who gives his livestock to a herdsman.

Sharekeeping of cattle, goats, chicken, and one case of ducks, are recorded. In the sample, 28.0% of all cattle, 30.3% of goats, and 2.9% of chicken are kept in sharekeeping agreements.

Table 49: Percentage of Households with Different Livestock Tenure Systems by Household Heading

Household Heading	No. of cases	Percent		
		without livestock	owner & keeper	share keeper
Husband & wife	272	24.6	52.2	23.2
Single woman	56	53.6	39.3	7.1
Single man	28	42.9	35.7	21.4
TOTAL	356	30.6	48.9	20.5

Source: Survey A

Single woman households are significantly less ($P = 0.999$) involved in sharekeeping as compared to *husband & wife* and *single man households*. This is because cattle and goat keeping is primarily conducted by men, and poultry are rarely kept in a sharekeeping arrangement. *Single woman households* also own less livestock as compared to the other household categories.

Where livestock bear more than one offspring at a time, the offspring are usually shared half/half after birth (poultry, sometimes goats), but for those that have usually only one offspring per birth (cattle), the sequence of receiving has to be agreed upon. In about half of all cases of sharekeeping cattle and goats, the first offspring goes to the keeper.

in about 25% of cases to the owner, and in the remainder of cases offspring are kept jointly or the decision is made later. Poultry and goats are kept without incurring input costs. This is not so for cattle. The main important expenditures are for the rope to tether the cow, salt, and medical treatments. In most cases, the former three expenditures are borne by the herdsman, the latter by the owner. To compensate for most of the smaller costs, the herdsman is allowed to retain and sell the milk.

From a commercial point of view it seems that both sides realize a reasonable and equitable return, although this conclusion is only drawn from four case studies at Mwakaje village. According to these case studies, the cattle owner gets an internal rate of return of 25.4% on his investment and the herdsman receives 22.4% on the valuation of his labor and other inputs (see Appendix 7).

However, sharekeeping of livestock must not be seen from only a commercial point of view. In nearly 70% of all cases of sharekeeping, the owner and herdsman are relatives. Very often they are very close relatives: father and son, uncle and nephew, elder brother and younger brother. Strong ties and mutual obligations exist. The elder is obliged to help the younger in starting agricultural or other income-generating activities and is, in turn, expecting to be supported during old age or when in distress. Therefore, an arrangement such as the sharekeeping of livestock is often part and parcel of the social security system (see also chapter 10).

In the case studies it was also observed that livestock owners often live in town and the herdsman in the countryside. By buying an animal and having somebody in the rural area keep it, relationships are reinforced and capital is transferred from the urban to the rural area.

9. Co-operatives

While there is a huge amount of literature on co-operatives in the Tanzanian mainland (see, e.g., PAULUS, 1967; HYDEN, 1970, 1976, 1982, 1984; KRIESEL et al., 1970; COLLINSON, 1975; BALDUS, 1976; NINDI, 1977/78; SAVAGE et al., 1982), there is very little written about Zanzibar. In particular, there has not been an assessment of the whole development of the co-operative movement. Therefore it is important, in addition to presenting the survey findings, to delve deeper into history to put the present situation into the perspective of the entire development of the co-operative movement.

Before looking into the history of the co-operative movement in Zanzibar the principles of co-operatives shall be enumerated, because it will be shown in the following sub-chapters that they were often heavily violated and that this led to an undesirable development of the co-operative movement.

The beginning of modern co-operatives, with the primary aim of promoting the economic interests of their members, dates back to the middle of the 19th century (DRAHEIM, 1965: 351). Yet, the co-operative principle of mutual help and solidarity is much older than the modern form of co-operative as developed by RAIFFEISEN, and which can be found in many societies in Europe, Asia, Africa and Latin America (SCHILLER, 1967: 378).

There are numerous definitions for co-operatives and their working principles. None, however, has found universal acceptance (DRAHEIM, 1965: 351; SCHILLER, 1967: 380). This is due to the diversity of the various frame conditions under which co-operatives were created and operate, all over the world.

For the purpose of this thesis two characterizations have been selected which seem to cover well — for the first definition — of what has been observed as basic principles of co-operatives working in developing countries in general and — for the second definition — of what has been laid down for the case of Zanzibar during the onset of the co-operative movement.

SCHILLER (1967: 380-381) observed that the following co-operative principles, which go back to RAIFFEISEN⁷⁷, are valid in many developing countries:

1. The purpose of forming a co-operative is to promote the economic interests of a group of people through mutual help and through the establishment of an entrepreneurial entity.
2. Membership is open and voluntary.
3. All members have equal influence in decision making that is independent of their capital share in the co-operative.
4. The work of the co-operative is guided by the principles of self-help, self-management, and responsibility.

For Zanzibar, the Registrar of Co-operative Societies⁷⁸ (ANONYMOUS, 1954: 1-2) publicized co-operative ideas in the article "*Co-operation for Zanzibar, Better Farming - Better Business - Better Living*". He defined co-operatives as organizations of *persons*, producers, or consumers, who have come together *voluntarily*, to achieve some *common*

⁷⁷ . RAIFFEISEN'S type of a rural co-operative has been used as a model in many developing countries (SCHILLER, 1967: 384).

⁷⁸ . The Registrar at that time was Ali S. KHARUSI. He can be regarded as the "father" of the co-operative movement in Zanzibar.

purpose, working at their common risk and with resources to which all members contribute. Co-operatives are usually formed by people who are *weak economically*, and they are managed in an *unselfish spirit*, in such a way that everyone who is willing to accept the duties of a member can share in the rewards in proportion to the degree in which he or she makes use of the co-operative. Members associate on an equal basis to promote their *own* economic interests.

9.1 Early History of Co-operatives in Zanzibar

The Period of the 1930s

In 1930 the Director of Agriculture wrote a memorandum on "*Cooperation in Zanzibar*". This report can be regarded as the first document that dealt with co-operatives in Zanzibar and, thus, as the starting point of the co-operative movement in the islands. The report gave an overview of the natural and social conditions in Zanzibar and seemed to be more intended for outsiders, so that they could assess the possibilities for starting a co-operative movement in Zanzibar (ZNA AB 12/101).

In 1932 C.F. STRICKLAND, an expert on co-operatives, was invited to Zanzibar. He made a full-scale assessment (STRICKLAND, 1932) and vividly supported the establishment of co-operatives. He asserted that "*the need for co-operative organization in this Protectorate [Zanzibar] is visible on every side*" (STRICKLAND, 1932: 5). STRICKLAND also provided a draft of a co-operative law. As a result of STRICKLAND's recommendations, a *Director of Co-operative Institutions* was appointed in 1932.

Nevertheless, a smooth establishment of co-operatives did not take place. The role of co-operatives and the degree of state control on clove marketing was under dispute. During the 1920s the *Clove Growers' Association (CGA)* was founded. Although the name gives the impression of a voluntary group of united farmers, it was, in fact, a state-controlled institution. The aim of the Association was to unite the clove plantation owners to control the costs of production (especially of labor rates), market the produce, and finance harvesting loans. STRICKLAND originally envisaged converting the state-controlled CGA into a co-operative organized by farmers. However, in 1934, the Government decided to leave the CGA under state control (KERR, 1950: 6-7).

Some essential tasks of a proposed co-operative institution, such as providing agricultural credit, was to be covered by the CGA. Therefore, there was not much left for co-operatives to do, and the Department of Co-operative Institutions was disbanded.

The Period of the 1940s to 1950s

In 1946 the Colonial Office tried to push the idea of a co-operative movement in the colonies. The Office sent a circular to all *Colonial Dependencies* encouraging the idea of institutionalizing the co-operative movement (ZNA AB 12/114). A model ordinance (co-operative law) was attached to the circular. Additionally, the Colonial Office promised to finance the initial costs of co-operative organizations from the *Colonial Welfare Fund*. The co-operative movement was re-established in Zanzibar because of this initiative. In 1948 the principal legislation (*Co-operative Societies Decree No. 7*) was enacted in Zanzibar followed by subsidiary legislation in 1952 and 1953.

In 1950 A.J. KERR, an external consultant, was commissioned to advise on the implementation of the legislation. Based on his recommendations a *Co-operative Department* was created and a *Registrar of Co-operatives* was appointed. In 1953 the first co-operatives were registered. In the following years, the co-operative movement gained momentum. By 1958, 58 co-operative societies, i.e., 19 rural credit societies, 18

consumer societies, two marketing societies, and 19 other types of co-operatives were registered. The statistics of 1958 showed a total of 4,073 co-operative members (KHARUSI, 1958).

The late 1950s was also the time that power was transferred from a colonial protectorate to an independent Zanzibar. Political parties started to use the co-operative movement for their aims. One quotation by KHARUSI (1958) makes this very obvious:

"Because the Afro-Shirazi Party, a political organization, sponsored the formation of 15 of these shops [consumer co-operatives], the Government in general, and this section in particular, were subjected to vehement criticism by some people. It was said that the motive was not purely co-operative, but largely political, with the sole aim of ousting from the trade petty shop-keepers belonging to a different community. The Government was blamed for discrimination and favoritism by allowing these people to break the very basic laws of cooperation, i.e., to allow people to run the shops on racial lines."

The Period of the 1960s

In the early 1960s the development of co-operatives along political and racial lines had intensified. The atmosphere was very much stirred up. Followers of Afro-Shirazi Party did not buy food from Arab shops and conversely Zanzibar Nationalist Party followers boycotted consumer co-operatives founded by Afro-Shirazi members.

After the Revolution the rationale in the co-operative development was no longer primarily economic, but political. Co-operatives were set up as a matter of principle and little consideration was given to feasibility and viability. Subsequently many co-operatives suffered from mismanagement, and outstanding and unrecoverable loans. This led to disbanding the co-operatives and the Co-operative Department in July 1967. The legislative vehicle was the Presidential Decree 9/67, *the Co-operative Societies (Repeal) Decree*. The official reason for the disbanding was that the co-operatives unfavorably developed along racial and political lines; another and more important reason was that the Government saw strong opposition forces in the Co-operative Department. President Karume wanted to gain more control over the economy. He intended to move towards a socialist-styled system of production and distribution of goods in state and parastatal organizations, rather than leaving it to private and co-operative entities.

It is also clear that there must have been substantial internal resistance to the closure of co-operatives. Many co-operatives were functioning well and many were founded on the initiative of the Afro-Shirazi Party and President Karume himself. It is estimated that by 1967 there were about 150 co-operative societies in Zanzibar (S.N. HASSAN, personal communication).

Interestingly, though much later in 1976, co-operatives on the Tanzanian mainland were also dissolved and functions were transferred to state and parastatal organizations (HYDEN, 1982: 133-134). Official reasons were similar; inefficiency of co-operatives, but other intentions such as political opposition from within the co-operative movement and the Government's desire to move the economy into more socialist forms contributed to this drastic step.

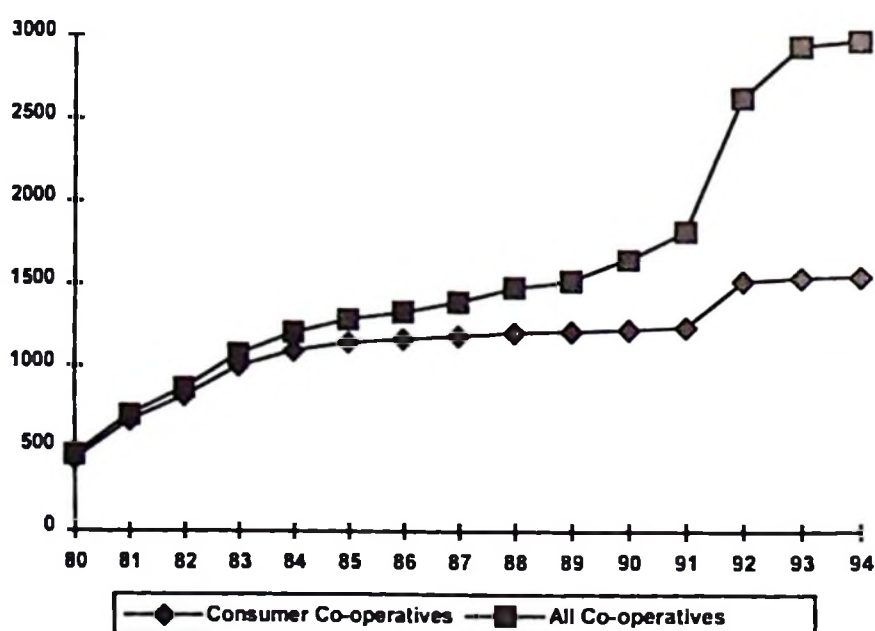
9.2 Re-establishment of Co-operatives after the Revolution

The co-operative idea gained new momentum in Zanzibar and the Tanzanian mainland after a change of policy and the merger of the Afro-Shirazi Party of Zanzibar with the

Tanganyika African National Union (TANU) of the Tanzanian mainland to the Chama Cha Mapinduzi (CCM), the Revolutionary People's Party in 1977. It had been observed that many of the state and parastatal institutions that operated after the dissolution of co-operatives were run worse than the former co-operatives. In Zanzibar, the reintroduction of the co-operatives was especially intended to develop a more efficient food distribution system.

In 1979 the *Co-operative Society Decree No. 3*, enacted in Zanzibar, was the legal base for the reintroduction of the co-operative system. In 1980 the first co-operative societies were registered.

Figure 15: Cumulative Number of Consumer Co-operatives and All Co-operatives (from 1980-1994)



Source: own compilation based on the Register of Co-operatives

The above figure shows that most co-operatives were initially consumer co-operatives. After the Revolution, food (rice, maize flour, oil) was rationed. Families obtained essential foodstuffs from state warehouses. Private trading was banished. In 1980 consumer co-operatives were introduced to have a more efficient food distribution system. People as individuals could not anymore get directly and individually essential foodstuffs directly from state warehouses. This was now only possible through a registered consumer co-operative that purchased the foodstuffs at the state warehouse and sold it to its members. Thus, people were forced to establish consumer co-operatives. This subsequently led to a large number of registrations, particularly in the years from 1980 to 1984.

Yet, food marketing continued to be severely constrained by shortages. In 1984, in a general policy shift from a controlled economy to a more liberalized economy, food marketing was also liberalized. Petty village traders were now allowed to engage in the

marketing and selling of all kinds of goods. Therefore, from that time on there was little incentive to establish consumer co-operatives. The number of newly-registered consumer co-operatives, as well as other types of co-operatives stagnated. This continued until about 1990.

In 1986 a new co-operative law, *the Co-operative Societies Act of 1986*, was passed by the House of Representatives (the Zanzibar Parliament). The law was to give more importance to commercial principles. Nevertheless, in reality, little was dedicated to this end as can be seen from the objectives in Section 3 of the Act:

- "(a) to accelerate the building of socialism by bringing about socialist development both in rural and urban areas;*
- (b) to foster the development of co-operative farming in rural areas as a means of modernizing and developing agriculture and of eliminating exploitation in the rural areas;*
- (c) to satisfy the cultural needs of its members, as well as to increase their social and political awareness;*
- (d) to improve the material living condition of its members;*
- (e) to promote co-operative education among its members"*

The co-operative movement was reorganized in a three-tier system comprising the primary societies (the co-operatives on village level), the secondary societies (the unions on regional level), and the *Washirika* apex organization, which was the CCM party's mass organization responsible for co-operatives.

From 1984 onwards, co-operatives other than consumer co-operatives gained importance. The remarkable development of co-operatives in the 1990s (see Figure 15) is due to a number of projects that made special assistance and credit programs available to rural people, often on the condition that they were registered as co-operatives. In 1992 it was decided that the country should move toward a multi-party system. The mass organizations of the ruling party were dissolved, including the *Washirika* apex organization of the co-operatives.

9.3 Present Situation

Table 50: Number of Co-operatives and Members of Co-operatives in Zanzibar in 1994

Type of Co-operatives	Consumer	Fishing	Agriculture	Livestock	Small Scale	Transport	Forestry	Others	Total
No. of Co-operatives									
- registered	1544	411	346	98	115	128	35	304	2981
- canceled	108	1	1	0	0	0	2	13	125
- total	1436	410	345	98	115	128	33	291	2856
No. of members ⁸⁰									
- men	10052	82	5831	500	138	205	26	2066	18900
- women	30443	5289	2105	960	1208	2304	726	232	43267
- total	40495	5371	7936	1460	1346	2509	752	2298	62167

Source: own compilation based on the Register of Co-operatives

By the end of February 1994, 2,981 co-operatives had been entered into the register of co-operatives, while 125 had been canceled. Thus, 2,856 co-operatives were legally operating in Zanzibar at that time. According to the register there were about 62,000 members; comprised of 43,000 men and 19,000 women.

In 1994 about 740,000 people lived in Zanzibar, of whom 300,000 were above an age of 18 years (own projection, based on census figures). There were 62,000 members of co-operatives. This means that 20% of all adult Zanzibaris were members! This was a very high figure, which could not be verified in the field surveys. According to Survey A only 9.0% of all adults were members of co-operatives. Although Survey A left out those co-operatives that operated outside the rural area, i.e., in towns, this cannot explain the large difference. Most likely, many of the early registered consumer co-operatives ceased operation by 1994, but were not yet canceled from the register and, hence, this distorted the statistics.

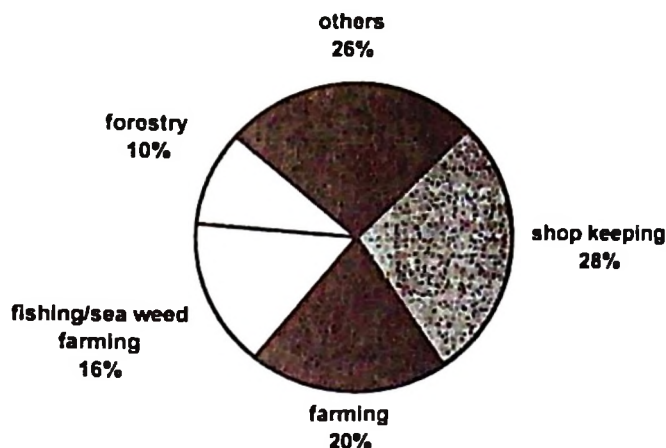
However, even a membership of "only" 9% of all adult Zanzibaris would mean that the co-operative movement is very important in Zanzibar. Other findings from Survey A and B confirm this conclusion. For example, the median number of days worked in co-operatives per member is 66 days per year, and ranges from 28 to 328.5 man-days (25th and 75th percentile). It shows that many members spend much of their time actively working in co-operatives. According to Survey B, (see Table 25, page 84) 11.9% of all self-employed⁸¹ agricultural work is performed in co-operatives, and even reached 42.4% in the coral rag area. This shows that co-operatives are an important part of agriculture in Zanzibar.

⁷⁹. From whole counts.

⁸⁰. Estimated from random samples.

⁸¹. Excludes hired labor.

Figure 16: Co-operative Activities (in %)



Source: Survey A

According to Survey A, shop keeping (consumer co-operative) is the most popular type of co-operative and is followed by farming, fishing/seaweed farming, and planting forest trees.

Compared to women, men over-proportionally participate in co-operatives, especially in co-operatives that involve cash: More than 85% of household members in consumer and fishing co-operatives are male, while a higher proportion of women participate in farming co-operatives. Farming co-operatives normally do not involve commercial operations due to a strong subsistence orientation. Other types of co-operatives seem to be indifferent to gender, or the number of cases is too small to draw a conclusion.

Co-operatives are more popular on Unguja. Here 10.2% of all adults, compared with only 6.6% on Pemba, are co-operative members. The difference is thought to be political. Many co-operatives are initiated by political leaders. More people in Unguja identify themselves with the political leadership and state institutions.

Out of the 83 co-operatives reported in the sample (Survey A), eleven cases — six consumer and five farming co-operatives — were visited and studied in more detail. The findings are quite sobering. Only one co-operative worked well, according to commercial standards. Four worked fairly well and two worked to a fair degree. Three co-operatives were defunct and one was basically nonexistent.

These co-operatives were mostly founded in order to get state assistance. Agricultural women's co-operatives were often established in order to get land allocated, which was otherwise not accessible to them. Apart from engaging in agricultural production, the women's co-operatives served another very important social purpose. Women said that whenever they had a problem (e.g., somebody was sick, or money was needed for a funeral or other ceremonies) they helped each other. Thus, these co-operatives indirectly lowered risks for the individual member.

9.4 Constraints

According to the co-operative members interviewed in the case studies, failures in co-operatives are often due to the misuse of funds (especially by the leaders of co-operatives) and quarrels between members. When trade was liberalized and private shop keeping was allowed, many consumer co-operatives did not manage to compete.

Another important constraint is that co-operatives are often regarded as political rather than economic entities. Some leaders establish co-operatives without even having an idea about what to do, or about the feasibility of an intended activity. Sometimes co-operatives are founded only by the co-operative leaders. No proper founding assembly exists and ordinary or extra-ordinary meetings do not take place.

Also, overlapping interests of organizations and politicians must be mentioned. Besides the Co-operative Department, politicians and other organizations, for example the former *washirika*, have been active in the co-operative movement. Often they have conflicting interests.

A lot of co-operatives are technically and economically weak. Many have few assets and little capital. Many members are illiterate and proper bookkeeping is rarely practiced.

9.5 Perspectives

The co-operative system in Zanzibar has gone through many ups and downs. Unlike in European countries, the idea for a co-operative system did not come from the bottom, i.e., from economically disadvantaged people who wanted to gain strength through forming organizations, but from the top, i.e., the colonial government.

It was shown that in the course of its historical development co-operative principles were often violated in order to serve objectives of the political system rather than objectives of the co-operatives. In many instances co-operatives were a mere political platform with the minor purpose of promoting the economic prosperity of members. Self-management was undermined by strong dirigistic influences of the Department of Co-operatives and the political system.

The recent orientation of Tanzania and Zanzibar towards a more democratic political system and an economic system that gives more opportunity for private initiatives could be a chance for renewing the co-operative system. Such a co-operative system should prioritize the economic interests of its members, and it should be based on true self-management, self-help, and responsibility, without dirigistic influences of the state.

10. The System of Social Security

Social security comprises all institutions that provide protection against personal risks, and their economic and social consequences (HENRICHSMEYER and WITZKE, 1991: 49-50).

Incidences of personal risks and hardships are sickness, disability, death, orphanage, famine, old age, widowhood, divorce, unemployment, and wedding expenses.

Social security is provided through formal and informal institutions. In developing countries, informal institutions usually have a more important role than formal institutions, while this is the reverse in developed countries.

10.1 Social Security Rendered through the Informal Sector

In Zanzibar the core family, the extended family, and the neighborhood community provide most of the assistance in case of personal misfortunes. The role of formal institutions is marginal.

Relatives are obliged to help each other. The closer the relationship, the stronger the obligation. Other members of the community (neighbors, friends) help as well, especially, if relatives of the one in need cannot manage to provide enough assistance.

Much of the help is difficult to quantify, especially for problems that are taken care of within the family.

10.1.1 Incidences of Personal Risks and Hardships

Old Age

Adult sons must care for their parents in old age. Revenues from the proceeds of tree crops on family land are often used to support aged parents. Adult daughters help as well if they have some means of independent income, for example a plot under their sole cultivation. Old people continue to live in their own household as long as possible, and food and clothes are regularly brought to them by their adult children. Only when they become too old and disabled are they integrated into one of the households of their adult children.

Unemployment and Retirement

Agricultural labor on a permanent basis is very rare, and hired labor is only employed for short periods to do a specific task. Thus, a person without employment is usually left on his/her own. Most people living in rural areas have access to land either as primary occupants or as land borrowers. Therefore, in case of unemployment they revert to self-employed agricultural production, access to farm land being their main important *insurance* for times of unemployment.

Famine

Periods of true starvation have been rare in Zanzibar, but villagers well remember 1972 as the year of famine.

During a year of famine most of the villagers suffer from hunger and therefore the possibility of exchange of food between households is very limited. For periods of

normal food supply there are two arrangements to bridge inter-household shortages and to improve the variety of food: *kulishana* and *kupelekeana* (see also ROSE, 1994: 47, 49).

Kulishana literally means *to feed each other*. This arrangement is rarely practiced today, but it is well remembered from the past. The main meal was eaten together in the community of an *ukoo* (extended family), with each core family contributing a dish. Today food is shared in a similar way during the month of Ramadhan at *futari*, the dinner after breaking fast in the evening.

Kupelekeana literally means *to bring food to each other* and is an arrangement that is still often followed in the rural areas of Zanzibar. Each core family remains within its premises for lunch, but food is brought to and received from other households. Similarly, food crops and fruit are exchanged after harvest between households. In addition to improving the variety of food, the main purpose of *kupelekeana* is to reinforce good relations between households.

Sickness

Nowadays in case of sickness, rural people will normally go to formal institutions such as dispensaries and primary health care centers (see chapter 10.2, page 135-136). Besides these institutions, rural people will also seek help from *waganga* (traditional healers), *wakunga wenyeji* (traditional midwives), and in some places *dance groups* with healing skills. For example, in Chwaka there are about ten traditional healers and the *Mbutuka* dance group. Small livestock, such as chicken, are frequently used to pay for medicine or medical services to *waganga*, often directly in kind (and are regularly part of the healing ceremony). Villagers mention that over the last few decades fewer people are looking for traditional healing, and more seek the services of the public health care system.

Disability

People may become disabled after an accident or are disabled since birth. In general, disabled people, including the mentally disabled, continue to live in their families. There are well-known cases in all of the investigated villages, although it is beyond the scope of this research to assess how well they are cared for.

Death

The death of a person is a major event in the community and is a considerable expenditure for the extended family.

From one case study at Kombeni village the expenditures were assessed as follows (in TSh):

a) wooden coffin	1,000
b) bathing the body	300
c) the shroud	5,000
d) excavating the grave	1,000
Total	7,300

During the funeral, relatives ask if the deceased had any outstanding debts. From a religious point of view, it is regarded of paramount importance in the spiritual interest of the deceased to settle debts. Thus, these settlements may significantly add to the funeral expenditures. However, debts may also be waived (*kusamehe*) by creditors. Most of the expenditures are borne by close relatives, but friends and neighbors contribute to collections at the funeral.

In some villages special provident clubs cater for all, or for part of, the funeral expenditures (see chapter 10.1.3).

Orphanage and Fostering Children

Orphanage due to the death of one or both parents is one important reason to give children into other households. Children are regarded as the *property* of the father's lineage, and, therefore, there is a preponderance of orphans to be given to the father's relatives. This is by no means universal, however, and depends very much on the ability of households to cater for additional children, and on the mutual affection between the relatives and children.

Children are also raised in other households while both natural parents are still alive. This is called *kuleana*, fostering children, and literally means *to bring up each other's children*. From group discussions it seems that every third to fifth household has foster children. There are a number of reasons for this: the family providing the child already has too many children and the parents have to struggle hard to care for them all; or a mother may have regular employment that reduces her time available for child care. In the receiving family the parents are either unable to bear children or have relatively few children. Elder women living alone often like the company of a girl and, therefore, often seek to foster children. Another important reason is to reinforce social ties among relatives and friends. It is this last reason that has most likely led to the particular meaning of bringing up *each other's* children.

Normally there is no formal process of adopting a child by the foster parents. Usually the child is permanently transferred to the new household: The child is regarded and treated by the foster parents as if he or she were their own natural child. Also, during inheritance there is usually no different treatment between the deceased's foster and own children.

Divorce and Widowhood

Widowhood or divorce usually puts women into a critical situation.

Islamic law allows men to marry up to four wives at any one time, but only a minority of men are polygamous. The vast majority, 83.8%, are married to one wife, 13.6% to two, 2.2% to three, and 0.4% to four wives (Survey A). However, divorce is extremely frequent, and in fact *serial polygamy* appears *the norm* for both men and women. ANDERSON (1970: 74) reports that a Shafi'i Quadi (Islamic judge) estimates that only about 20 percent of all marriages do not end in divorce in Zanzibar⁸².

Under Islamic law the man may divorce his wife by merely verbally repudiating her three times in front of witnesses. Men can always divorce their wives, women can only divorce with the consent of their husband, unless there are special conditions (e.g., the husband is unable to properly maintain his wife and the children).

After marriage a woman normally changes residence and lives at her husband's place. After divorce the woman usually returns to her parents' place. Before her first marriage a woman normally lives in the household of her parents, but after divorce or widowhood she usually lives on her own and runs her own household. The majority of *single woman* households in Survey A, are headed by widowed or divorced women.

If all the children have reached adulthood, a widow, and sometimes also a divorcee, may continue to live in her late/former husband's village.

⁸². This figure seems to be exaggerated, but there is no doubt that divorce is very frequent in Zanzibar

Women who live on their own have to face considerable hardships. Their land and income resources are small, as this research (see chapters 5.5.1, Table 11, page 62) and other studies show (e.g., WIRTH et al. 1988: 109-112; KRAIN et al. 1993: 2-3).

Wedding Expenses

Wedding expenses are normally very high. This makes it necessary that the bride, bridegroom, and many of their relatives combine efforts to collect the necessary resources. Young girls start from a very early age of about eight years to receive gifts in cash and kind (for example cloths, bed sheets) for their future marriage.

In Pemba, marriages are most frequent during the period following clove bumper harvests, when peasants have earned enough money to afford the wedding expenses.

For both the groom and the bride, it may take several years to raise enough funds. Traditionally it is the groom who has to pay the *brideprice* (dowry). This tradition seems to come more from the African than the Islamic culture. JAMES and FIMBO (1973: 180) assert that brideprice payments are neither recognized nor forbidden by Islamic law.

In the past, and especially among *Africans from the mainland*, brideprice payments in kind as goats and cattle were popular. If the groom had no livestock and lacked other means, he often had to work for a certain period of time on the farm of the future father-in-law. Such agreements are rare these days and brideprices are normally settled in cash.

In principle, dowry paid to the girl's family reflects the transfer of labor and reproductive capacity from the woman's lineage to the man's. For the brideprice, children become the *property* of the man's lineage. In marriages without dowry the children belong to the woman's lineage (e.g., DUNDAS, 1921: 256; ABRAHAMS, 1967: 44-45; CLOUD and KNOWLES, 1988).

In one interview in Chwaka, a woman (*African from mainland*) said that she had "secretly" (*siri*) married a man (marriage without dowry). After giving birth and weaning the child, she sent the child to her family, although she continued to live together with her husband. She did this to show her husband that the child was *her property*, and not *his*.

In a traditional Zanzibari marriage the actual *mahari* (brideprice) differs very much between poor and wealthier people, and it also depends on whether it is the first or a subsequent marriage. The dowry for a first marriage for someone of average wealth within a village is between TSh 20,000 and 60,000. Additionally, another TSh 20,000 to 50,000 is needed to cover the expenses of the festivity. Thus, a bridegroom has to raise between TSh 50,000 to 100,000. He also has to provide a house, which often amounts to another TSh 50,000 to 100,000.

The bride is obliged to supply the furniture, utensils, cooking pots, bed, curtains, bed sheets, and other household items. The value of all these items is between TSh 50,000 and 100,000. Villagers feel that in most cases among indigenous Zanzibari the expenses born by the bride's side are higher than those incurred by the side of the groom. This seems to be different in marriages of *Africans from the mainland* where the groom's expenses seem to be much higher than the bride's.

This can be related to the right in maintenance, which women can claim under an Islamic marriage. The husband is obliged to bear the cost of living for her and their children. The wife is not required to contribute. In traditional African societies, on the

other hand, the woman is supposed to cultivate food crops and maintain her children. BOSERUP (1982: 43) observed that in societies where women do most of the agricultural work (Africa) dowry is paid to the woman's family, while in societies where the husband has to maintain his wife and where she is secluded from working in public (North Africa, South and East-Asia) dowry is paid to the man's family. It seems that Zanzibar is in an intermediate position, where women do most of the agricultural work, but where it is deemed seemly for them not to work in public.

10.1.2 Significance of the Exchange of Help in the Sample

Table 51: Percentage of Households Involved in the Exchange of Help^{*)}

Ethnic Group *	No. of cases	Percent			
		not involved	received	given	received & given
African from ZNZ	289	63.7	13.8	14.2	8.3
African from ML	49	81.6	2.0	12.2	4.1
Arab	16	50.0	18.8	6.3	25.0
TOTAL	354	65.6	12.4	13.6	8.5

Source: Survey A

About two thirds (65.6%) of households were not involved in any help exchange during the last year. This sounds high, but one should be aware that the table reflects help *between* households, and not *within* households.

As noted previously, the closer the relationship, the stronger the obligation to help. Therefore, much of the help for dealing with personal misfortunes is rendered *within* households. An ill, old person would try to run his or her own household as long as possible, but after becoming unable to further do so, would be integrated into a household of one of his or her sons. Similarly, a young widow or divorced woman would be integrated into the household of her parents or a brother. Mentally-disabled people live their entire life in the household of their parents, or later live in the home of a brother. All these people become dependents of the caretaker household. They get a share of the food produced by the household, occasionally receive clothes, and are sheltered. They are also — as far as they are able to (e.g., a young widow) — obliged to contribute to household chores and farm operations. While it is easy to conclude this qualitatively, it is very difficult to make a quantitative assessment and, in fact, this was not attempted during the survey.

According to Table 51 the proportion of help received and given *among* households is approximately the same (12.4% versus 13.6%). A significant difference can be noted with respect to ethnic groups. Africans from the mainland are significantly less involved in help exchange than are the other two categories. This is due to a smaller network of relatives living in Zanzibar. It was also observed that Africans from the mainland extend more help than they receive. This is an indication of transfer payments to relatives on the mainland. In the group of Arabs this is reversed, and can be linked to transfer payments coming from relatives in Oman.

^{*)} "Help" is defined here as contributions in cash or in kind over the past 12 months, and which is not expected to be recompensated.

Table 52: Kind of Help Exchanged in Surveyed Households

NEEDS	In number of cases			In percent of cases		
	in kind	in cash	total	in kind	in cash	total
HOUSEHOLD						
- food	18	13	31	9.7	7.0	16.7
- clothes	10	7	17	5.4	3.8	9.2
- house repair	10	6	16	5.4	3.2	8.6
- medicine	1	2	3	.5	1.1	1.6
- others	3	27	30	1.6	14.5	16.1
SUBTOTAL	42	55	97	22.6	29.6	52.2
LIFECYCLE CEREMONIES						
- funeral	0	20	20	0	10.8	10.8
- wedding	9	21	30	4.8	11.3	16.1
- others	4	2	6	2.2	1.1	3.3
SUBTOTAL	13	43	56	7.0	23.2	30.2
INCOME GENERATION						
- agriculture	5	1	6	2.7	0.5	3.2
- others	0	8	8	0	4.3	4.3
SUBTOTAL	5	9	14	2.7	4.8	7.5
OTHERS	5	14	19	2.7	7.5	10.2
GRAND TOTAL	65	121	186	35.0	65.1	100.1

Source: Survey A

About two thirds of help is extended in cash and one third in kind.

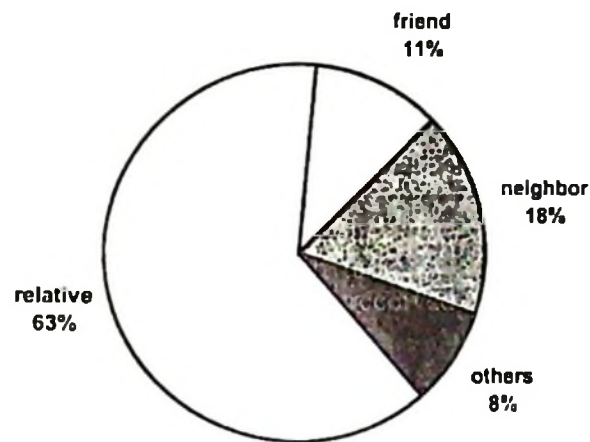
Most of the help is extended for household needs (*matumizi ya nyumbani*). The large proportion of help extended for food is noteworthy. Help for medicine and medical problems is minor, because most of the costs for medical care are borne by state hospitals and primary health care centers.

Help in kind and in cash for lifecycle ceremonies (birth, wedding, and funeral) form another important pull of nearly one third of all help exchange cases⁸⁴.

Less important is assistance extended to income-generating activities and others.

⁸⁴ Since lifecycle ceremonies occur irregularly and the recall period of Survey A was not longer than one year, this adds to the explanation of why the percentage of households not involved in help exchanges was quite high with 65.6% (see Table 51).

Figure 17: Relationship Between Persons Involved in Help Exchange (in % of Cases)



Source: Survey A

Figure 17 shows that in nearly two thirds of all instances, help is exchanged between relatives. Nevertheless, neighbors, friends, and others are important as well.

10.1.3 Provident Clubs

In two of the six villages there are provident clubs that cater for expenses at ceremonies of lifecycle events. Money is collected at regular intervals, or at the time of the event. The leadership consists of a chairman, secretary, cashier, and some elders.

It is difficult to make an assessment of how many clubs exist in Zanzibar and how many members they have. It seems that they are rather rare. Not much is mentioned in the literature either. Some cursory remarks are made by STRICKLAND (1932: 5) and KERR (1950: 9).

In Kombeni village a provident club known as *uteso wa maji* is operating. The club has 40 members, all men, all of whom are indigenous Zanzibari. The club has existed since long ago ("*tangu enzi za mababu*" = since the time of the rule of the ancestors). The club collects money and renders services for funerals and marriages. The club assists in case of the death of a member or a close relative of a member (father, mother, son). The club owns a few assets: cooking pots, plates, utensils, and sitting mats that are lent to members during wedding festivities.

In Mwakaje, during the 1960s, a club known as *likungu* was founded on the initiative of Karume, the first President of Zanzibar. The club mainly consists of *Nyamwezi* and *Sukuma* (two neighboring tribes on the Tanzanian mainland with similar languages). *Likungu* means a group of elders organizing the affairs of the community. The main purpose of the club is to assist during funerals and when a member needs money to travel to the mainland. The club sometimes helps if a member is sick or if a member's

house has collapsed during a storm. If money is left over after fund raising, it is spent in a celebration called *tujile* (let us eat together). The club has about 150 to 200 male and female members and includes people from three villages: Mwakaje, Mfenesini, and Kitundu. At the time of a funeral TSh 25 is collected per head.

The *likungu* club sanctions members who do not pay their dues or who do not participate in funerals. Recently there were two young men who had not paid on several occasions. They were excluded from the club and the village elders were informed. None of the club members were allowed to talk to them. After a short time both begged to be reintegrated. This was only granted after they paid a fine of TSh 3,000!

Clubs with the sole objective of bearing expenses at funerals or marriages are rare, but there are all sorts of groups where members may help each other in case of a problem (e.g. dance clubs, sports clubs, and co-operatives).

10.2 Social Security Provided through the Formal Sector

Zanzibar is a poor country and it is not surprising that very little assistance for social security is granted through formal institutions. Official statistics are difficult to obtain and in many cases there are no official data.

The *Department of Welfare* of the *Chief Minister's Office* is one of the formal institutions granting assistance, in particular to:

- aged people
- children and families
- disabled
- poor people
- refugees and victims of catastrophes
- workmen that are injured at work
- burial services.

Table 53: Expenditure (in TSh) of the Welfare Department for Various Welfare Services in 1991/92

Services	Expenditures
- child care	8,700,798
- old people	10,006,220
- utensils and bedding at all centers	100,000
- allowances for people with different problems	11,014,000
- retired government leaders	1,831,080
- burial expenses	895,886
- workmen compensation	1,317,900
- grant to the Association of Disabled	254,000
- directly to disabled	1,174,400
Total	35,294,284

Source: HAMDANI (1992: 14)

The *Welfare Department* runs three centers, one for children at Forodhani and two old people's homes at Sebleni and Welezo, with a total of 495 residents (HAMDANI, 1992: 1). Children who are orphans or neglected, and who have no relatives to care for them,

are admitted to the children's center. Old people who cannot care for themselves and who do not have relatives to look after them live at Sebleni and Welezo.

The central budget provides a little more than TSh 10,000,000 to support old people who are still able to continue to live on their own in the rural areas, but who lack support from relatives. Old people usually received TSh 500 (~1 US\$) per person per month⁸⁵ from these funds.

Regional administration budgets provided assistance totaling TSh 1,229,175 to another 10,912 elderly and destitute people (HAMDANI, 1992: 15).

The state supported the Association of Disabled, which has 254,000 members, in 1991/92 (see Table 53). The Association of Disabled is a non-governmental organization that is registered and has operated in Zanzibar for the last seven years. Another TSh 487,000 were made available to this organization from other budget sources for training disabled people in income-generating activities (HAMDANI, 1992: 15).

Grants are also given to poor people in order to encourage them to start income-generating activities. During 1991/92 a total of 347 people were helped in this way, but no figures were available on the amount disbursed (HAMDANI, 1992: 1).

The Welfare Department also helps in the case of catastrophes. One of the last activities was to assist refugees coming from Somalia.

Burial services are rendered to those who have no relatives, or other persons, who would cover the costs.

Workmen compensation is paid by the Department of Welfare only to people who had an accident during state service. If workers have an accident in a private company, the company has to pay compensation, but the Welfare Department helps to settle the amount due. Compensation for clove pickers who had an accident is borne by the Zanzibar State Trade Corporation.

Only a few formal arrangements related to unemployment and retirement assistance are worth discussing. People who are employed as permanent laborers or as civil servants have a right to compensation if laid off, which is usually one months salary per working year. People who retire from civil service are entitled to a monthly pension in proportion to their final salary level. Since inflation is high (about 30%) and pensions are only negligibly adjusted over the years, there is little to live on after a few years. Therefore, most retired civil servants have to seek income opportunities in agriculture or engage themselves in some other business. If they are too old, they rely on the support of their children (see chapter 10.1.1, page 127).

The Ministry of Health is another important formal institution that provides social security by rendering free medical consultation to sick people in state hospitals and in numerous primary health care centers. Medicine is, theoretically, also free, but it is mostly out of stock and has to be bought from private pharmacies in town. When a patient is admitted to a hospital the family usually has to provide food.

State health care centers are not far from most of the villages in Zanzibar and villagers frequently use them. According to villagers, the services at the health care centers are

⁸⁵. It is estimated that a person needs at least TSh 5,000 per month for food and clothes. This shows how small the support is.

satisfactory, especially for most of the common diseases (e.g., malaria). Difficulties arise when patients need special treatment or surgery. Often "unofficial" payments have to be made for special services.

Because the state is increasingly becoming less able to provide free medical service, private dispensaries and small hospitals have been allowed to operate for the past two years. Unfortunately, most of them are situated in towns and not in the rural areas.

Periods of true starvation have been rare in Zanzibar, but during the last decade two serious food shortages occurred. They were caused by *Black Sigatoka*, a devastating banana disease, and by the *cassava mealy bug*, respectively. The shortages were overcome by distributing food aid from the World Food Program organization through the state organization Bizanje.

Some non-governmental organizations, partly or totally funded by external donors, try to fill gaps in the state's welfare system. The *Association of the Disabled* has already been mentioned. The *SOS Kinderdorf* recently built a children's village that will care for up to 130 orphans and destitute children. The *African Charitable Society* assists mothers and children. During 1991/92 they provided TSh 5,000 to each of 427 mothers in need (HAMDANI, 1992: 15-16).

The Waqf and Trust Commission is another public entity in charge of providing help in certain situations. This Commission receives and manages *zakas*, which are alms given to the poor⁶⁶ by fellow Muslims.

10.3 Agriculture and Social Security

The greatest share of social security is provided through the informal sector of family, neighborhood, and wider community relationships. Little is added through the formal sector. Agriculture plays a prominent role, since most of the resources that are needed to overcome hardships, resulting from personal misfortunes, are derived from farming or livestock production.

In particular, it was concluded from the surveys (Survey A and group interviews) that,

- the proceeds from tree crops often serve as the supportive base during old age,
- after loss of employment the only alternative, for most people, is to go back into farming and that in most of the cases there is still land — although often only borrowed land — available to do so,
- the exchange of harvest proceeds lowers the risks of poor harvests, bridges food shortages among households, and enriches the variety of food,
- livestock are often sold to finance medical care,
- in Pemba the revenues from clove harvests frequently provide couples with the means to marry, and
- goats and cattle may serve as part of the dowry.

Besides these direct links between agriculture and social security, there are numerous indirect links. For example, as can be recalled from chapter 8.6.2, page 118, in 70% of the cases of sharekeeping of livestock the herdsman and the livestock owner are relatives. The usual purpose of this arrangement is so that an elder relative can help the herdsman, who is normally a young man, build up his own herd. This is of course not only done in order to help the young person, it is also a measure of building up a

⁶⁶. Unfortunately, due to time pressure, there was no opportunity to look into the significance and extent of the Commission's operations concerned with *zakas*.

relationship, a relationship that morally obliges the younger person to help the elder when the latter reaches old age or occurs some personal misfortune. Also the institution of mutual self-help labor groups (see chapter 7.7) can be largely linked to improving the social security of labor group members, since beyond the labor exchange, help in the form of food or even cash is exchanged in times of need. The same has been observed for women farming co-operatives in the coral rag area (see chapter 9.3).

From the above, it is obvious that relationships in the informal sector and proceeds from agriculture form the backbone of the social security system in the rural areas of Zanzibar. Therefore, it appears justified to ask if the burden on the agricultural sector for the provision of social security is excessive, such that this has a negative impact on agricultural production.

The case that was presented for discussion during the group interviews was: imagine a young man and his family who were successful farmers and who were the frequent target of relatives who had a problem (personal misfortune). Would their obligation to help go so far that the young farmer and his family were discouraged to put much effort into agriculture? This matter was hotly debated by the groups of villagers interviewed. While it was admitted that at times the burden for such a family could be high, it was generally agreed that there was enough room for a farmer with initiative to be a successful farmer and to reap most of the benefits for himself and his family.

Villagers also point out that there are certain mechanisms to shield off non-genuine requests from people who look for help. Each case is looked at carefully. If a request does not appear to be genuine, it can be, and is often, refused. If a request appears less valid, but cannot be refused, then the help may be granted in the form of a loan. The person who is helped knows that he or she cannot forward a new request for help until the old loan is settled. Indeed, many of the personal loans are never repaid, but they still have a function: to shield off further requests. Another popular method to make help less accessible is to convert cash into assets. Cattle, for example, would not be touched for a rather trivial cause. Putting the money into rotating savings and credit groups is another way of making money inaccessible to possible requesters.

By and large, one may conclude that the social security system, which is based on informal family and community relationships, works to a fair degree and that agricultural production is not negatively affected. On the contrary, agricultural production receives a good deal of stability from the mutual obligations of the social security system. In the short and medium-term, and particularly vis-à-vis the weak public sector and a weak non-agricultural economy in Zanzibar, the only way for the social security system is to be rooted in informal relationships and to derive its resources from agriculture.

PART III: SUMMARY AND CONCLUSIONS

11. Conclusions

The agrarian constitution should provide adequate socio-economic frame conditions for farmers to invest, produce, and adopt technologies to increase agricultural production. Increasing agricultural production is not a purpose *per se*; it is seen as the necessary base for human sustenance and for lifting the standard of life in the rural areas.

The agrarian constitution is dynamic. Its various sets of rules have to be continuously adapted to the changing economic and social conditions. In Zanzibar the following factors especially demand adaptations of the agrarian constitution:

- increase of human population and the subsequent growing land pressure,
- increased importance of cash crop farming versus farming for self-sufficiency,
- agro-technological changes through mechanization, irrigation, and the utilization of fertilizer, pesticides, and improved seed, and
- political changes⁸⁷.

In this chapter the developments that lead to the status quo of the different elements of the agrarian constitution will be assessed in view of the facts depicted in Part II, and desired and undesired trends will be discussed.

11.1 Laws and Law-like Rules Governing Land Ownership and Land Use

The Historical Development of Land Rights in Zanzibar

Until the end of the 18th century a divided right of land ownership that was based on African principles had prevailed in Zanzibar. The primary land ownership rested in the territorial community of a tribe, clan, or village, while a secondary land ownership right was held by individuals. The right of individuals to use the land amounted to a form of secondary ownership because these individuals were *entitled* to land allocations exercised by community elders. The African principles were based on low population pressure, ample availability of land, and a crop production system chiefly concerned with short-term food crops and, therefore, farmers had a short-term interest in land use. In the beginning of the 19th century Arab merchants and farmers introduced the cultivation of permanent cash crops, i.e., cloves and coconut palms. Farmers began to have a long-term interest in land use. Land rights, based on Arab-Islamic principles, were introduced and oriented towards an undivided right of land ownership. On Zanzibar this new system of land rights was extended to the entire area that had fertile and deep soils suitable for tree crop production, and which is now called the plantation area. The successful introduction of land rights that are based on Islamic principles was largely due to two important changes: first, the shift from short-term food crops to long-term cash crops and, second, land, which was once abundant, became limited. The new rights system could be enforced because of the installation of a comprehensive system of dominion with an Arab Sultan as the sovereign at the apex.

⁸⁷ A general shift in the political systems of Tanzania and Zanzibar from a controlled to a more liberalized economy can especially be noticed since about 1984. The recent drastic changes in the former socialist countries in East Europe has greatly propelled this development and will further affect the agricultural sector and the economy. Political parties, in addition to the current governing one, were permitted, and free elections were announced for October 1995.

In the coral rag area, shallow soils greatly limited tree crop cultivation. Therefore, Arab interests were low, and land owner- and usership rights remained based on the African customary principles.

This was the general state of affairs at the time of Zanzibar Independence and the Revolution: an undivided right of land ownership in the plantation area based on Islamic principles, and a divided right of land ownership in the coral rag area based on African principles.

After the Zanzibar Revolution, in 1964, all land was declared to be owned by the state. On the other hand, and with very few exceptions⁹⁹, land usership remained in the hands of individuals. Thus, for the whole of Zanzibar a divided land property rights system was installed. For land that was owned by smallholders before the Revolution, the state's influence was limited to restricting some transfer rights. Farmers were still allowed to bequeath their land or to sell their land usership right to other Zanzibaris, but mortgaging and renting was not permitted. The situation was different with large land holdings, which belonged to mainly Arab landlords. This land was confiscated and distributed as *three-acre land* to small holders in a land reform program. Transfer rights to *three-acre land* were greatly restricted. *Three-acre land* was only allocated to the farmer and his spouse, and only up to the end of their lives. Inheritance was only possible after presidential approval of an application by family members of the allottee. Selling, mortgaging, renting, and lending were not permitted.

During the twenty years following the Zanzibar Revolution, agricultural production declined. This was due to strong dirigistic influences of the state and to the above-mentioned restrictions in land rights. Land tenure insecurity was identified as a major problem of Zanzibar's agriculture, especially made evident by the observation that tenants of *three-acre land* did little to replant their fields with plantation crops such as clove trees or coconut palms. Therefore, since the 1980s, legislative initiatives were undertaken to improve this situation. A number of laws were subsequently passed. The most important law was the Land Tenure Act. While it is too early to be able to measure the impact of the new laws, some comments can be made with respect to the probable consequences of these laws.

Individualization of Land Proprietorship

The present changes in land legislation clearly aim to improve the rights of individuals with respect to land proprietorship. The new legislation will shift the state ownership in land to a residual role. The state will continue to hold the ultimate right of land ownership, but the individual will receive a land use right that is very near to an ownership right, because — with the exception of three-acre land and state-controlled rice land, and with certain limitations — the new right of occupancy shall be granted in perpetuity, and holders of rights of occupancy shall be able to sell, bequeath, lend, rent, and mortgage their land (see chapter 5.2.5, page 40-41).

A change of land proprietorship rights that strengthens the land rights of individuals is expected to induce, among farmers, the exertion of higher levels of labor, management, and investment to protect or enhance land fertility. However, some (e.g. OKOTH-OGENDO, 1976: 183) postulate that land in the African context is not just a physical entity, but it is part of man's environment around which many human, political, economic, legal, and religious institutions are built. The individualization of land proprietorship would lead to a disruption of the social system, and this would lead to negative developments. Similar warnings for Zanzibar have been expressed by PACKENHAM (1947: 25) and MIDDLETON (1961: 75) for the coral rag areas, which

⁹⁹. This refers to those cases where confiscated land was used to establish state farms.

remained for a long time under the customary land rights that are based on the principles of the African concept of land rights.

Several arguments support the view that, in Zanzibar, the development towards the individualization of land proprietorship will have a mostly positive impact. Until now, tenurial insecurity has impeded agricultural production. Tree crops, so important for the sustainability of crop production, are only grown when farmers have a right that is not limited in time and that includes the right to bequeath and sell the land. This can be seen from land that is classified as quasi-individual property, which is usually well utilized (see chapter 5.3.5, page 59-60), and which — compared to the category of three-acre land — is significantly less frequently lent to other farmers (see Figure 5, page 51). The official acknowledgment (adjudication) of land rights, and the issuance of title deeds as rights of occupancy, are likely to remove these impediments and can lead to increased, and more sustainable, agricultural production. Simultaneously, the farmer is provided with a title deed that can be used as collateral for obtaining agricultural credit. This will help to mobilize the capital needed for agricultural investment.

The concept of individual land proprietorship is not alien to Zanzibari farmers. During a period of more than two hundred years this concept was introduced by Arab merchants and farmers. Before the Revolution, private land ownership was prevalent in the plantation area of Zanzibar and was introduced, to some extent, from there to the coral rag area (although no title deeds were issued for plots in the coral rag area).

In discussions with individuals and villager groups the idea of receiving better and documented land rights was generally received with genuine interest and approval. The change in legislation is, therefore, very likely to find acceptance among the broad majority of the rural population.

There are some issues that necessitate caution regarding the enthusiasm about the individualization of land proprietorship. For example, it is very difficult to assess or forecast its impact on the social system. As was shown in chapter 10, the system of social security mostly derives its strength from informal institutions and obtains its resources from the agricultural sector. On the other hand, in the past it was already possible to sell quasi-individual property and family land and this did not upset the social system. A number of people also warn that the possibility of mortgaging land may tempt farmers to incur a heavy burden and, perhaps, unrecoverable debts. These farmers may lose their land. In fact, this danger cannot be disregarded. The Registered Land Act, however, provides that mortgaging of land can only be done to prescribed persons, authorities, or institutions, but not to private money-lenders (see chapter 5.2.4: page 36).

Admittedly, there is some risk attached to the current change of land laws, because it is difficult to predict their course of development. It seems, however, that the economic and social circumstances require the current changes that are being made in the land law, which start to come into force, and that these changes will be supported by the rural population.

Three-Acre Land

As stated previously, according to the Land Tenure Act, *three-acre land* and *state-controlled rice land* cannot be converted into the new right of occupancy that grants all transfer rights. In particular, it is pointed out that the right of sale will not be granted. Section 44(1) of the Land Tenure Act reads: "*that no land [deriving from confiscated land] shall under any circumstances, whatsoever, be sold*". Yet, and including for *three-acre land*, rights of occupancy shall be issued. According to the author, confusion in the law can be reduced by *spelling out* that there will be two kinds of rights of occupancy:

one that includes the possibility of sale and the other that does not. Another potential source of confusion may arise because although mortgaging of *three-acre land* shall be possible, selling is not. Mortgaging entails the possibility of foreclosure, and, thus, ultimately the sale of land. This issue needs further deliberations among policy makers.

By and large, the situation with respect to *three-acre land* is most unsatisfactory and will remain so. The allocation of land only until the end of the life of the grantee and his spouse, the various threats of revoking grants for unsatisfactory land use, and the restrictions with respect to selling, lending, and renting has caused insecurity regarding land tenure. The consequence is a wide neglect of *three-acre land* that is characterized by overaged trees and low productivity. The new laws, and the Land Tenure Act in particular, were a chance to remove the previous restrictions and to convert it into a type of quasi-individual property⁸⁹. With the creation of a separate category in the form of a de facto *second class* right of occupancy, which retains much of the old restrictions, this chance has been missed. It can be expected, therefore, that the associated agricultural problems of overaged tree crops and low agricultural productivity will continue unabated.

State-Controlled Rice Land

For *state-controlled rice land* the state authorities intend to continue to exercise direct control of the land. This means that for this land type no rights of occupancy shall be issued. Each season, farmers will receive a plot from the site supervisor of the Ministry of Agriculture for rice cultivation, which is based on a good performance in the previous season. So far no serious constraints have been observed in crop production as a result of deficiencies in land rights. The problem of low rice production, which has been noted throughout the years, can be related mainly to a low rice price rather than to a lack of long-term land security. On the other hand, supervising the areas under *state-controlled rice land* requires a lot of supervisors and extension staff, which involves considerable costs. A redress of the situation appears desirable. It would certainly decrease the financial burden of the state if the land is released to individuals and is granted as right of occupancies.

Land Borrowing and Renting

Land borrowing has not been a concern of the new land laws, although it is the land tenure type that is most prevalent in Zanzibar. So far, in the grand majority of cases, land borrowing has been very beneficial. It has moved land, in a flexible way, from those who have more land than they can effectively farm to those who do not have enough. It is estimated that in terms of agricultural input, borrowed land absorbs the highest amount of labor, and in terms of output it yields most per unit area as compared with all other tenure types. Yet, land borrowing is not without its dangers. In some locations of north Unguja and south Pemba over-use of borrowed land has been observed. The effect is a decrease in soil fertility and unsustainable agriculture in the long run. This development has not yet become too widespread, but will certainly agitate future land rights agendas in Zanzibar.

It is expected that because of increasing population pressure and the new legislation that allows for the renting of land, tenancy arrangements will become more important in the future. Already, tendencies are noticeable that over-used land is a likely danger. It seems too early to make concrete proposals for a tenancy legislation⁹⁰, but such a legislation

⁸⁹ In fact, this was the line of discussion during the early 1990s and the intention of the draft Land Tenure Act. However, strong political forces within the ruling CCM-party insisted on the separate treatment of three-acre land.

⁹⁰ Such a tenancy legislation should include borrowing arrangements that regard borrowing as a special tenancy arrangement whereby the land borrower does not pay in cash or kind for the right to use the land.

would have to determine rules that ensure continuous and sustained agricultural production under a tenant-primary occupant relation.

Women's Access to Land

Women and their interest in land must be enhanced; not only in order to acknowledge the equality of sexes but also to support women as main actors in agricultural production.

Rights of occupancy of land that was formerly confiscated, and which is allotted to small holder families, should be registered in the name of both husband and wife when both intend to be involved in agricultural production. This would give women more security in the access to land, especially after a divorce.

Women's interests could also be improved by institutionalizing an executive position for a *women's representative* in important land bodies, such as the future *land tribunals* and in the *statutory trusts* of joint land holdings that have more than ten members.

11.2 Laws and Customs of Succession to Land and Trees

The Islamic, customary, and statutory laws of succession with potentially multiple division of property has led to some fragmentation and to frequent joint rights of primary occupancy. Fragmentation seems to be a minor problem at present. In only a few cases, were an excessive number of parcels per household found. It seems that in most cases people opt for joint ownership once the subdivision of a plot becomes uneconomical. However, joint primary occupancy entails severe constraints in decision making and joint usership of land. In fact, much of the family land in Zanzibar is under-used. Production on family land is often low. Tree crops are not replanted to the desired⁹¹ degree and plantations tend to become over-aged.

The Islamic law of succession, which applies to about 90% of all people in Zanzibar, discriminates against women, since a daughter receives only half a son's share. However, women outnumber men in agricultural labor. Better rights for women may stimulate their agricultural production.

A change in the statutory law of succession land-use rights could be made to devolve on all heirs equally, regardless of sex, without violating the Islamic law. Land ownership by the state would be the key to such a move. It could be argued that the secular state, as such, is not subjected to Islamic law. Because the land belongs to the state it is only a use-right that is held by individuals and the transfer of the use-right through inheritance could follow the laws provided for by the secular state.

Further, it is seen that testators in most of the cases do not make use of the possibilities that are available under Islamic law. For example, *gifts* during the lifetime of the donor and *wills* up to the *bequeathable third* can mitigate the discriminatory division of property between sexes. But as long as there are sons, testators usually favor them because in a patrilineal society the family line is only continued through sons not through daughters. Another reason is that married daughters have a right to be supported by their husbands, while sons, as future husbands, have to maintain their wives. Thus, it is argued that sons *need* a bigger share of inheritance. Therefore, testators usually make use of *gifts* during their lifetime and *wills* up to the bequeathable third to daughters if they have daughters only. This is normally done in order to reduce the share of inheritance to other more distant male relatives.

⁹¹ . Agro-ecologically, this is desired to give the land stability against erosion and soil fertility decline

Many non-Muslim women, especially of tribal communities originating from the mainland, do not make use of the stipulations of the statutory law that provides them with the same inheritance rights as men. One reason is that they do not know. Therefore, women should be made aware of their rights through information and education. A second reason is that some of these women do not want to make use of their statutory right because it conflicts with the customary right of their mainland tribe, which provides that land can only be inherited by sons, not by daughters

11.3 Agricultural Labor

General Conditions

Low labor productivity is mainly due to the low level of mechanization. With the handhoe as the principal tool, not more than two hectares of land can be cultivated by the average household. Thus, it is not surprising that labor is still scarcer than land.

Education, an important prerequisite for improving agricultural technology, is generally low, particularly among women. More than 40% of adults are illiterate.

Since the Revolution, an education system making primary education compulsory for every child has been established. Thus, improvements are on the way, and already visible, among younger adults.

Half of all farmers are part-time farmers. Many young people, especially men, leave the rural areas for employment in towns. Approximately every sixth farmer in Survey B lived in town. A significantly negative impact on production was not observed. On the contrary, farmers from town often have additional financial means to make agricultural investments. This shows that there are some alternative income opportunities in the rural and urban areas that can support a change of the agrarian structure. Such a structural change can be positively influenced by situation adequate policy measures.

Labor Requirements and Labor Input

The two rainy seasons and the cool interim period allow agricultural labor requirements to be fairly evenly distributed throughout the year, as compared to tropical countries and areas with only one rainy season. Nevertheless, there is a labor shortage during the onset of *masika*, the main rainy season, and particularly during years of bumper harvests of cloves.

The labor input differs greatly depending on agro-ecological conditions. The highest labor intensity is found on hydromorphic soils (rice valleys), more than twice as much as on coral rag land, and more than four times as much as in the plantation area.

Gender and Labor

From the Islamic religious perspective, it is regarded desirable and decent for a woman not to work in public. In some countries women are, therefore, not seen working in agriculture. This is not the case in Zanzibar, although about 90% of the population are Muslims. The reason for this phenomenon is the strong influence of African customs, where women play a dominant role in agricultural labor. Also in Zanzibar, more women are engaged in agriculture than men. They form the majority of adults available for agricultural work (54.5%) and they perform 57.4% of all agricultural labor.

Women are also employed as hired agricultural labor, but significantly less so than men, and they only earn one-half to two-thirds of a man's daily remuneration. In terms of off-farm employment, women obtain significantly fewer jobs than men in the state service.

Women dominate agricultural labor in the coral rag and hydromorphic soils, while men dominate in the plantation area. Labor by men in agriculture is associated with growing cash crops and primary occupancy (quasi-individual land property); and labor by women is associated with food crop cultivation and secondary occupancy (land borrowing).

Women should be much more a target group of the agricultural extension service. So far, mostly men are addressed by the extension service. Especially for rice and other food crop cultivation, women have an overriding importance. The agricultural extension service should start a deliberate effort, beginning with these crops, to advise women on better crop husbandry practices.

Ethnicity

The importance of mainlanders for agricultural work continues unabated. They provide 12.3% of the labor force in the rural area, do 17.7% of all agricultural work, and constitute 59.3% of all hired labor. Mainlanders are thus crucial to Zanzibar's agriculture. So far they have enjoyed a rather smooth integration.

Ujima Groups

Traditional mutual self-help labor groups called *ujima* are quite important, particularly for women in rice cultivation. These groups are more often found in pronounced subsistence, rather than commercial agriculture, and are more popular in Pemba than in Unguja. These groups are ideal targets for a group extension approach by the agricultural extension service.

Communal Work

Communal work contributes to the improvement of life in the rural areas. Villagers build or maintain schools, roads, and water supply systems through self-help. At the same time this does not constrain other agricultural work, since the total labor demand is not more than a few days per adult per year.

Mainlanders are more active in communal work. This is explained by their being more deeply-rooted in the ruling CCM party and in being more obedient to the call of state institutions.

11.4 Agricultural Credit System

The non-existence of a formal and comprehensive agricultural credit system is a serious constraint to the agricultural development in Zanzibar. The credit system is fragmented. Short-term credit needs are covered to some extent, long-term credit needs are not covered at all.

One of the principal constraints in the agricultural credit system has been the absence of long-term credit programs, because of the lack of the possibility to mortgage land. This obstacle has been removed with the recent land legislation. With the enactment of the Registered Land Act (especially Part V, Division 3) and the Land Tenure Act (Section 12-13) mortgaging of land is permitted again.

Policy and law makers were reluctant in the past to legalize land mortgaging, because of the detrimental experience in the 1930s when it was estimated that half of the agricultural property of Zanzibar had passed to the hands of mainly Indian money-lenders, while the remainder was encumbered to them (see chapter 5.2.2, page 37). Thus, in the new laws, provisions have been made that stipulate that land can only be mortgaged to prescribed persons, authorities, or institutions, and not to private money-

lenders (Registered Land Act, Section 65). It was also determined that in case of forfeiture the right of occupancy cannot pass on to the lending institution. It has to be sold on the open market (Land Tenure Act, Section 13(3)). Hence, it can be concluded that important preconditions have been created for the functioning of long-term credit programs that use land as a collateral. At the same time, farmers are protected to a certain degree against unscrupulous money-lending.

The Islamic Law prohibiting interest is another major constraint in the development of a credit system, since interest is the "price" for loaned and saved money.

Many people agree to interest if it is charged by formal institutions, while they have very strong reservations about interest charges in the informal sector. Nevertheless, formal financial intermediaries also sometimes face reservations from their customers regarding the use of interest.

In order to alleviate reservations against interest, people have to be informed about the importance and positive side of interest. In loan transactions the Swahili word *riba* should be avoided, since the connotation is too negative (like *usury* in English). Rather, a more neutral term such as *administrative charge* should be used. It should also be investigated as to whether there are Islamic banking devices available that encourage credit while not infringing the Islamic Law. YAZDANI and HILL (1993) report on a profit-and-loss sharing loan device that has some additional advantages to risk-averse farmers.

The interest policy of banks operating in Zanzibar (all state owned) is one major obstacle to the working of a sustainable credit system. Interest rates on commercial credits were, until very recently, around 26%, well below the inflation rate of about 30%. These conditions lead to a high demand of loans and transaction costs that are never recoverable from the lending process.

Interest rates have to be raised to cover the cost of capital (interest paid to savers) and administration. This should, in principle, also be valid for on-lending to farmers.

The almost complete omission of encouraging savings in the credit policy is another major reason for the non-existence of a comprehensive and sustainable credit system. Currently, interest rates on saving accounts vary between 24 and 28% per year depending on the amount of money saved and the duration of the deposit. Interest rates on saving accounts have to be raised above the inflation rate, otherwise it remains economically more attractive to lodge money in *dead* assets, which do not generate profits. This withdrawal of money towards lodging in *dead* assets reduces the already small supply of funds available for credit.

11.4.1 Formal Credit Institutions

The formal credit sector provides less than 10% of all loans (Survey A). All organizations working in the formal credit sector have one common feature: they are confined to a certain target measure or target group. None is concerned with establishing a comprehensive credit system.

Most of the formal credit institutions are riddled with all kinds of problems. A low recovery rate of loans, evident almost everywhere, is an indicator of this.

The most outstanding problems are:

- lack of the possibility to use land as a long-term security.

- political interference,
- favoritism,
- (mis)use of credit to introduce inappropriate technology,
- religious reservations against interest⁹², and
- lack of staff and means to administer loans.

Lack of the Possibility to Use Land as a Long-Term Security

Until now — as mentioned above — land could not be used as collateral, but this does not mean that this was not done in the past. Land was not used at all as collateral in credit transactions between individuals, but it was used between state lending institutions and individual credit takers in a few exceptional cases (see for example the Zanzibar Fishing Corporation, chapter 8.2.7, page 102). Two problems were encountered. One was that many house and land proprietors did not have a *warka* (a title deed), because title deeds only existed in the plantation area when a house or land had been subjected to a sale in the past. A second problem was that there was no land register in which to register the mortgage. Therefore, the loan taker, who had to hand over his title deed to the lending institution, could still try to sell the mortgaged house or land by telling the prospective buyer that he had no title deed to his property.

Again, this shows the need for the current legislation to create the necessary prerequisites: with the right of occupancy the land proprietor will be provided with a documented mortgagable right and the land register will allow the registration of any charges on the property, which gives the lending institution more security on the mortgage.

Political Interference

Several organizations mention that politicians often interfere in loan transactions. The President of Zanzibar has waived the debt of borrowers several times. This leads to low repayment morale in the long run

A number of borrowers do not repay, or delay payment, because they claim to follow the political opposition party and refuse repayment to state institutions of the current government. This is partly self-inflicted by state institutions, since many of the organizations are objects of political favoritism. It does not seem appropriate that institutions carry the name of political institutions (for example the Fund for Self-Reliance is called *Mfuko wa Rais* in Swahili literally meaning the *purse of the President*). A distinct separation between politics and credit organizations must be made, and party politics must be excluded.

Favoritism

Outright corruption or bribery in obtaining loans is rare, but favoritism is frequent, either in the form of political favoritism or in favoring relatives and friends. This must be avoided. Credit has to be approved according to the credit-worthiness of the proposed investment and the credit-worthiness of the applicant.

(Mis)use of Credit to Introduce Inappropriate Technology

Sometimes technologies are introduced too early. The cross-breeding program supported by the World Food Program is such an example. New cattle breeds are introduced, involving labor-intensive husbandry practices. Too much has to be changed and the farmer is often not able to cope with all the necessary changes. In the worst-case scenario, newly constructed stables remain idle or cows even die. The farmer falls into debt, which cannot be repaid from the investment.

⁹² This point does not need further elaboration in the following paragraphs since it was sufficiently covered above

Another example is the extension of credit for tractor-hiring services. Tractor hiring is so expensive that it seems impossible for it to ever become economical or to recover costs in the long-run. This is an example where agricultural credit serves to promote a basically inappropriate technology. Intermediate levels of mechanization appear to be more adequate, i.e., one-axle tractor and oxen drawn technology.

Lack of Staff and Means to Administer Loans

Most of the executives in the various credit organizations lament that they have neither sufficiently well-trained staff nor transport or other facilities to adequately administer loans. This is certainly valid and an important target for donor assistance. However, as long as interest rates are low, the demand for loans will remain high and contributions to cover the administrative costs will remain low, all resulting in a lack of facilities.

Opportunities to Contribute to a Self-Sustaining Agricultural Credit System

The credit component of the IFAD-Smallholder Support Project is a project with a wider scope and with good potential to contribute to a self-sustaining agricultural credit system. A large part of rural households qualify within IFAD's target group definition, and credit is provided for all kinds of agricultural activities. The single most important defect of the current approach is that it has not incorporated any systematic way to encourage savings. The IFAD input should be used for setting up both saving and lending facilities⁵¹.

11.4.2 Informal Credit Institutions

The informal credit sector provides more than 90% of all loans (Survey A). These loans are given interest-free, and repayment is mostly left to *the borrower when he/she is able to*. This reveals that loans from informal sources are mostly given due to social, rather than commercial, considerations. Informal loans are small in size and given on a short-term basis. Hence, they do not suffice to substitute or complement formal agricultural credit.

One of the main reasons why informal credit transactions are confined to social and not to commercial relations is that creditors lack security under the current system. Debtors cannot provide securities such as private property (real estate). Thus, creditors are limited to the use of social pressure.

The Islamic Law prohibiting interest also hampers commercial credit relations between individuals.

Thus, a number of informal and indirect credit institutions have been encouraged. They provide securities "in kind" (e.g., the second and third informal institutions listed below) and they all operate without or with disguised interest:

1. rotating savings and credit groups,
2. mortgaging of crops, and
3. sharekeeping of livestock.

Rotating Savings and Credit Groups

Rotating savings and credit groups, known as *upatu*-groups, are very efficient. Loans depend directly on the amount of collected savings. Thus, it is an institution that ideally balances saving and loaning. It encourages members to save, due to a mutual

⁵¹. This is one fundamental conclusion from reviewing credit programmes in most developing countries (see e.g. PISCHKE, VON, 1983; BLAIR, 1984; ELLIS, 1992: 163-165).

reinforcement that goes beyond the scope possible if members saved individually. It is a very efficient institution because money is made available to the economy as a loan the *moment* it is saved, whereas money saved individually, either in the form of stacked money at home, or lodged in *dead assets*, withdraws funds from the economy. It is also a fair institution, since theoretically after only two saving and lending cycles every member benefits and loses equally with regards to foregone interest. It is also a very flexible system, since in most *upatu*-groups money disbursement is made to the member in greatest need. Group size, joint, and multiple shares accommodate the different saving capacities of members.

Although *upatu*-groups could operate with any small amount, it seems, that a minimum amount is needed in order to provide meaningful disbursements. Most participants in *upatu*-groups earn cash, particularly from a regular salary or from (for example women) running a small business.

There is a limited potential to use *upatu*-groups for formal group lending. The majority of *upatu*-groups exist for only one or a few cycles. Very few groups seem to move to more organized forms, such as registered saving groups and/or co-operatives. Nevertheless, the formal credit institutions should try to use them for group lending. Group lending has been very successful in some countries⁴⁴ (Malawi is an example in East Africa). A systematic incorporation of *upatu*-groups in formal group lending has never been tested in Zanzibar.

Mortgaging of Crops

The *rental of tree crops* and the *sale of standing crops* is done mainly in order to provide collateral for obtaining cash; the collateral normally being the tree or ground crops and the right to harvest them. Therefore, the *renting of tree crops* and the *selling of standing crops* are a form of *usufructuary mortgage*. Harvests discharge the debt, principal, and interest.

Contracts are made over a period of one or a few harvests. In some cases it has been observed that coconut palm owners often renew contracts and stop harvest operations altogether. Since, in these cases, neither the palm owner nor the creditor do any weeding, the coconut plantation falls into neglect. However, the extent of this negative development is not alarming. Because of the likely possibility that land borrowers want to cultivate between the coconut palms, this problem should recede in the future due to increasing population pressures and more demand for land.

Sharekeeping of Livestock

Sharekeeping of livestock is an interesting informal credit arrangement. Somebody — often a close relative employed in town — who has enough financial means, buys female livestock and gives it into the custody of a herdsman in the village. The offspring are shared by the livestock owner and the herdsman. The advantage for the herdsman is that he can build up his own herd. Case studies show that the returns are reasonable for both. By and large, sharekeeping of livestock is a positive arrangement since it promotes the flow of agricultural investments from urban to rural areas and reinforces social ties.

⁴⁴ A very good overview on the pros and cons of group lending in various countries is provided by ADAMS and LADMAN (1979).

11.5 Co-operatives

Quite a substantial amount of agricultural labor is done under the umbrella of co-operatives. In agricultural co-operatives women outnumber men. These co-operatives are not so successful from a commercial point of view, but seem to be essential in lowering risk and easing access to land. Co-operatives are also suggested for a group extension approach by the agricultural extension service, as well as for *ujima* groups.

According to the register of co-operatives, an impressive number of people are organized in the co-operative movement, but this is not quite true. In reality, many of the co-operatives are defunct or meaningless. Those which operate are mostly very weak commercially, although they are often valuable for other reasons (see the previous paragraph). This deplorable development has been favored through a policy that seeks an additional political platform rather the promotion of additional income opportunities for co-operative members.

Despite the shortcomings, co-operatives form an important part in rural production and life. About one-eighth (11.9%) of all self-employed agricultural work (excluding hired work) is performed in co-operatives.

The co-operative movement should be consolidated. Economic principles rather than political motives should determine the operation of co-operatives. Defunct co-operatives should be canceled from the register, and meaningful co-operatives should be strengthened through the training of members, the provision of advice, and the supply of credit.

11.6 The System of Social Security

Very little welfare assistance comes from state institutions to peasants who suffer personal misfortunes. Members of the core and the extended family have to take care of each other's problems and needs. The closer the relationship, the stronger the obligation. Despite the general condition of poverty in the rural areas, it is amazing how well people help each other. Beggars and destitute people are a very rare picture of the countryside.

The great majority of the old, sick, and disabled live under the umbrella and care of the family. Neighbors and friends also help to a significant extent. Thus, by and large, one may conclude that the system of social security works to a fair degree in Zanzibar, although it is mainly confined to the informal sector.

An assessment of whether the burden of mutual obligations is so immense that it prevents dynamic farmers from investing and prospering showed that obligations can be quite high at times, but that there is still enough room left for a farmer with initiative to successfully engage himself/herself in agricultural production. If farmers see a profitable way to farm, they will find ways to invest and to reap the benefits.

Peasants have also found ways to make cash less accessible by converting it into assets. Cattle are only touched in serious cases (see chapter 8.6, page 116). People save money in rotating savings and credit associations (see chapter 8.4.3, page 110), thus making it inaccessible to temptations to spend it on trivial causes. Less genuine requests for help are either declined or are only given on credit. After a loan has been granted, any further request is rejected unless the previous loan is repaid. Indeed, many of the personal loans are not repaid, but they still have a function: to shield off further requests.

12. Summary

RESEARCH DESIGN AND CONTEXT

Definition and Research Objectives

The dissertation deals with the agrarian constitution of Zanzibar and its impact on agricultural development.

The *agrarian constitution* is defined as *the order that has been molded by law and custom and which determines the scope of farmers' activities and the course of life in the agrarian society*. The agrarian constitution consists of a number of *elements or sets of rules* of which the following are the subject of research:

- laws and law-like rules governing land ownership and land use,
- succession to land and tree crops,
- agricultural labor system,
- agricultural credit,
- co-operatives, and
- the system of social security.

The research objectives are:

1. to describe the important constitutional elements of the agrarian constitution of Zanzibar.
2. to show how the elements interact.
3. to assess their impact on agricultural development, and
4. to identify policy options to change inherent constraints.

Study Area

Zanzibar consists of the two main islands Unguja and Pemba. It lies off the coast of East Africa and is part of the United Republic of Tanzania. About 640,000 people live on 2,332 square kilometers. The islands enjoy a subhumid equatorial climate with two rainy seasons. Agriculture is the mainstay of Zanzibar's economy.

Three distinct agro-ecological zones, the *plantation area*, the *coral rag area*, and the *hydromorphic valleys* provide the ground for the most important part of agriculture in Zanzibar. The *plantation area* has been permanently cultivated for about 150 years, and was first used by Arab landlords to plant clove and coconut plantations. Nowadays, most of the farmers are smallholders who grow various tree and ground crops in a mixed and multistory cropping system. Forms of private land ownership in Zanzibar were first developed in the *plantation area*.

The less fertile eastern part of the islands is in coral rag. The soil is very shallow and the parent material is coralline limestone. Much of the land is used in a system of fire-setting shifting cultivation. Ground crops dominate, while tree crops are grown less frequently. The *coral rag area* was never really touched by immigrating Arabs, thus, indigenous customs were less exposed to change.

The *hydromorphic valleys* are mainly utilized for rice cultivation. Rice is the preferred staple of the Zanzibari⁹⁵. Rice is mostly grown by women as a subsistence crop. Therefore, interesting gender issues concerning agricultural labor can be observed here.

Due to its position at the coast of East Africa, Zanzibar served as an important place of anchorage over the last two thousand years. Contacts with Arabs and Persians resulted

⁹⁵. Although, in terms of quantity, it is cassava that is the most important staple crop.

in the formation of the Swahili-civilization. Later, Portuguese, German and British colonialists added to the facets of life in Zanzibar. In 1964 the African part of the Zanzibar population rose up in a revolution and severely curtailed the rights and privileges of the Arab oligarchy. Zanzibar formed a union with Tanganyika, but retained a semi-autonomous state, which gave it sole authority in matters such as land, agriculture, education, health, sports, and culture.

The legal system of Zanzibar has been much affected through the involvement of the various indigenous and alien actors. The *sharia* (Islamic law) appears to be the strongest component, but *mila* (customary law), English Common law, and socialist ideas have had an undeniably strong impact.

Methodology

A combination of various formal and informal instruments of socio-economic research was applied throughout the research.

At the beginning and during the research literature was reviewed.

In an explorative phase, key informants of ministries and parastatals were interviewed with semi-structured questionnaires. Six villages were selected in Zanzibar and two on the coast of the Tanzanian mainland. In discussions with villager groups the principles of the agrarian constitution were worked out. The results from these discussions formed the essence of the *qualitative* findings.

In a second phase, two surveys were undertaken that provided the core of *quantitative* findings. In Survey A, 360 randomly selected heads of household in the six villages of Zanzibar were interviewed with a questionnaire. In Survey B, labor data were collected from farmers, while they were engaged in agricultural activities, along predefined routes through areas of typical agricultural systems. The labor data were collected in the morning and afternoon on one working day per month, for one year .

In a third phase, particular issues that arose from observations and the analysis of the formal surveys were investigated in a number of case and in-depth studies.

In a fourth phase, data were compiled and analyzed, followed by presentations of the preliminary findings. The presentations served as a means of verification and correction, and as early feedback to policy makers.

LAWS AND LAW-LIKE RULES GOVERNING LAND OWNERSHIP AND LAND USE

Formal (laws) and informal (customs) rules of land ownership and land use form the complex of *land rights*. Policy concerned with land rights should strive for an equitable and sustainable relationship between human and natural resources.

The Historical Development of the Land Law in Zanzibar

Zanzibar has been exposed to a number of indigenous and alien — including African, Islamic, European, and socialist concepts — influences shaping Zanzibari land rights.

According to the original African concept, there is no private ownership of land, only one of crops. Control over soil is exercised by elders as trustees. The concept of private ownership of land was introduced by Arabs. The earliest records of land transactions go back as far as the 18th century. Large-scale ownership of land became evident in the

19th century through the massive Arab settlement in Zanzibar and the cultivation of long-term crops such as cloves and coconuts, which put a long-term claim on land.

A register of documents was established in 1863 and recorded — among others — land transactions. The involvement of colonial powers became most notable in 1890 when the British Empire established a Protectorate in Zanzibar. A number of land rights were subsequently formalized and laid down in various laws. The registration of land transactions was made compulsory.

In the 1920s and 1930s, a lot of land was encumbered to Indian money-lenders and much was on the verge of foreclosure. A number of laws were promulgated to delay or prevent the alienation of land.

Slavery was abolished in Zanzibar in 1897. Most of the clove and coconut plantations were heavily dependent on slave labor. During the following decades, landlords were successful in keeping former slaves and receiving new immigrants from the African mainland as *squatters* on their plantations. Squatters were allowed to reside on the plantations and grow their food crops between the tree crops of the landlords. For a long time the landlord-squatter relationship was symbiotic. Through the cultivation of ground crops, squatters kept the plantations clean and were available as wage laborers for clove harvesting. Growing population pressure and the upcoming political movements, from 1940 onwards, created growing conflicts between landlords and squatters. Since most of the large landlords were Arabs and the squatters were Africans, it was also a racial conflict. Independence in 1963, from the British colonial power to a pro-Arab government was short, because of a pro-African revolution in 1964. The new government had a strong socialist orientation and solved the landlord-squatter conflict with a radical land reform program. From 1964 to 1967, about 60,000 acres were confiscated from 72 landlords and distributed as *three-acre land* to 22,262 tenants, squatters, landless people, and smallholders.

Land ownership has been vested in the state since 1964. Although much of the land has remained in a *de facto* ownership of individuals or families, the state has tried hard to interfere. Laws were promulgated to enforce proper land use. However, agricultural production declined as a result of growing tenurial insecurity, interference in production decisions by the state, and a number of factors outside the frame of land rights.

Since the early 1980s new legislative steps have been taken to remove land right problems. The *Land Tenure Act, 1992*, creates a *right of occupancy*, which leaves the ultimate land ownership in the state, but which shall improve the rights of the individual. In a commentary it is explicitly stated that ... *for all intents and purposes [the right of occupancy] has virtually the same meaning as [land] ownership* (ANONYMOUS, 1991b).

Important Standard Sets of Land Rights

There is an amazing number of different *standard sets of land rights* or *land tenure types* in Zanzibar. They all similarly vest final ownership in the state, but they differ in occupational rights. Based on JAMES and FIMBO's famous dictum (1973: 353) that *planting permanent trees is act tantamount to [land] ownership*, sets of land rights have been classified into three categories; into sets of primary, secondary, and tertiary rights of occupancy. Primary occupancy entails the right to plant permanent and non-permanent crops and to fully utilize them. Secondary occupancy includes the right to plant and use only non-permanent crops, while tertiary occupancy is restricted to some use-rights to plants, but there is no right of planting.

Primary Rights of Occupancy

The largest quantum of land rights and the greatest freedom of decision to the individual is provided by land under *quasi-individual property* (QIP). It is land under the occupancy of one individual and can be sold, bequeathed, lent, or given as a gift.

Family land is jointly possessed by descendants from an ancestor who originally held the land as quasi-individual property. The reason not to divide family land is mostly that the land has become so small that further subdivision is uneconomic. Family land is the most important land tenure type under primary occupancy and will gain in importance, because larger pieces of land will become less available and will force primary occupants to joint possession.

Three-acre land originates from confiscated land of the land reform program after the Revolution. Three-acre land is allocated to a grantee only for his and his spouse's lifetime. It cannot be sold and other dispositions are very much restricted. Bequests are subject to the President's discretion. Continued occupancy depends on proper land use and can be revoked by the President. Tenurial insecurity will remain the principal constraint.

Secondary Rights of Occupancy

Borrowed land is a land tenure type most important in Zanzibar. Land borrowing is an arrangement between a primary and a secondary occupant. It is similar to a landlord-tenant relationship, but no rent payment is made to the primary occupant, either in cash or in kind. This arrangement is normally reached when the primary occupant either under-utilizes the land due to old age, resides far away from the land, or has better income opportunities. Tree crops are grown, but suffer heavily from weed competition. Primary occupants welcome land borrowers and allow them to grow non-permanent crops. Through the cultivation of ground crops, weeds are kept down and tree crops of the primary occupant benefit.

State-controlled rice land originates from confiscated land in hydromorphic valleys. Smallholders are allowed — permission is given annually — to grow rice if they have shown to a representative of the Ministry of Agriculture that their cultivation efforts in the previous year were satisfactory. Otherwise the plot is allocated to somebody else. Problems occur due to the interference of cultivating off-season crops, which results in late land clearance and prevents the timely planting of rice.

Temporarily-occupied land occurs only in the relatively abundant land in the coral rag area. In a system of fire-setting shifting cultivation, a piece of land is cleared and brought into cultivation. Due to declining soil fertility, the land is abandoned after a short period of two to three years. It has the potential to be planted with tree crops, which then converts into *quasi-individual property*.

Tertiary Rights of Occupancy

Some individuals or groups of people have rights to trees growing on the land of others, who hold the land as primary occupants. These rights mostly concern the right to harvest the tree crops, which usually include mango, golden apple, breadfruit, and bango, but also include the right to worship in *sacred groves*.

People in Zanzibar are allowed to collect fruits from any tree if the fruit has naturally fallen. This has been a constraint to some extent in coconut cultivation, as usually the naturally fallen nuts are riper and have a higher copra content than hand-picked ones.

Firewood can be collected from someone else's land as long as no tree or branch is cut off. If people want to collect firewood on a large scale with the intention of selling it, a license from the forestry department is needed.

Tethering cattle and goats on the land of other farmers is tolerated provided that no crops are damaged. Unfortunately, this condition is often violated and quarrels between farmers and livestock keepers are common.

Access to Land by Disadvantaged Groups

Women that head a household alone after divorce or widowhood have less land under primary occupancy as compared to husband and wife households. On the other hand, it seems that, in most cases, they are able to borrow sufficient land for survival.

Immigrants coming from the African mainland have had few problems in settling in Zanzibar. During the last decades they were comparably well integrated. In the land reform program they over-proportionally benefited from the allocation of three-acre land and state-controlled rice land. They hold significantly less land as quasi-individual property or family land, but they hold more borrowed land, than do indigenous Zanzibaris.

Constraints and Opportunities

A number of constraints in agricultural production have been caused by deficiencies in land rights. Under- and over-utilization is observed, the former mainly on three-acre and family land and the latter on borrowed land.

In three-acre land, continued occupancy depends on a number of conditions. Land possession is perceived insecure. The new land tenure legislation has not removed these shortcomings. Therefore, negative developments will continue unabated.

Population pressure and an Islamic law that provides for the equal division of property between sexes will increase the proportion of land held in joint possession. The stipulation of a minimum size for registering a right of occupancy will further encourage people to joint possession. Joint possession entails severe constraints in decision making and joint usership of land. An important tool to make such land more mobile has been the introduction of a *statutory trust* that enables a group of joint possessors to act on behalf of all possessors.

Land borrowing has been, by and large, very beneficial. It flexibly moves land from those who have more than they can farm to those who do not have enough. It has also provided this most important resource to disadvantaged groups such as single-woman and immigrant households. Negative tendencies are observed in areas with very high population pressure, such as north Unguja and south Pemba. There, the intensive cultivation of intercropped ground crops is often detrimental to the tree crops, causing loss of soil fertility, soil degradation, and instability of the agricultural production system.

Important steps have been taken in recent legislation. The introduction of a new right of occupancy, which provides a *de facto* ownership of land *in perpetuity*, was a very important measure. It will increase security to land, make the land mobile, and give more freedom to farmers to cultivate it in accordance with his/her priorities. In a number of areas, e.g. three-acre land, the legislation leaves much to be desired and old problems will continue. Policies also have to tackle negative factors outside the complex of land rights, for example the tremendous increase of human population that is exacerbating the *hunger* for land.

SUCCESSION TO LAND AND TREE CROPS

Three bodies of law apply to succession: statutory law, Islamic law, and customary law. Islamic law is the most important law if land or tree crops are divided among heirs, while customary law is most important if land devolves on heirs in joint possession.

Statutory law is mainly only applicable to non-Muslims that came from the mainland during the last two centuries. The law stipulates the equal division of property to both sexes of heirs and, compared to the other two bodies of law, it provides better rights to widows.

The most salient characteristic of Islamic law is that in case of intestacy the property is divided unequally between sexes of children. A daughter receives half a brother's share. Testators may will up to one-third of their property according to their discretion. A gift during the lifetime is the easiest way to circumvent any inheritance regulation.

The most important weakness in the Islamic law of succession is seen in the discrimination of women and in the potentially multiple division of land leading to excessive fragmentation or joint proprietorship.

Yet fragmentation does not seem to be a major constraint. Most of the households have only three to four plots and this is regarded as desirable in order to increase the choice of cultivation and reduce production risks.

According to customary law, the proceeds from tree crops of joint property are equally distributed among heirs of both sexes. Customary law appears to be in retreat since Islamic law is also applied, to quite some extent, to land in joint possession, i.e., proceeds are then divided in one share to a male and half a share to a female heir.

AGRICULTURAL LABOUR SYSTEM

A tropical climate with two rainy and two dry seasons favors the cultivation of a multitude of ground and tree crops throughout the year. There are labor peaks, but apart from clove picking these are not excessive compared to tropical areas with only one rainy season.

Division of Labor

Main shortcomings in the agricultural labor system are not found in restrictive customs or formal and informal regulations. In some countries the Islamic religion causes the complete seclusion of women and bars them from field work. In Zanzibar, however, the Islamic religion only has a mild impact in this respect. Women and men contribute fairly equally to agricultural labor, although men participate much more in hired labor.

Men dominate agricultural labor in the plantation area, while women dominate in the coral rag and in hydromorphic soils. Male labor is associated with primary occupancy of land and cash crop growing, and female labor is associated with land borrowing and food crop cultivation.

Immigrants

Immigrants from the African mainland have long found their way to Zanzibar. Historically, and also presently, they form a very important agricultural labor source. Although they form a minority of 12.3% in the rural area, they do 17.7% of all agricultural and 59.3% of hired agricultural labor.

Ujima-Groups

Traditional reciprocal or rotating labor groups are of substantial importance, particularly among women and in rice cultivation. In the entire survey area, 14.3% of all self-employed labor (excludes hired labor) is performed through *ujima* groups, reaching 22% on hydromorphic soils. Such groups are potentially ideal for a group extension approach.

Communal Labor

Villagers build or maintain schools, roads, and water supply systems through self-help. Communal work is very essential, yet, it does not pose a major constraint to agricultural work, since the total labor demand per adult is not more than a few days per year.

Migration

About one third of adults in the rural areas migrate to find seasonal employment. Most important is clove harvesting, followed by fishing, and farming in rice soils and the coral rag area.

Constraints

A major constraint in the agricultural labor system comes from the low productivity of the handhoe cultivation system. Not more than about 0.5 hectare can be cultivated by an adult. On the other hand, a change in mechanization would quickly lead to a serious land shortage.

Another shortcoming is the low education of farmers: more than 40% are illiterate. Education is important to adopt better farming practices.

Agricultural labor is quite unattractive. Young men leave the rural areas for employment in town and half of those remaining opt for off-farm income activities rather than for farming.

AGRICULTURAL CREDIT

The Islamic law prohibiting interest is one of the major constraints to the development of a credit system. This has led to a situation where credit is rarely exchanged, and then only between people related by kin or friendship. Interest is accepted to some degree, if set by public institutions and if a term such as *administrative charge* is used instead. *Riba*, the Swahili word for interest, should be avoided by all means, since it carries the negative connotation of *usury* more than the fairly neutral *interest*.

Another principal constraint in the agricultural credit system has been the absence of long-term credit programs because of the lack of the possibility to mortgage land. This obstacle has been removed by new laws, especially the Registered Land Act and the Land Tenure Act, permitting mortgaging. It is also firmly intended to introduce a systematic land registration that will allow the setting-up of a land register in which to register mortgages. These measures will greatly improve the frame conditions for a comprehensive agricultural credit system.

Formal Credit Arrangements

The non-existence of a formal and comprehensive agricultural credit system is a serious constraint to agricultural development in Zanzibar.

Several projects and institutions offer agricultural credit, but are confined to particular target groups and target technologies, and are not directed towards the demand of farmers. All loans are heavily subsidized. This causes a high credit demand and

unrecoverable administration costs, as well as insufficient mobilization of capital through savings. Interest rates have to be adjusted to a level that covers the inflation rate, encourages savings, and pays for the costs of financial intermediation.

Political interference and favoritism is another constraint in the credit sector. In some projects it seems that the credit programs support inappropriate technology. Risks are unduly high and failures burden farmers with debts, which need to be repaid from sources other than the enterprise that was supported through the credit.

Informal Credit Arrangements

A total of 91.1% of all credit transactions are recorded from informal sources, most significantly from relatives, neighbors, and friends. Although there is much freedom to repay — in most of the cases *money is to be repaid when the borrower is able to* — the normal repayment period is not longer than half a year. This makes it clear that credit from informal sources only caters for short-term credit needs. A wider scope of informal credit arrangements is hampered by the attitude towards interest (Islamic law) and the lack of the possibility to use land as a security.

Special informal credit institutions, which disguise interest, have been in use and provide securities in kind (e.g., harvests in the mortgaging of crops or livestock in the institution of sharekeeping of livestock).

Upatu-groups are traditional rotating savings and credit organizations that are very popular in Zanzibar. They are very efficient in collecting and disbursing money. They encourage money to be saved, which would otherwise be spent on trivialities.

Upatu groups are, in general, not very stable. Nevertheless, it should be tested whether such groups can be used successfully in on-lending by formal credit institutions.

The *usufructuary mortgage of crops* is another important way to solve financial problems. In few instances — in the mortgaging of coconut palms — a negative impact on agricultural production has been observed because coconut palms tend to be neglected if farmers frequently enter into mortgaging contracts. This, however, does not happen too often and land borrowing will reduce this tendency in the future because of a growing pressure on land, which will result in people making use of land hitherto under-utilized.

The *sharekeeping of livestock* is an indigenous arrangement whereby one person (the livestock owner) buys a female animal and gives it into the custody of a second person (the herdsman) who tends it. Thus, one person provides the capital while the other provides the labor input. The returns are shared. Case studies indicate that profits are favorable for both. The sharekeeping of livestock is an interesting institution making capital available on a medium- to a fairly long-term base. It also fosters the flow of money from the urban to the rural area and reinforces social relations.

CO-OPERATIVES

The co-operative movement started in the 1930s and was disbanded twice since then. The first time was in 1934 when the government wanted to keep clove marketing under full control, and the second time was in 1967 when the co-operatives had turned into organizations (mis)used for political and racial purposes.

In the late 1970s the co-operative movement was revived. Many consumer co-operatives were registered from 1980 to 1984. Later fishing, agricultural, and small-scale industry

co-operatives gained importance. Registrations peaked a second time in the early 1990s due to some development projects that promoted co-operatives in various areas.

By February 1994, 2,856 co-operatives were registered. Women comprised about 31% (19,000) of the 62,000 members. A field survey among 360 households showed that this figure did not reflect reality in the field because many co-operatives were defunct, but had not yet been canceled from the register.

However, co-operatives are important. According to the field surveys 9% of all adults are members of co-operatives and 11.9% of all self-employed agricultural work (excludes hired labor) is done in co-operatives. Agricultural women's co-operatives operating in the coral rag are particularly important. Very few co-operatives are commercially successful.

Besides income generation, agricultural women's co-operatives often have an additional function in informally lowering risks and reinforcing mutual help.

Co-operatives should be consolidated. The law should be changed with a view of emphasizing commercial principles and lessening the influence of politics. Defunct co-operatives should be canceled from the register. Co-operatives with a promising potential should be strengthened through the training of members, provision of advice, and supply of credit.

THE SYSTEM OF SOCIAL SECURITY

Very little welfare assistance comes from state institutions to peasants who suffer from personal misfortunes. Members of both the core and the extended family have to take care of each other's problems and needs; the closer the relationship the stronger the obligation. Under the general condition of poverty it is amazing how well people are still able to help each other.

The great majority of the old, sick, and disabled live under the umbrella and care of the family. Neighbors and friends also help to a significant extent. There are also a few provident clubs that assist members in lifecycle events. Other organizations such as dance clubs, sports clubs, and co-operatives also provide links between people and are mobilized if the need arises.

The system of social security, although it is mainly confined to the informal sector, works to a fair degree in Zanzibar.

CONCLUSIONS

The objective of this dissertation is to analyze the frame of rules that is established by the agrarian constitution. Additionally, the impact of these rules on agriculture and rural life are investigated to suggest how problems that originate from the agrarian constitution can be removed.

It has been shown that the pattern of rules can be quite differently shaped, especially when comparing the three main ethnic groups. Many rules that determine agriculture in Zanzibar are informal, despite a strong state influence and the many written laws.

Informal or unwritten rules are not inferior just because they are unwritten. Their existence derives from the fact that they organize certain areas in a useful way. The consequences of such rules may be very far reaching. They may affect not only agriculture, but the entire rural life and may even have an impact on urban life and, thus, to the whole society (this is particularly evident in the example of the institution of the sharekeeping of livestock). If certain rules are to be changed and codified, one first has to obtain a holistic picture about the nature of these rules, the context in which they are embedded, and their interrelationships with each other. This has been tried in this dissertation.

Zanzibar faces big challenges. The negative developments in agriculture during the last three decades urgently require changing the rules in a number of areas (land rights, agricultural credit, and cooperatives). This view is also shared by policy and decision makers. A number of adjustments, especially with respect to land rights, were already made — although some of them are not yet satisfactory. Many changes are seen positively by the author, but for some of them it is difficult to estimate their impact. Thus, a careful monitoring of the agricultural development has to continue in order to identify and counteract potentially negative developments.

13. Deutsche Kurzfassung

FORSCHUNGSANSATZ UND -ZUSAMMENHANG

Definitionen und Forschungsziele

Das Thema dieser Arbeit ist die Agrarverfassung von Sansibar und ihr Einfluß auf die landwirtschaftliche Entwicklung.

Unter **Agrarverfassung** versteht man nach LIPINSKY (1981: 134; 1990/91b) *die durch Recht und Sitte definierte Ordnung..., nach der sich die Landwirtschaft und das Leben auf dem Lande richten*. Die **Agrarstruktur** ist mit der Agrarverfassung unmittelbar verknüpft und ist *das statistisch erfaßbare Bild der Landwirtschaft, das sich im Rahmen dieser Ordnung entwickelt hat*. *Agrarverfassung und Agrarstruktur sind ... die beiden Kategorien, welche bei gegebenen natürlichen Verhältnissen die Rahmenbedingungen für die Gestaltung des Lebens auf dem Lande bieten*. Die Agrarverfassung besteht aus einer Anzahl von **Verfassungselementen** (LIPINSKY, 1990/91b), von denen die folgenden Gegenstand dieser Untersuchung sind:

- Rechtsordnung des Bodeneigentums und der Bodennutzung
- Bodenerbrecht und -erbsitte
- Arbeitsverfassung
- Agrarkreditsystem
- Genossenschaftswesen
- System der sozialen Sicherung auf dem Land.

Für den Terminus *Agrarstruktur* gibt es einen entsprechenden Ausdruck im englischen Sprachgebrauch *agrarian structure*, jedoch nicht für den Begriff *Agrarverfassung*. Neben der von LIPINSKY (1990/91b) vorgeschlagenen wörtlichen Übersetzung als *agrarian constitution* kann auch der Begriff *agrarian institutions* verwendet werden, der in der englischsprachigen Literatur häufig vorkommt und sehr ähnlich verwendet wird. Die englische Übersetzung als *land tenure*, wie vorgeschlagen von RINGER (1967: 59) und KUINIEN (1982: 69), erscheint zu eng, weil davon nur die Sachverhalte der beiden weiter oben zuerst genannten Verfassungselemente eingeschlossen werden.

Die Ziele dieser Forschungsarbeit sind:

1. die wichtigen Agrarverfassungselemente für das Land Sansibar zu beschreiben
2. ihre Wechselbeziehungen zueinander aufzuzeigen
3. ihre Wirkung auf die landwirtschaftliche Entwicklung abzuschätzen
4. und agrarpolitische Maßnahmen zu diskutieren, die durch die Agrarverfassung bedingte Problembereiche beseitigen helfen können

Forschungsgebiet

Sansibar besteht aus den zwei Hauptinseln Unguja und Pemba, die vor der Küste Ostafrikas liegen und zur Vereinigten Republik von Tansania gehören. Seit der Union mit Tanganyika im Jahre 1964 ist Sansibar semi-autonom. In sogenannten *Unionsangelegenheiten*, wie z.B. der Landesverteidigung ist Sansibar der Unionsregierung unterworfen, ist dagegen aber unabhängig in *Nicht-Unionsangelegenheiten*. Zu letzteren gehören auch die Landwirtschaft und die Agrarverfassung.

Nach der letzten Volkszählung von 1988 (ANONYMOUS, 1993) leben in Sansibar ca. 640.000 Menschen auf 2.332 Quadratkilometern. Das Klima ist äquatorial-subhumid mit zwei Regenzeiten. Die Landwirtschaft, mit Gewürznelken als Hauptexportgut, ist die wichtigste Komponente der Volkswirtschaft mit einem Anteil von fast 50% am Bruttoinlandsprodukt. Aber auch die Tourismusindustrie hat gerade in den letzten Jahren sehr an Bedeutung gewonnen. Das Pro-Kopf-Bruttoinlandsprodukt liegt knapp unter 100 US \$ im Jahr. Damit gehört Sansibar wie auch Tansania zu den ärmsten Ländern der Welt.

Drei klar abgegrenzte agro-ökologische Zonen bilden die Grundlage für die landwirtschaftliche Produktion, das *Plantagegebiet*, die *Korallenkarstlandschaft* und die *hydromorphen Taler*.

Die tiefgründigen Böden des *Plantagegebietes* befinden sich seit etwa 150 Jahren unter permanenter Bodennutzung. Hier begannen arabische Kolonisatoren mit dem Anbau von Gewürznelkenbäumen und Kokospalmen, und hier wurden auch die ersten Landtransaktionen nach dem islamischen Verständnis von Bodeneigentum und -besitz getätigt. Heutzutage sind die meisten Landwirte Kleinbauern, die verschiedene einjährige und mehrjährige Kulturpflanzen in einem Etagenbausystem kultivieren.

Die weniger fruchtbaren östlichen Landesteile beider Inseln werden von einer *Korallenkarstlandschaft* überzogen. In diesen Gebieten sind die Böden sehr flachgründig. Große Teile der Landschaft werden in einem System der Waldbrandwechselwirtschaft genutzt. Kurze Anbauperioden von zwei bis drei Jahren wechseln sich mit langen Perioden der Brache und Verbuschung ab. Annuelle Kulturen dominieren. Baumkulturen sind wenig geeignet. Araber wanderten kaum in dieses Gebiet ein, das sich nicht zum Anbau von Exportkulturen anbietet. Aus diesem Grund unterlagen die Lebensgewohnheiten der dort ansässigen Menschen weniger dem Wandel, und viele ursprüngliche Formen des afrikanischen Gewohnheitsrechts blieben erhalten.

Die *hydromorphen Taler* werden überwiegend zum Reisanbau genutzt. Reis ist das bevorzugte Grundnahrungsmittel^{*)} der Bevölkerung Sansibars. Der Reis wird vornehmlich von Frauen in Subsistenz angebaut. So lassen sich hier vor allem interessante Phänomene der Arbeitsverfassung aufzeigen.

Aufgrund der Lage Sansibars an der Küste Ostafrikas und des berühmten guten Trinkwassers diente Sansibar von alters her als Hafen und Handelsplatz. Im frühen Kontakt mit Arabern und Persern entwickelte sich die *Suaheli-Kultur* (SUTTON, 1990; MASAO und MUTORO, 1988). Später bereicherten Portugiesen, Deutsche und Briten das Leben und die Wirtschaft in und um Sansibar. Am stärksten wirkte der arabische Einfluß, wenn auch die Engländer von 1890 bis 1963 ein britisches Protektorat auf Sansibar errichteten. Kurz nach der Unabhängigkeit kam es 1964 zu einer kurzen, aber blutigen Revolution, in der die arabische Oligarchie gestürzt wurde und sich eine pro-afrikanische Regierung mit stark sozialistischen Ambitionen etablierte (MARTIN, 1978; AYANY, 1970).

Das Rechtssystem von Sansibar wurde stark von den einheimischen und einwandernden Menschen geprägt. Die *Scheria*, das islamische Recht, erscheint als stärkste Komponente. Daneben haben *Mila*, das Gewohnheitsrecht, englisches *common law* und

^{*)} wenn Cassava auch bedeutender ist

sozialistische Ideen großen Einfluß (RAHMADHANI, 1992; ANDERSON, 1962; MIDDLETON, 1961; ALLOT, 1976).

Methodik

Eine Kombination verschiedener formaler und informeller Instrumente sozio-ökonomischer Forschung wurde eingesetzt. Gute Kenntnisse der Sprache und ein mehrjähriger Aufenthalt des Verfassers auf Sansibar erleichterten die Forschungsarbeiten.

In der ersten Phase der Untersuchung wurde die Literatur zur Thematik gesichtet. Darauf folgten Gespräche mit Fachleuten aus staatlichen, halb-staatlichen und privaten Organisationen sowie Gruppenbefragungen bei den Bewohnern aus acht ausgewählten Dörfern. Die Gespräche waren semi-strukturiert, das heißt, die Diskussionen wurden anhand vorbereiteter Leitfragen geführt. Ziel dieser Phase war eine Sondierung des Themas und die qualitative Beschreibung der Agrarverfassung von Sansibar.

Es ist noch anzufügen, daß sowohl reine Frauen- als auch reine Männergruppen befragt wurden. In der traditionell islamischen Gesellschaft von Sansibar bleiben die Frauen im Hintergrund. Um den Beitrag der Frauen zu erhalten, - und dieser ist besonders wichtig im Hinblick auf die Arbeitsverfassung -, mußten Frauen separat befragt werden. Es versteht sich von selbst, daß der Verfasser hierbei eine Assistentin als *Mediator* einsetzte.

In der zweiten Phase wurden Daten mittels formeller Instrumente erhoben. Dazu wurden zwei Erhebungen (Erhebung A und B) durchgeführt. Die Ergebnisse dieser Erhebungen ergaben den Kern der quantitativen Erkenntnisse über die Agrarverfassung und Agrarstruktur von Sansibar.

In Erhebung A wurden 360 Haushalte in sechs Dörfern statistisch zufällig ausgewählt und die Haushaltsvorstände anhand eines voll strukturierten Fragebogens interviewt. Zwei verschiedene Auswahlverfahren wurden in Erhebung A angewendet. Die erste Methode ging von *Haushaltslisten* der Untersuchungsdörfer aus, die zweite von *Transsektionen*. Mit Hilfe der Dorfvorsteher wurden alle Haushalte des jeweiligen Dorfes namentlich in Haushaltslisten erfaßt und dann 30 Haushalte zufällig ausgewählt. Die Transsektionsmethode (z.B. beschrieben von POATE und DAPLYN, 1988: 67 und 88-89) geht vom Land aus. Zwei per Zufall ausgewählte Himmelsrichtungen wurden mit einem Kompaß vom Dorfzentrum in Richtung Dorfperipherie abgeschritten und alle 100 Schritte die *de facto* Bodeneigentümer und Bodennutzer identifiziert. Von allen so ermittelten Bodeneigentümern und -nutzern wurden dann 30 zufällig als Interviewpartner ausgewählt. Mit Hilfe der Transsektionsmethode konnten vor allem diejenigen Bauern identifiziert werden, die in der Stadt oder außerhalb des Dorfes wohnen. Insbesondere erstere sind in der Regel nur Teilzeitlandwirte, und es wurde erwartet, daß diese sich wesentlich von den ortsansässigen Landwirten unterscheiden. Die Befragung fand in der Regel auf dem Hof des jeweiligen Haushaltsvorstandes statt. Die Befragung zielte im wesentlichen auf Strukturelemente der Betriebe ab und bezog sich auf die Situation der Haushalte über das letzte Jahr.

Nach der Auswertung von Erhebung A zeigte sich, daß vor allem die quantitativen Daten bezüglich der Arbeitsverfassung sehr unzuverlässig waren, denn Art und Umfang der geschlechtsspezifischen Arbeitsteilung wurden von Frauen bzw. Männern jeweils sehr unterschiedlich bewertet. So erwies es sich als notwendig, eine weitere Erhebung mit einem anderen Ansatz zu konzipieren. In Erhebung B wurden daher in den sechs Untersuchungsdörfern je zwei Strecken von etwa 2 bis 3 Km Länge durch typisch landwirtschaftliches Gebiet bestimmt. Diese zwei Wegstrecken wurden einmal im

Monat morgens und abends über einen Zeitraum von einem Jahr mit einem Motorrad abgefahren und *jeder, der bei einer landwirtschaftlichen Tätigkeit angetroffen wurde*, wurde erfaßt. Notiert wurden z.B. Art der landwirtschaftlichen Arbeit, angebaute Kultur, Geschlecht, Alter, Gruppenarbeit oder allein arbeitend und ethnische Zugehörigkeit der angetroffenen Person. Dieser Ansatz erwies sich als überaus brauchbar.

Die Erhebungen A und B ermöglichten eine ganze Reihe von interessanten Querschnittsanalysen in Bezug auf Haushalts- oder Personenkategorien.

Haushalte wurden unterteilt nach

- Auswahlmethode (Haushaltslisten oder Transektionen)
- geographischer Lage: Insel, Dorf
- ethnischer Zugehörigkeit
- Wohnsitz (im Dorf oder in der Stadt)
- Hauptbeschäftigung des Haushaltsvorstandes
- und Geschlecht des Haushaltsvorstandes

Personen wurden eingeteilt gemäß

- Geschlecht
- ethnischer Zugehörigkeit
- und Alter.

In der dritten Phase der Forschung wurden Fallstudien und vertiefende Untersuchungen durchgeführt. Diese ergaben sich insbesondere aus Beobachtungen und Anregungen während der zweiten Phase. Die Daten wurden im wesentlichen in einem vorbereiteten, jedoch offenen Interview gewonnen, so z.B. bezüglich verschiedener Grundbesitztypen, der Arbeitsteilung, bestimmter Genossenschaftstypen, Selbsthilfegruppen oder Sparvereinigungen.

In der vierten Phase wurden die gesammelten Daten verrechnet, analysiert und als vorläufige Ergebnisse vorgestellt.

Die Daten der zwei Erhebungen wurden mit dem Datenbankprogramm DBase III+ und dem Statistikprogramm SPSS/PC (Statistical Package for the Social Sciences) am Personalcomputer verrechnet. Die meisten statistischen Verrechnungen wurden mittels zweier Verfahren durchgeführt: (i) $r \times c$ Kontingenztafeln für die Analyse von diskreten Daten (Häufigkeiten) (SACHS, 1984: 474-482), und (ii) Varianzanalyse für stetige Daten über den non-parametrischen Kruskal-Wallis Tests (SACHS, 1984: 303-306, 321-322).

Während der Forschungsarbeiten wurden mehrere Zwischenberichte erstellt und in Diskussionsrunden besprochen. Nach der Auswertung aller Daten wurden die vorläufigen Ergebnisse in einem zweitägigen Seminar am 25. und 26. Oktober 1994 unter der Schirmherrschaft des *Zanzibar Agricultural Research Council* präsentiert. Hier bekam der Verfasser ein überaus hilfreiches *Feedback* und konnte so einige Unklarheiten ausräumen und Interpretationen verbessern.

Obwohl umfangreiche Daten erhoben und die verschiedensten Ansätze unternommen wurden, um verlässliche Erkenntnisse zu gewinnen, müssen dennoch etliche Unzulänglichkeiten eingeräumt werden. Zum einen ist die Zahl von sechs Untersuchungsdörfern zu wenig, um zu einer wirklich verallgemeinerungsfähigen Aussage für Sansibar zu kommen. Zum anderen ist der Bildungsstand der Befragten niedrig. Felder sind nicht vermessen, und Haushaltsvorstände können oft nicht viel mit Maßeinheiten wie "Hektar" oder "Acre" anfangen. In Zeiten des politischen Umbruchs sind viele befragte Bauern außerdem mißtrauisch gegenüber Befragern, die über

staatliche Organe (hier: Landwirtschaftsministerium) an sie herantreten. So sind trotz aller Sorgfalt und Mühen die Aussagen entsprechend sorgfältig einzuschätzen.

RECHTSORDNUNG DES BODENEIGENTUMS UND DER BODENNUTZUNG

Formale (Gesetze) und informelle (Sitten und Gewohnheiten) Regeln in Bezug auf Eigentum und Besitz von Land bilden den Komplex der Rechtsordnung des Bodeneigentums und der Bodennutzung bzw. der Bodenordnung oder des Landrechts. Landrechte werden häufig (siehe z.B. PLACE und HAZELL, 1993) unterschieden in (i) *Verfügungsrechte* - das Recht, Land registrieren zu lassen, zu verkaufen, zu verpachten, zu belasten, zu verpfänden, zu vererben, zu verschenken,- und in (ii) *Nutzungsrechte* - das Recht, Land zu bestellen, zu ernten, Feuerholz zu sammeln, Vieh grasen zu lassen oder darauf beerdigt zu werden-. Derjenige, der die Verfügungsrechte innehat, wird normalerweise als *Landeigentümer* betrachtet, während andere nur geringere Rechte haben.

Die geschichtliche Entwicklung des Landrechts in Sansibar

Das Landrecht von Sansibar ist Gegenstand einer Reihe von Untersuchungen. Für die Situation vor der Unabhängigkeit 1963 sind vor allem die Arbeiten von MIDDLETON (1961), PACKENHAM (1947) und MCGEAGH und ADDIS (1945) wichtig. Ausführliche Analysen der Agrarreform nach 1964 wurden insbesondere von SHAO (1978) und BADER (1985) angefertigt. Für die Zeit der beginnenden Liberalisierung, Anfang der 80er Jahre, sind die Arbeiten von YAHYA und ASSOCIATES (1982), LARSSON und STOIMENOV (1983) und LAWRENCE (1985) zu erwähnen. Jüngste Untersuchungen gehen zurück auf SINGER (1990), SINGER (1993), TORHÖNEN (1993) und DONKERLO und ABOUD (1993).

Das Landrecht Sansibars wurde sowohl von afrikanischen, islamischen, europäischen als auch von sozialistischen Grundsätzen geprägt.

Nach der klassischen afrikanischen Rechtsvorstellung gibt es kein privates Eigentum an Land. Land ist danach im Eigentum der territorialen Gemeinschaft von Menschen, z.B. einem Stamm (siehe z.B. ELIAS, 1956: 162). Treuhänder dieser Gemeinschaft vergeben die Nutzungsrechte an Individuen. Rechtsvorstellungen, die ein privates Eigentum an Land vorsehen, kamen mit der Einwanderung von Arabern und später britischen Kolonialisten nach Sansibar. Erste Landverkäufe in Sansibar und an der Küste Ostafrikas gehen auf das 18. Jahrhundert zurück (Eberstein v., 1896: 17, 170-171; Wedell, 1905: 131; Shambi, 1988: 80). Ein regelrechter Handel mit Land begann aber erst Mitte des 19. Jahrhunderts, als Araber Langzeitkulturen wie Kokospalmen und Nelkenbäume auf Sansibar einführten.

Ein Urkundenregister wurde 1863 eingerichtet. Dort wurden neben anderen Vorgängen auch Landverkäufe, -verpfändungen und -schenkungen registriert. 1890 wurde Sansibar britisches Protektorat, und eine Reihe von Landrechten wurde kodifiziert. Die Registrierung von Landtransfers wurde z.B. zur Pflicht gemacht.

In den 20er und 30er Jahren dieses Jahrhunderts war ein großer Teil des Landes an indische Geldverleiher verpfändet, und aufgrund der Weltwirtschaftskrise standen viele Plantageneigentümer vor der Zwangsvollstreckung ihrer Hypotheken (BARTLETT und LAST, 1934). Eine Reihe von neuen Gesetzen wie das ALIENATION OF LAND DECREE von 1934 und das LAND PROTECTION (DEBTS SETTLEMENT) DECREE von 1938

verhinderte den Transfer von Land zu den Geldverleihern und erschwerte zukünftige Verpfändungen und Landverkäufe.

1897 wurde die Sklaverei in Sansibar offiziell abgeschafft. Die meisten Nelken- und Kokosplantagen waren sehr auf Sklavenarbeit angewiesen. In den folgenden Jahrzehnten schafften die Plantagenbesitzer jedoch einen recht erfolgreichen Übergang, indem sie früheren Sklaven und neuen Immigranten gestatteten, auf den Plantagen zu leben und Nahrungskulturen als "Squatter-Pächter"⁹⁷ zu bestellen (MCGEAGH und ADDIS, 1945: 10-11; MEEK, 1946: 73; PRINS, 1961: 61; AYANY, 1970: 17; COOPER, 1981: 83; FLINT, 1982: 650; SINGER, 1990: 33). Die Squatter-Pächter standen während der unregelmäßigen Arbeitsspitzen in der Nelkenernte als Lohnarbeiter zur Verfügung. Außerdem bewirkte der Anbau von Nahrungskulturen unter den Plantagenbäumen einen verminderten Unkrautbewuchs. Die Vorteile waren für die Plantagenbesitzer so groß, daß die Squatter-Pächter in der Regel keine Pacht zahlen mußten. Das Verhältnis zwischen Plantagenbesitzern und Squatter-Pächtern war lange Zeit gut und kann als symbiotisch betrachtet werden. Durch das allgemeine Bevölkerungswachstum und die Politisierung in den 40er Jahren änderte sich dies. Neben einem Klassenkonflikt entwickelte sich auch ein rassischer Zwiespalt, da die (Groß)Plantagenbesitzer in der Regel Araber waren und die Squatter-Pächter Afrikaner. Die pro-arabische Regierung nach der Unabhängigkeit im Jahre 1963 war nur von kurzer Dauer, denn nach der Revolution 1964 etablierte sich eine pro-afrikanische Regierung mit starken sozialistischen Tendenzen. Die neue Regierung löste den Squatter/Plantagenbesitzer-Konflikt gewaltmäÙig (AYANY, 1970: 88-89). Zwischen 1964 und 1967 wurden ca. 25.000 ha Land von 72 Großgrundbesitzern entschädigungslos enteignet und an 22.262 Landlose und Kleinbauern verteilt (SHAO, 1978: 113-114, 138).

Seit 1964 ist Land Eigentum des Staates. Nur wenig Land wurde unter direkter staatlicher Regie bewirtschaftet, das meiste Land wurde weiterhin von Privatbauern bestellt. Allerdings wurden Gesetze erlassen, die eine gute Landbewirtschaftung bei Androhung von Besizentzug erzwingen sollten (PRESIDENTIAL LAND (DISTRIBUTION) DECREE 5/66, Section 4 und 6). Außerdem wurden Höchstpreise für landwirtschaftliche Erzeugnisse festgesetzt. Dies und andere Markteingriffe führten zu einer tiefen Verunsicherung in der Landwirtschaft, zu sinkender landwirtschaftlicher Produktion und zu einem Rückzug der Bauern auf die Subsistenzlandwirtschaft.

Seit 1980 wurden ernsthafte legislative Initiativen ergriffen, um die negativen Entwicklungen in der Landwirtschaft zu stoppen. In Bezug auf die Bodenordnung ist besonders der *Land Tenure Act* von 1992 zu erwähnen. Dieses Gesetz schafft einen neuen Landbesitztyp, das *right of occupancy* (wörtlich: das Besitzrecht), das einem Eigentum an Land sehr nahe kommt. Dieser Rechtstyp ist mit nahezu allen Verfügungsgewalten ausgestattet. Lediglich die hypothekarische Belastung ist beschränkt auf vorgeschriebene ("*prescribed*") Institutionen. Ausdrücklich wird in einem Kommentar zum Gesetz erklärt: "*for all intents and purposes [the right of occupancy] has virtually the same meaning as [land] ownership*" (das Besitzrecht soll für alle Absichten und Zwecke tatsächlich die gleiche Bedeutung wie Eigentum haben) (ANONYMOUS, 1991).

⁹⁷ Das englische *to squat* bezeichnet eigentlich eine illegale Hausbesetzung oder Landbesiedelung. Obwohl der Begriff nicht korrekt ist, ging er in die Alltagssprache und später in die Geschichtsschreibung von Sansibar ein.

Wichtige Grundbesitztypen

In jedem Land entwickeln sich unter den spezifischen Rechtsbedingungen charakteristische Grundbesitztypen. BRUCE und FORTMANN (1988: 1-2)⁹⁸ sprechen auch von "*standard bundles of rights*" (Standardrechtsbündel). Im folgenden sollen die wichtigsten Grundbesitztypen für Sansibar beschrieben werden⁹⁹.

Der Verfasser schlägt eine Klassifizierung der landwirtschaftlichen Grundbesitztypen vor, die als wesentliches Einteilungsprinzip das Recht des Anpflanzens [und des Nutzens] von Kulturpflanzen vornimmt gemäß dem berühmten Satz von JAMES und FIMBO (1973: 6-7): "*planting permanent trees is act tantamount to land ownership*" (das Recht, Bäume anzupflanzen, kommt einem Bodeneigentumsrecht gleich). Dieses Klassifizierungsprinzip bietet sich überall dort an, wo die territoriale Gemeinschaft das Eigentum an Land innehat¹⁰⁰. Nach dieser Einteilung sollen drei Kategorien von Grundbesitztypen bzw. Grundbesitzrechten unterschieden werden: erstrangige, zweitrangige und drittrangige Grundbesitztypen bzw. -rechte. Bei erstrangigen Grundbesitztypen hat der Landwirt das Recht, mehrjährige Kulturpflanzen anzubauen und zu nutzen, bei zweitrangigen Grundbesitztypen, einjährige und überjährige anzubauen und zu nutzen, und bei dritrangigen Grundbesitzrechten nur das Recht auf Teilnutzung von Kulturpflanzen oder Land

Erstrangige Grundbesitztypen

Die weitestgehenden Rechte und größte Entscheidungsfreiheit für den Landwirt gewährt das Land im *Individualbesitz* (englisch: *quasi-individual property = quasi-individuelles Eigentum*). Solches Land wird von einem Individuum besessen und kann verkauft, vererbt, verpachtet, verliehen, beliehen oder verschenkt werden. Land mit diesem Grundbesitztyp wird in der Regel adäquat genutzt, die Beispiele, in denen eine Unter- oder Übernutzung stattfand, hatten andere Gründe und waren nicht mit Landrechtsproblemen gekoppelt. In der Stichprobe der 357 in die Auswertung einbezogenen Haushalte gehören 21,3% von 1150 Feldern und 24,4% von insgesamt 606 Hektar zu diesem Grundbesitztyp¹⁰¹.

Familienland (family land) ist Land, das aus Individualbesitz hervorgegangen ist, aber nach dem Tod des ursprünglichen Besitzers von den Erben gemeinschaftlich besessen wird. In der Regel sind nur die vom Erblasser übernommenen mehrjährigen Kulturen Gegenstand der gemeinschaftlichen Nutzung. 22,2% der Felder und 25,3% der Fläche der in der Stichprobe ausgewerteten Haushalte gehören zu diesem Grundbesitztyp. Das größte Problem dieses Grundbesitztypes ist, daß gemeinschaftliche Entscheidungen getroffen werden müssen. In einigen Fällen ist Familienland durch mehrere Generationen gegangen und es ist fast unmöglich alle Berechtigten in Entscheidungen

⁹⁸ zurückgehend auf HENRY MAINE

⁹⁹ Das *right of occupancy*, geschaffen durch den *Land Tenure Act*, fließt in diese Beschreibung noch nicht ein, da die Verleihung von Titeln erst nach einem Anerkennungsverfahren frühestens ab 1995 erfolgen wird. Das *right of occupancy* ist dann allerdings als eine Form des Typ *Individualbesitz* anzusehen.

¹⁰⁰ Dies ist in Sansibar anstelle des Stammes der Staat, aber es gibt auch afrikanische Länder wie z.B. Botswana (siehe z.B. BRUCE (1981)), bei denen der Stamm der Landeigentümer geblieben ist.

¹⁰¹ In die Berechnung wurden nur Felder einbezogen, die dem erstrangigen oder zweitrangigen Besitztypus angehören. Um Überlappungen zu vermeiden, wurden in die Berechnung die Flächen, die verliehen oder verpachtet wurden, nicht mit eingeschlossen, wohingegen geliehenes und gepachtetes Land berücksichtigt wurde.

einzu beziehen. So ist es nicht verwunderlich, daß Baumkulturen auf Familienland sehr häufig vernachlässigt sind.

Familienland ist heute schon der am weitesten verbreitete Grundbesitztyp innerhalb der Kategorie der erstrangigen Grundbesitztypen. Da das neue Landrecht eine Minimumgröße pro Parzelle zur Verleihung eines *right of occupancy* vorschreibt, ist anzunehmen, daß die Verbreitung verstärkt zunehmen wird.

Nach dem *Registered Land Act* gibt es nun auch die Möglichkeit, daß eine Erbengemeinschaft eine Erbenvertretung ("*statutory trust*") aus wenigen Personen bildet¹⁰². Es ist zu erwarten, daß Entscheidungen dann leichter getroffen werden können und daß die Mobilität von Familienland zunehmen wird.

Drei-Acre-Land (three-acre¹⁰³ land) ist Land, das nach der Revolution aus der Enteignung von Großgrundbesitzern stammt und dann an Kleinbauern verteilt wurde. Der Presidential Decree 5/66 regelt, daß das Land dem Bauern und seiner Frau nur bis zu deren Tod verliehen wird. Es kann nicht verkauft werden, und andere Dispositionen sind sehr eingeschränkt. Eine Vererbung ist grundsätzlich möglich, aber jeweils von einer Einzelentscheidung des Präsidenten von Sansibar abhängig. Landwirte haben nur ein fortgesetztes Recht auf Bebauung, wenn sie das Land vernünftig bewirtschaften. Dieser Besitztyp betrifft 5,5% der Felder und 11,8% der Fläche der Stichprobe der 357 ausgewerteten Haushalte.

In den letzten 20 Jahren hat die Regierung mehrfach Kampagnen durchgeführt, in denen Kleinbauern angedroht wurde, ihnen das Land wegzunehmen, falls es mangelhaft bewirtschaftet würde. Obwohl noch keinem Kleinbauern *Drei-Acre-Land* entzogen worden ist, führte dies zu einer starken Verunsicherung. Hinzu kommt, daß die Enteignung der Großgrundbesitzer nach islamischem Recht als illegal angesehen wird (siehe z.B. MAHIUDIN, 1962; PACKENHAM, 1947: 11-12). Aus diesem Grund identifizieren sich viele Kleinbauern nicht mit ihrem *Drei-Acre-Land*. All dies hat dazu geführt, daß vor allem Baumkulturen auf *Drei-Acre-Land* oft in einem sehr vernachlässigten Zustand sind.

Der *Land Tenure Act* von 1992 sollte ursprünglich - so war es im Entwurf vorgesehen - dieser Situation ein Ende bereiten und *Drei-Acre-Land* dem *Individualbesitz* gleichstellen. Letztlich konnte dies aufgrund politischer Widerstände nicht verwirklicht werden. Deshalb werden die eben beschriebenen Probleme unverändert weiterbestehen.

Zweitrangige Grundbesitztypen

Geliehenes Land (borrowed land) ist ein ganz typisch afrikanischer Grundbesitztyp. Es ist dem Pachtland ähnlich, jedoch erfolgt keinerlei Pachtzahlung, weder in Geld, Naturalien noch als "Geschenk". Dieser Grundbesitztyp wird z.B. von BARTLETT und LAST (1934: 9), MCGEAGH und ADDIS (1945: 10-11), MIDDLETON (1961: 43-44), PRINS (1961: 61), BAILEY (1965: 176, 184-185) und COOPER (1981: 90-91) für Zanzibar, von DOBSON (1940: 18), HAILEY (1952, Chap. III: 346), ANONYMOUS (1956: 15) und TANNER (1960: 19) für Ostafrika und von ELIAS (1962: 191-192), RINGER (1967: 84-85), EBERT (1981: 36), NIPPOLD (1988: 22, 92-93) und LIPINSKY (1990/91a) für andere Teile Afrikas beschrieben. In den sechs untersuchten Dörfern hat dieser Grundbesitztyp die größte Verbreitung und betrifft 38,2% der Felder und 28,2% der Fläche der Stichprobe der 357 ausgewerteten Haushalte. Vor allem *Familien-* und *Drei-Acre Land* wird häufig verliehen¹⁰⁴, obwohl dies bei letzterem eigentlich nicht statthaft ist.

¹⁰² Die Bildung einer Erbenvertretung ist vorgeschrieben, wenn eine Erbengemeinschaft aus mehr als 10 Personen besteht und ein *right of occupancy* beantragen will.

¹⁰³ acre: englisches Flächenmaß; ein acre = 4047m²

¹⁰⁴ signifikant mehr als *Individualbesitz*

Ein Landwirt, der zusätzlich Land benötigt, sucht nach unzureichend genutzten Flächen. Häufig handelt es sich um verbuschte Nelken- und Kokospalmenkulturen. Er bittet dann den Besitzer der Baumkulturen (denjenigen, der mit erstrangigen Rechten ausgestattet ist), Kulturpflanzen dazwischen anbauen zu dürfen. Dies wird in der Regel gewährt, aber nur für ein- und überjährige¹⁰⁵ Kulturen. So kommt es in den folgenden Jahren dazu, daß auf demselben Stück Land Personen von zwei unterschiedlichen Betrieben Landwirtschaft betreiben. Will nach einiger Zeit der erstrangige Besitzer das Land selbst mit ein- oder überjährigen Kulturen bebauen, so teilt er dies dem zweitrangigen Besitzer mit, der noch seine angebauten Kulturen beernten darf und dann das Feld verläßt.

Die Landleihe ist bisher im großen und ganzen als sehr positiv zu bewerten. Auf flexible Art und Weise wird Land von Landwirten verfügbar gemacht, die selbst nicht in der Lage sind, das Potential voll auszunutzen, und andererseits können viele Bauern und *Bauerinnen* - auch gerade benachteiligter Bevölkerungsgruppen, die selber nicht über ausreichend Land verfügen, - Land erhalten. Dennoch sind auch hier Probleme zu beobachten. In einigen Gebieten, in denen der Bevölkerungsdruck hoch ist, wie in Nord-Unguja und Süd-Pemba, kommt es zu einer Übernutzung mit den Folgen von sinkender Bodenfruchtbarkeit und vermehrter Erosion. Da die Bevölkerung stark wächst, ist anzunehmen, daß sich dieses Problem verschärft.

Staatlich kontrolliertes Reisland (state-controlled rice land) resultiert wie *Drei-Acre-Land* aus ursprünglich enteignetem Land, beschränkt sich allerdings überwiegend auf die hydromorphen Täler Ungujas. Dieses Land wird Kleinbauern für eine oder mehrere Anbauperioden zum Reisanbau zur Verfügung gestellt. Die jeweilige Zurverfügungstellung ist davon abhängig, ob der Anbau in der vorhergehenden Periode gewissen Anforderungen entsprochen hat. Das Land bleibt unter staatlicher Kontrolle, wobei Vertreter des Ministeriums für Landwirtschaft neben der Kontrolle auch die Funktion der Anbauberatung ausüben. Probleme tauchen bisweilen auf, wenn Bauern in der Nebensaison Kulturen, z.B. Süßkartoffeln, pflanzen, die nur spät das Feld räumen und dadurch den Reisanbau verzögern. Dieser Besitztyp hat einen Anteil von 7,6% der Felder und 5,0% der Fläche an allen Grundbesitztypen der Stichprobe der 357 ausgewerteten Haushalte.

Der Typ des *vorübergehend genutzten Landes (temporarily-occupied land)* kommt eigentlich nur in der Korallenkarstlandschaft vor, in der weniger Menschen leben und der Bedarf an Land verhältnismäßig gering ist. Große Teile der Korallenkarstlandschaft werden nicht permanent genutzt. So betrifft dieser Besitztyp auch nur 2,7% der Felder und 2,2% der Fläche der ausgewerteten Haushalte. Beschreibungen dieses Besitztyps finden sich auch bei PACKENHAM (1947), MIDDLETON (1961) und KRAIN et al. (1993).

Jeder, der Land sucht, kann in der Korallenkarstlandschaft mit der Landwirtschaft beginnen, wo er noch nicht genutztes Land vorfindet. Potentiell kann das Land in Individualbesitz übergehen, wenn Baumkulturen angepflanzt werden. Dies geschieht auch immer mehr. Jedoch zerstören die häufig außer Kontrolle geratenen Buschfeuer, - Teil des Systems der Waldbrandwechselwirtschaft -, die mehrjährigen Kulturen. Aus diesem Grund bauen viele Landwirte nur ein- und überjährige Kulturpflanzen an und verlassen das Feld, sobald die Bodenfruchtbarkeit nach etwa zwei bis drei Jahren abnimmt.

Neben den oben aufgezählten Besitztypen kommen noch weitere vor (Pachtland, *Waqf*¹⁰⁶ und kommunal genutztes Land), die aber nur 2,5% der Felder und 3,1% der

¹⁰⁵ z.B. Maniok, Bananen und Taro
¹⁰⁶ islamisches Stiftungsland

Fläche aller Grundbesitztypen der ausgewerteten Haushalte betreffen und die deshalb hier nicht weiter diskutiert werden.

Drittrangige Grundbesitzrechte

Ab und an gewährt ein Besitzer von Baumkulturen bestimmten Personen (Nachbarskinder) oder Personengruppen (den Armen des Dorfes) die Nutzung eines oder mehrerer Bäume innerhalb seines Bestandes. Die Begünstigten dürfen diese speziellen Bäume dann beernten, aber keine neuen pflanzen.

Manchmal gibt es auch Plätze innerhalb von Baumkulturen (*sacred groves*), die der religiösen Andacht dienen. Der Landwirt, auf dessen Land sich solche Plätze befinden, gewährt jedermann Zugang und das Recht auf Andacht.

Ein wichtiges Gewohnheitsrecht ist auch heruntergefallene Früchte mitnehmen zu dürfen. Dies bedeutet z.B., daß Kokospalmen durch Kletterer beerntet werden müssen, denn natürlich gefallene Kokosnüsse könnten von jedem aufgesammelt werden. Dies ist deshalb ein Nachteil, weil natürlich gefallene Nüsse vollreif sind, während sich unter den geernteten Nüssen meist viele unreife befinden. Außerdem ist das Beernten durch Kletterer eine relativ teure Spezialarbeit.

Feuerholz darf überall gesammelt werden, sofern es sich um vertrocknete, bereits abgefallene Äste handelt. In der Korallenkarstlandschaft, in der es noch regelrechte Forstbestände gibt, darf jeder zum Eigenbedarf sammeln und Büsche abschlagen. Für einen großflächigen Einschlag bedarf es einer besonderen gebührenpflichtigen Genehmigung, die vom Forstamt ausgestellt wird.

Rinder und Ziegen läßt man in der Regel angetüdet grasen. Die Tiere dürfen überall angebunden werden, solange sie keine Kulturpflanzen beschädigen. Leider kommen solche Beschädigungen sehr häufig vor, was zu Konflikten zwischen Tierhaltern und Bauern führt.

Zugang zu Land von benachteiligten Gruppierungen

Frauen, die aufgrund von Scheidung, Trennung oder Witwenschaft einen Haushalt allein führen, besitzen prozentual weniger Land mit erstrangigen Besitzrechten als andere Haushalte. Sie sind wesentlich stärker darauf angewiesen, sich Land zu leihen. Dies ist in der Regel in einem ausreichenden Maße möglich.

Immigranten vom afrikanischen Festland hatten bisher wenig Schwierigkeiten, einen Platz zum Wohnen und Land zur Bewirtschaftung zu finden. In den letzten Jahrzehnten konnten sie sich relativ gut integrieren. Verglichen mit den einheimischen Sansibari, wurden sie durch die Landreform überproportional begünstigt. Aber sie sind auch am stärksten auf geliehenes Land angewiesen, wie sich in den sechs untersuchten Dörfern zeigte.

BODENERBRECHT UND -ERBSITTE

Erbrecht und Erbsitte von Sansibar waren im Gegensatz zur Rechtsordnung des Bodeneigentums und der Bodennutzung bisher noch nicht Gegenstand umfassender Untersuchungen. Insofern finden sich nur wenige und sporadische Hinweise, so z.B. bei ANDERSON (1962; 1970; 1975), MEEK (1946) und MIDDLETON (1961).

Im Erbrecht sind drei Rechtskörper zu unterscheiden: kodifiziertes Recht, islamisches Recht und Gewohnheitsrecht.

Das *kodifizierte Recht (statutory law)* betrifft nur Nicht-Moslems, also im wesentlichen Afrikaner, die vom Festland eingewandert sind. Dieses Recht behandelt die Geschlechter gleich und sieht eine gleiche Aufteilung des Landes unter allen Erben vor. Es stellt auch Witwen besser als im islamischen oder Gewohnheitsrecht.

Im Unterschied zum kodifizierten Recht werden im *islamischen Erbrecht* die Geschlechter ungleich behandelt. Töchter erhalten nur halb soviel wie Söhne.

Maximal ein Drittel seines Vermögens kann der Erblasser per Testament frei aufteilen. Landgeschenke zu Lebzeiten des Erblassers sind die einfachste Möglichkeit, die restriktive islamische Erbfolge zu umgehen.

Die am häufigsten kritisierte Schwäche des islamischen Erbrechts ist die Diskriminierung der Frau und die potentiell multiple Aufteilung des Landes, die zu exzessiver Fragmentation oder - falls das Land zu klein zur Aufteilung ist - Erbgemeinschaften führt (siehe auch ANDERSON, 1975: 77-79).

Das auf afrikanische Wurzeln zurückgehende *Gewohnheitsrecht ("mila")* ist bei der Vererbung von Land nur in begrenztem Rahmen relevant. Eigentlich spielt es nur bei der Aufteilung der Ernte oder der Ernteerlöse des Landes, das von Erbgemeinschaften besessen wird, eine Rolle. Im Gegensatz zum islamischen Recht werden die Geschlechter gleich behandelt

Trotz der Begünstigung der potentiell multiplen Aufteilung von Land durch das vorherrschende islamische Erbrecht ist die Anzahl der Parzellen pro Betrieb nicht zu groß. In der Regel hat jeder Betrieb drei bis vier Parzellen. Dies ist erwünscht, da das Risiko besser gestreut und die Arbeit besser übers Jahr verteilt werden kann. Die Betriebe sind zwar klein, aber wahrscheinlich nicht als Folge des Erbrechts, sondern aufgrund der begrenzten Ausstattung der Haushalte mit Arbeitskräften. Unter den Bedingungen des manuellen Hackbaus, zwei Regenzeiten pro Jahr und moderat fruchtbaren Böden, können nicht wesentlich mehr als zwei bis drei Hektar pro Betrieb in Kultur genommen werden.

ARBEITSVERFASSUNG

Die Arbeitsverfassung war bisher noch nicht Gegenstand umfassender Untersuchungen, obwohl sich in der Literatur eine ganze Reihe von Hinweisen finden (so z.B. bei PACKENHAM, 1947 und MIDDLETON, 1961). Besonders soll auf die Arbeit von COOPER (1981) hingewiesen werden, der den Übergang von der Sklavenarbeit zur Plantagenarbeit für die Zeit von 1890 bis 1925 untersucht hat.

Arbeitsverteilung

Ein tropisches Klima mit zwei Regen- und zwei Trockenzeiten begünstigt den Anbau einer Vielzahl von ein-, über- und mehrjährigen Kulturen. Im Verlauf des Jahres gibt es natürlich Arbeitsspitzen, diese sind aber abgesehen von der Nelkenernte nicht so exzessiv wie in anderen tropischen Gebieten mit nur einer Regenzeit.

Arbeitsteilung

Es wurden keine wesentlichen Problembereiche identifiziert, die im Zusammenhang mit Arbeitsrechten, Sitten und Gebräuchen stehen. In einigen Ländern bedingt die islamische Religion einen vollständigen Ausschluß von Frauen von landwirtschaftlichen Tätigkeiten außerhalb des Hauses. Nicht so in Sansibar. Frauen und Männer tragen etwa gleich zu landwirtschaftlicher Feldarbeit bei, obwohl Männer öfter als Tagelöhner eingestellt werden.

Männer arbeiten vornehmlich im Plantagengebiet und Frauen in den hydromorphen Tälern im Reisanbau. Männer sind stärker in Verkaufskulturen und Frauen mehr mit dem Anbau von Nahrungsfrüchten beschäftigt. Männer sind in der landwirtschaftlichen Arbeit stärker auf Individualbesitz anzutreffen und Frauen auf geliehenem oder frei verfügbarem Land.

Junge Landwirte arbeiten relativ häufig im Korallenkarstgebiet, weil hier noch ungenutztes Land urbar gemacht werden kann.

Einwanderer

Seit ca. 200 Jahren strömen Afrikaner vom Festland nach Sansibar. Geschichtlich gesehen bilden sie eine überaus wichtige Komponente innerhalb der landwirtschaftlichen Arbeit. Obwohl sie nur eine Minorität von 12,3% der Bevölkerung ausmachen, tragen sie zu 17,7% aller landwirtschaftlichen Arbeit und zu 59,3% der landwirtschaftlichen Lohnarbeit bei.

Ujima-Arbeitsgruppen

Reziproke Selbsthilfe-Arbeitsgruppen, die auf den Feldern ihrer Mitglieder in einem Rotationssystem anzutreffen sind, sind sehr populär in der traditionellen Landwirtschaft Afrikas. Sie werden z.B. von ABRAHAMS, 1967: 53, KENYATTA, 1968: 59, MIGOT-ADHOLLA, 1970: 25, AKABENE, 1970: 167, NTIRUKIGWA, 1970: 21, CHARSELY, 1976: 35, HAUGERUD, 1983: 70 und NIPPOLD, 1988: 124-129 für verschiedene Gebiete Afrikas beschrieben. In Zanzibar und weiten Teilen Tansanias werden diese Arbeitsgruppen auch "Ujima" genannt. Für Sansibar finden sie Erwähnung z.B. bei KERR, 1950: 9, PACKENHAM, 1947: 20-21, MIDDLETON, 1961: 22, SEIBEL, 1992: 24-25, DONKERLO und ABOUD, 1994: 20 und ROSE, 1994: 34).

Ujimagruppen haben vor allem für Frauen und im Anbau von Reis eine große Bedeutung. 14,3% aller selbständigen landwirtschaftlichen Tätigkeiten (also ohne Lohnarbeit) geschieht in solchen Arbeitsgruppen; sogar 22%, wenn man sich nur auf die Arbeit in den hydromorphen Tälern bezieht. Solche Gruppen sind auch ideal für einen Gruppenberatungsansatz des landwirtschaftlichen Beratungsdienstes und sollten dafür viel stärker genutzt werden.

Kommunale Arbeit

Dorfbewohner bauen Schulen, Wege oder ihr Wasserversorgungssystem in Selbsthilfe. Selbsthilfe für kommunale Zwecke ist sehr wichtig, andererseits kaum eine Konkurrenz für den Arbeitsbedarf im Haushalt und im landwirtschaftlichen Betrieb, da pro Jahr nur wenige Tage dafür geopfert werden müssen.

Migration

Etwa ein Drittel der ländlichen Bevölkerung verläßt im Laufe eines Jahres sein Dorf, um woanders Saisonarbeit zu finden. Die wichtigsten Saisonarbeiten sind die Nelkenernte, das Fischen und die Bewirtschaftung von Reisfeldern in den hydromorphen Tälern und auf temporär genutzten Feldern in der Korallenkarstlandschaft.

Problembereiche

Der sicherlich wichtigste Problembereich ist die geringe Mechanisierung. Mit der Hacke kann eine Vollerwerbskraft nicht wesentlich mehr als einen halben Hektar pro Jahr bewirtschaften. Andererseits würde eine Mechanisierung auf höherer Stufe, z.B. durch Ochsenanspannung oder Traktoren, sofort zu einer ersten Landknappheit und Verstärkung der Arbeitslosigkeit auf dem Lande führen.

Ein weiterer Problembereich ist der geringe Ausbildungsstand der Landwirte; 43,8% der Bauern (31,5% der Männer und 53,9% der Frauen) aus der Stichprobe können weder schreiben noch lesen. Eine gute Ausbildung ist sehr wichtig für die Übernahme von Innovationen.

Die Landwirtschaft ist relativ unattraktiv. Junge Männer verlassen die ländlichen Gebiete, um in der Stadt Arbeit zu finden, und die Hälfte der Männer, die im ländlichen Raum verbleiben, entscheidet sich für einen Beruf außerhalb der Landwirtschaft.

AGRARKREDITSYSTEM

Mit der Ausnahme der Untersuchung von BOLA-CLARKSON (1989) finden sich keine ausführlichere Arbeiten über das Agrarkreditsystem Sansibars.

Das Nicht-Vorhandensein eines formalen und umfassenden Agrarkreditwesens ist ein ernster Hemmfaktor der landwirtschaftlichen Entwicklung auf Sansibar. Landwirtschaftliche Kredite werden nur für bestimmte Technologien oder bestimmte Zielgruppen gewährt. Die Kreditvergabe ist *angebots-* und nicht *nachfrageorientiert*, das heißt, Kredite werden in der Regel für die Verbreitung von Innovationen zur Verfügung gestellt, aber nicht prinzipiell dort, wo der Landwirt Geldbedarf und eine gute Chance auf Profit hat.

Das islamische Zinsverbot ist eine der Ursachen für die jetzige Situation. Private Geldverleiher gibt es nicht auf Sansibar. Dies hat dazu geführt, daß nur selten Kredite gewährt werden, und wenn doch, dann zinslos und nur unter Personen, die persönlich durch Verwandtschaft oder Bekanntschaft verbunden sind. Daher haben sich Institutionen entwickelt, bei denen keine Zinsen erhoben werden, wie z.B. die populären Sparklubs, oder bei denen Zinsen versteckt werden, wie z.B. beim Früchtepfand oder bei der Viehverstellung. Eine historisch bedeutende Kreditpraktik (der "*fiktive oder bedingte Verkauf*"), die aber schon seit langem nicht mehr existiert, wird von BARTLETT und LAST (1934: 6), MEEK (1946: 72) und ANDERSON (1970: 66) beschrieben.

Zinsen werden von der Bevölkerung zu einem gewissen Grad akzeptiert, nämlich dann, wenn sie von offiziellen Organisationen, z.B. Banken, genommen werden. Das Suaheliwort für Zinsen ist *Riba*, das aus dem Arabischen kommt und neben der neutralen Bedeutung von *Zins* auch das abwertende *Wucher* einschließt. Aus diesem Grunde sollte das Wort *Riba* in den Kreditgeschäften vermieden und unverfänglichere Termini wie z.B. *Gebühr* gewählt werden.

Kredite werden sowohl in formalen als auch informellen Kreditbeziehungen nur auf kurz- und mittelfristige Dauer gewährt. Dies hängt damit zusammen, daß bisher Kredite nicht langfristig abgesichert werden konnten. Mit der neuen Gesetzgebung, insbesondere dem *Land Registration Act* und dem *Land Tenure Act* dürfen Grundstücke wieder hypothekarisch belastet werden, allerdings nur wenn der Kreditgeber eine staatlich anerkannte Kreditinstitution ist. So soll verhindert werden, daß Kleinbauern

Opfer von skrupellosen Geldverleihern werden. Außerdem ist eine Landregistrierung geplant, die es ermöglicht, belastete Grundstücke auszuweisen. Dadurch werden Kreditinstitutionen bessere Sicherheiten gegeben. Diese Neuerungen schaffen günstige Voraussetzungen für die Etablierung eines umfassenden Kreditwesens in Sansibar.

Eine weitere Ursache für ein fehlendes umfassendes Kreditwesen ist die falsche Zinspolitik des Landes.

Der Zins ist der *Preis* für geparstes oder geliehenes Kapital und regelt Angebot von und Nachfrage nach Kapital (MILLER, 1977; ELLIS, 1992). Z.Z. liegt der Sparzins bei den Banken zwischen 24 und 28%, also substantiell unter der Inflationsrate von etwa 30%. So kann man nicht erwarten, daß Spargelder in ausreichendem Maße mobilisiert werden. Gleichzeitig werden Kredite im kommerziellen Bereich gewährt, deren Zins nicht höher als die Inflationsrate liegt¹⁰⁷. So kommt es zu einer Übernachfrage nach Krediten, die nicht bedient werden kann, mit der Folge weiterer Übel, wie z.B. Begünstigung oder gar Bestechung.

Formale Kreditbeziehungen

Eine ganze Reihe von Organisationen, die Kredite für die Landwirtschaft und ländliche Bevölkerungsgruppen gewähren, wurde untersucht. In allen Fällen werden die Kredite subventioniert. Alle Organisationen haben erhebliche Schwierigkeiten, die Rückzahlungen einzutreiben. Die wichtigsten Probleme sind:

- politische Einflußnahme auf die Kreditgewährung
- Begünstigungen
- Kredite für die Verbreitung von noch unausgereiften Innovationen
- religiöse Bedenken der Kreditnehmer gegen Zinszahlungen¹⁰⁸
- Mangel an Personal und Mitteln für die Verwaltung von Kreditgeschäften.

Von etlichen Organisationen wird berichtet, daß sich politisch einflußreiche Persönlichkeiten dafür einsetzen, daß bestimmte Personen Kredite erhalten oder nicht zurückzahlen müssen. Selbst der Präsident von Sansibar hat mehrfach und massenhaft Rückzahlungen erlassen. Dies hat sich sehr negativ auf die Rückzahlungsmoral ausgewirkt. In den letzten Jahren wird deshalb bei fast allen Organisationen ein Rückgang der Zahlungsmoral der Kreditnehmer beobachtet.

Viele Mitglieder der politischen Opposition verweigern aus politischen Gründen die Rückzahlung, da Kredite oft politischen Zwecken dienen oder zu politischen Zwecken mißbraucht werden. Kreditorganisationen sollten sich daher (partei)politisch neutral verhalten. Es kann z.B. nicht angehen, daß der *Fund for Self-Reliance* auf suaheli *Mfuko wa Rais*, der *Geldbeutel des Präsidenten*, heißt.

Regelrechte Bestechung in der Vergabe von landwirtschaftlichen Krediten sind eher die Ausnahme, aber die Begünstigung von Verwandten, Freunden und Nachbarn ist die Regel. Dies muß vermieden werden. Kredite müssen nach dem Kriterium der Kreditwürdigkeit der beabsichtigten Investition und des Kreditnehmers vergeben werden.

¹⁰⁷ Erst in allerletzter Zeit (Juli 1994) scheint sich hier eine (von vielen angemahnte) Trendwende anzubahnen. Die Überziehungszinsen für Kontokorrentkredite, die einzige nennenswerte Kreditform im kommerziellen Bereich, wurden von 30 auf 40% heraufgesetzt.

¹⁰⁸ weiter oben schon erwähnt und wird deshalb im folgenden nicht behandelt

Bisweilen werden Kredite für die Verbreitung noch unausgereifter oder nicht angepaßter Technologien gewährt. Ein Beispiel ist die Einführung neuer Rinderrassen durch das World Food Programme. Neben den neuen Tieren müssen die an dem Programm teilnehmenden Bauern das Haltungssystem radikal von der Weide- auf die Stallhaltung umstellen. Viele sind dazu nicht in der Lage. Die höhere Krankheitsanfälligkeit der neuen Rasse und die oftmals inadäquate Tierhaltung bringen es häufig mit sich, daß die auf Kredit gekauften Rinder sterben. Die betroffenen Bauern sind dann gezwungen, den Kredit anstatt aus den Erlösen der erwarteten erhöhten Milchproduktion aus anderen Reserven zurückzuzahlen.

Ein weiteres Beispiel ist der Traktormietservice, der für die Bodenbearbeitung im Reisanbau von staatlichen Stellen angeboten wird. Die Bestellungskosten liegen so hoch, daß sie höchstwahrscheinlich niemals von Landwirten bezahlt werden können (z.Z. muß der Landwirt etwa ein Zehntel der tatsächlichen Kosten bezahlen, und dies häufig auch noch auf der Basis eines zinslosen Kredites).

Alle Organisationen, die Kredite vergeben, klagen über einen Mangel an qualifiziertem Personal und Ausstattung. Dieses Problem besteht in der Tat, ist aber eben auch zum großen Teil selbst verschuldet. Weil die meisten Programme hoch subventionierte Kredite gewähren, ist die Nachfrage nach Krediten sehr groß, und es gibt einen entsprechend hohen Verwaltungsaufwand, der sich aber nicht aus den Kreditrückzahlungen selbst finanzieren kann.

Informelle Kreditbeziehungen

Über 90% aller Kreditgeschäfte in den untersuchten Dörfern werden zwischen Verwandten, Freunden und Nachbarn getätigt. Bei diesen Krediten handelt es sich in der Regel um kleine Beträge, die kurzfristig und zinslos gewährt werden. Die Rückzahlung wird gewöhnlich sehr großzügig gehandhabt - *der Kreditnehmer darf zurückzahlen, wenn er dazu in der Lage ist*. Hier zeigt sich, daß hinter dem Kreditgeschäft zumeist eine Hilfeleistung steckt.

Upatu-Sparklubs

Upatu-Sparklubs sind traditionelle und sehr populäre Spar- und Kreditorganisationen. Es gibt sie in vielen Teilen Afrikas, Asiens, Amerika, dem Mittleren Osten und auch in Europa (BOUMAN, 1983; GEERTS, 1961/62; KURTZ, 1973; MILLER, 1977: 103-104; STOCKHAUSEN, VON, 1984: 140; MWANIKI, 1986: 218, THOMAS, 1988: 406, und NIPPOLD, 1988: 157).

Eine *Upatu*-Gruppe von z.B. zehn Personen trifft sich einmal monatlich, wobei jedes Mitglied denselben Betrag einzahlt. Die eingezahlte Summe wird jeden Monat einem anderen Mitglied, das durch Los oder Absprache bestimmt wird, ausgezahlt. Nach zehn Monaten ist ein Zyklus komplett, und ein neuer kann begonnen werden. Kredite hängen unmittelbar von der Sparleistung der Mitglieder ab. In den Befragungen zeigte es sich, daß solche Klubs Mitglieder ermutigen, Sparanstrengungen zu unternehmen, die sie allein nicht geschafft hätten. Im Gegensatz zum individuellen Sparen zu Hause, bei dem das Geld in die Spardose kommt oder in "totes" Anlagevermögen investiert wird, wird in den Sparklubs das angesparte Geld der Wirtschaft in demselben *Moment* zur Verfügung gestellt, in dem es angespart wird. Im Gegensatz zum Sparen bei einer Bank sind keine weiten Wege und langes Anstehen nötig. Es ist auch eine *faire* Institution, weil theoretisch z.B. derjenige, der im ersten Turnus des ersten Zyklus einen Kredit erhält, im zweiten Zyklus an die letzte Stelle gesetzt würde, und der zweite des ersten Zyklus, der vorletzte im zweiten Zyklus wird usw. Es ist auch eine flexible Einrichtung, da Mitglieder, die ein höheres Sparvermögen haben, mit mehreren Anteilen teilnehmen können und wiederum Mitglieder, die weniger Geld zur Verfügung haben, mit anderen Mitgliedern gemeinsame Anteile bilden können.

Obwohl Upatu-Gruppen mit jedem noch so denkbar kleinem Betrag zusammenkommen könnten - und aus diesem Grund auch eine Sparorganisationsform für sehr arme Leute sein könnten - zeigen die Befragungen, daß sich Sparklubs nur bilden, wenn es schon um beträchtliche Summen geht (pro Kreditvergabe etwa im Rahmen eines Monatslohns eines Durchschnittsverdieners). Aus diesem Grund nehmen meistens nur Personen mit einem regelmäßigen Einkommen teil. Dies sind in der Regel besser gestellte Personen. Bei den Männern handelt es sich meist um Staatsangestellte, und bei Frauen sind es meist die, die Eßwaren herstellen und auf der Straße verkaufen.

Das Potential von Upatu-Gruppen für Gruppenkredite von formalen Kreditorganisationen ist begrenzt (siehe auch die Untersuchung von MOHAMMED (1993)). Die Mehrheit der Upatu-Gruppen existiert nur für ein oder zwei Zyklen in derselben Zusammensetzung. Es finden sich auch nur wenige Beispiele dafür, daß Upatu-Gruppen sich nach einiger Zeit in weiter entwickelte Organisationsformen (z.B. registrierten Spargenossenschaften) umgewandelt hätten. Nichtsdestoweniger sollten Upatu-Gruppen in Pilotvorhaben für die Gewährung von Gruppenkrediten durch formale Kreditorganisationen getestet werden. Der soziale Druck und die gegenseitige Kontrolle der Gruppenmitglieder machen die Kreditrückzahlung sicherer. Außerdem sind die Verwaltungskosten einer Bank niedriger, wenn nicht viele einzelne Personen, sondern Gruppen betreut werden müssen.

Früchtepfand

Der Früchtepfand in der Form des *Vermietens von Baumkulturen* und des *Verkaufs von Früchten auf dem Halm von ein- oder überjährigen Kulturen* ist eine sehr gebräuchliche Möglichkeit für den Landwirt, schnell an Geld zu kommen. Diese Praktik erfreut sich in Afrika großer Verbreitung und wird z.B. von MEEK (1946: 256-257), PACKENHAM (1947: 24), BAILEY (1965: 176) und LIPINSKY (1990/91a) beschrieben.

Unter den ein- und überjährigen Kulturen sind Maniok und Bananen, unter den mehrjährigen die Kokospalmen, Nelken- und Mangobäume die Kulturen, die am häufigsten in Sansibar verpfändet werden. Zum Zeitpunkt der Verpfändung geht das Recht auf Beerntung und damit auch das Risiko der Ernte vom Landwirt auf den Geldgeber über. In der Vorstellung der Beteiligten handelt es sich formal bei solch einer Transaktion um den Verkauf von noch nicht geernteten Früchten und nicht etwa um ein Kreditgeschäft. Dadurch wird auch das islamische Zinsverbot umgangen. Des weiteren erlaubt das islamische Recht ausdrücklich solche Geschäfte, die ein Risiko einschließen. Auch das ist hier gegeben. Der Geldgeber mag die Erntemenge überschätzt, die Preise zum Zeitpunkt der Ernte falsch oder andere Vermarktungsbedingungen zu optimistisch eingeschätzt haben und macht letztlich den schlechteren Schnitt.

Es war nicht möglich, in Fallstudien eine durchschnittliche Verzinsung von Früchtepfandtransaktionen zu ermitteln. Die Bedingungen waren zu heterogen, und die Beteiligten hielten sich sehr bedeckt. Nur was die Verpfändung von Kokospalmen angeht, gibt es Beispiele, daß fortgesetzte Verpfändungen zur Vernachlässigung von Beständen und bisweilen zu nachhaltigen Abhängigkeiten einschließlich Landverlust geführt haben.

Vieheinstellung

Neben dem Früchtepfand ist die Vieheinstellung¹⁰⁹ eine weitere interessante und häufige Form eines verdeckten Kreditgeschäfts. Sie ist in der Literatur bisher noch nicht für

¹⁰⁹ die Begriffe *Viehverstellung*, *Einsteller* und *Versteller* finden sich z.B. bei ABEL (1978: 252) und KROESCHIELL (1981: 1005-1006)

Sansibar beschrieben worden. Allerdings wird sie in einige Untersuchungen, die das tansanische Festland betreffen, erwähnt (GUTMANN, 1926: 440-441; DOBSON 1940: 20; KÜNZEL et al., 1983).

Der *Viehversteller*, - häufig jemand, der in der Stadt arbeitet und deshalb über entsprechende Finanzmittel verfügt -, kauft eine Kuh oder eine Ziege und gibt das Tier in die Obhut eines *Vieheinstellers*, der auf dem Lande wohnt. Die Nachkommenschaft des Tieres oder die Erlöse aus dem Verkauf der Nachkommenschaft werden aufgeteilt. Bei dieser Transaktion stellt der Versteller das Kapital und der Einsteller die Arbeit zur Verfügung. Da ein Viehkauf schon beträchtliche Finanzmittel erfordert (ein Kalb kostet etwa drei bis sechs durchschnittliche Monatslöhne), ist die Vieheinstellung häufig die einzige Möglichkeit für einen Einsteller, eine eigene Herde zu gründen. Die wenigen Fallstudien, die durchgeführt wurden, zeigen, daß es sich um eine relativ faire Institution handelt. Die interne Verzinsung für den Wert der eingesetzten Arbeit des Einstellers ist etwa genauso hoch wie für das eingesetzte Kapital des Verstellers. Grundsätzlich sieht der Autor diese Institution als positiv an: sie führt zu Investitionen in der Landwirtschaft, das Kapital des Geldgebers wird vor der Inflation gerettet, und soziale Beziehungen zwischen Stadt- und Landbevölkerung werden vertieft.

GENOSSENSCHAFTSWESEN

Untersuchungen zum Genossenschaftswesen von Sansibar sind auf die Zeit vor der Unabhängigkeit beschränkt. Besonders aufschlußreich sind die Beiträge von STRICKLAND (1932), KERR (1950) und KHARUSI (1958).

Die Genossenschaftsbewegung begann sich in den 30er Jahren in Sansibar zu formieren. Seitdem wurden neu geschaffene, formale Genossenschaftsstrukturen zweimal aufgelöst, das erste Mal 1934, als die Regierung die Nelkenvermarktung nicht aus direkter staatlicher Kontrolle entlassen wollte und das zweite Mal 1967, als Kooperativen zu politischen und rassistischen Zwecken mißbraucht wurden.

In den späten 70er Jahren wurde das Genossenschaftswesen wiederbelebt. Viele Konsumgenossenschaften wurden zwischen 1980 und 1984 registriert. Später kamen vor allem Fischerei-, landwirtschaftliche und Kleingewerbekooperativen hinzu. Anfang der 90er Jahre erreichte die Registrierung einen zweiten Höhepunkt, als viele Entwicklungshilfeprojekte Genossenschaften in verschiedenen Bereichen unterstützten.

Bis Februar 1994 wurden 2.856 Genossenschaften mit insgesamt etwa 62.000 Mitgliedern registriert. Davon waren allein 19.000 Mitglieder Frauen. Die Haushaltserhebung zeigte allerdings, daß diese Zahlen weit überhöht sein müssen. Dies rührt sicherlich daher, daß viele Genossenschaften nur noch auf dem Papier stehen, also keine Geschäfte mehr durchführen, aber noch nicht aus dem Genossenschaftsregister gestrichen worden sind.

Trotzdem bleibt das Genossenschaftswesen ein sehr wichtiger Faktor im ländlichen Raum. Nach der Haushaltserhebung sind 9% aller Erwachsener Mitglieder einer Genossenschaft. 11,9% aller selbständigen landwirtschaftlichen Arbeit (also ausschließlich der Lohnarbeit) wird von Kooperativen getätigt. Landwirtschaftliche Frauengenossenschaften im Korallenkarstgebiet sind besonders hervorzuheben.

Sehr wenige Kooperativen wirtschaften, gemessen an kommerziellen Maßstäben, erfolgreich. Allerdings haben viele Genossenschaften noch weitere oft informelle Funktionen, die in ihrer Bedeutung nicht zu unterschätzen sind. Ein Beispiel ist die

Risikoverminderung für die Mitglieder in landwirtschaftlichen Frauenkooperativen. Frauen, die in Not geraten sind, bekommen bereitwillig Hilfe durch ihre Genossinnen.

Das Genossenschaftswesen sollte konsolidiert werden. Insbesondere sollte man das Genossenschaftsgesetz ändern. Politik sollte keine Rolle spielen, kommerzielle Gesichtspunkte an erster Stelle stehen. Nicht mehr funktionierende Genossenschaften sollten vom Register gelöscht und Kooperativen mit einem guten Potential durch Schulungen für Mitglieder, Beratung und Kreditvergabe gestärkt werden.

SYSTEM DER SOZIALEN SICHERUNG

Zum System der sozialen Sicherung in Sansibar gibt es nur sehr wenig Literatur und meist nur im Zusammenhang mit anderen Themen. Für den Bereich der formalen sozialen Sicherung sei auf die Arbeit von HAMDANI (1992) hingewiesen.

Von staatlichen Stellen wird sehr wenig Sozialhilfe an Bedürftige vergeben. Die Menschen sind im wesentlichen auf gegenseitige Hilfe angewiesen. Es gilt das Subsidiaritätsprinzip: je enger die persönliche Bindung, vor allem verwandtschaftlicher Art, desto größer ist die Verpflichtung, zu helfen. Trotz weit verbreiteter Armut funktioniert diese gegenseitige Hilfe relativ gut. Bettler, Obdachlose und verwahrloste Menschen sind eine sehr seltene Erscheinung im ländlichen Raum.

Die meisten Alten, Kranken und Behinderten werden von der eigenen Familie oder in der Verwandtschaft betreut und gepflegt. Nachbarn und Freunde helfen ebenfalls sehr. Aus diesem Grund mag man schließen, daß das soziale Netz in Sansibar zu einem befriedigenden Maße funktioniert. Dieser Schluß gilt allerdings nur für den nicht-staatlichen Sektor.

In den Fallstudien wurde auch der Frage nachgegangen, ob die Verpflichtung zur Hilfe etwa so große Opfer verlangt, daß junge dynamische Landwirte beträchtlich in ihren Anstrengungen, die landwirtschaftliche Produktion zu erhöhen, behindert würden. In den meisten Diskussionen wurden bisweilen außergewöhnlich hohe Hilfsverpflichtungen eingeräumt, doch meinten fast alle Befragten, daß dies nicht soweit ginge, daß dadurch gute landwirtschaftliche Investitionsmöglichkeiten verhindert würden.

Auch haben Landwirte Mittel und Wege gefunden, ihre Ressourcen weniger zugänglich zu machen. Größere Mengen Bargeld finden sich selten in den Haushalten. Geld wird in Vieh "verwandelt" oder in Sparklubs eingezahlt und damit der bedürftigen Verwandtschaft zu einem gewissen Grade vorenthalten. Weniger ernst erscheinende Hilfsgesuche werden häufig nur auf Kreditbasis befriedigt. Jeder weiß, daß erst dieser Kredit zurückgezahlt werden muß, bevor wieder ein neues Hilfsgesuch gestellt werden kann. In der Tat ist dies ein sehr häufiges Motiv, warum Kredite zwischen Verwandten, Bekannten und Freunden gewährt werden: um weitere Gesuche abwiegelnd zu können.

SCHLUSSBETRACHTUNG

In der Arbeit ging es darum den Ordnungsrahmen zu analysieren, der durch die Agrarverfassung abgesteckt wird. Außerdem galt es aufzuzeigen, inwieweit sich die verschiedenen Regeln dieser Ordnung auf die Landwirtschaft und das Leben auf dem

Lande auswirken und wie sie eventuell abzuwandeln sind, um durch die Agrarverfassung bedingte Problembereiche zu beseitigen.

Dabei hat sich - besonders anhand der zahlreichen Vergleiche zwischen den drei großen ethnischen Gruppierungen - gezeigt, daß die Ordnungsmuster sehr unterschiedlich ausgeprägt sein können und daß trotz starker staatlicher Einflußnahme und vieler geschriebenen Gesetze ein großer Teil der Regeln, die die Landwirtschaft in Sansibar maßgeblich determinieren, ungeschrieben sind. Ungeschriebene Regeln sind nicht minderwertig, weil sie ungeschrieben sind. Ihre Existenz leitet sich daraus ab, daß sie bestimmte Bereiche zweckmäßig ordnen. Dabei sind die Konsequenzen solcher Regelwerke sehr weitreichend. Sie haben Wirkungen nicht nur auf die Landwirtschaft selbst, sondern auf das gesamte ländliche Leben und wirken oft darüber hinaus auch auf den städtischen Bereich und damit auf die ganze Gesellschaft (wie dies z.B. bei der Institution der Viehverstellung besonders deutlich wird). Werden bestimmte Regeln geändert und kodifiziert, so muß man sich vorher ein Gesamtbild davon verschaffen, in welchem größeren Zusammenhang, in welchen Wechselbeziehungen, diese Regeln stehen. Dies ist in der vorliegenden Arbeit versucht worden.

Sansibar steht vor großen Herausforderungen. Die negativen Entwicklungen in der Landwirtschaft in den drei letzten Dekaden machen Regeländerungen in etlichen Bereichen (Landrecht, Agrarkreditwesen, Kooperativen) dringend notwendig. Dies wird auch so von den *policy* und *decision makers* gesehen. Etliche Weichen, besonders im Landrecht sind bereits gestellt worden, davon einige sicherlich noch nicht befriedigend. Daneben gibt es auch etliche Regeländerungen, die der Verfasser zwar positiv sieht, die aber schwer in ihrer Wirkung abzuschätzen sind. Insofern muß die landwirtschaftliche Entwicklung weiterhin aufmerksam beobachtet werden und eventuelle Fehlentwicklungen rechtzeitig identifiziert und diesen entgegengewirkt werden.

14. Muhtasari¹¹⁰

SHERIA ZA SEKTA YA KILIMO VISIWANI ZANZIBAR NA TATHMINI YA MAFANIKIO YAKE

MFUMO NA MAENEO YA UTAFITI

Ufafanuzi na Malengo ya Utafiti

Kazi hii inahusika na uchunguzi wa sheria za sekta ya kilimo visiwani Zanzibar na kutathmini mafanikio yake.

Sheria za sekta ya kilimo ni mchanganyiko wa sheria za Serikali na kanuni za kimila zenye lengo la kulinda na kusimamia shughuli na maslahi ya jamii ya wakulima. Sheria za sekta ya kilimo zinavyo vipengele vingi, vifuatavyo vinahitaji kufanyiwa uchunguzi.

- sheria na kanuni zinazotumika katika kumiliki na utumiaji wa ardhi,
- urithi wa ardhi na mazao ya kudumu,
- mfumo wa kazi katika sekta ya kilimo,
- mikopo katika sekta ya kilimo,
- vyama vya ushirika na
- mfumo wa hifadhi ya jamii

Malengo ya utafiti ni kama ifuatavyo

1. kuelezea umuhimu wa sheria mbali mbali zinazotawala sekta ya kilimo visiwani Zanzibar,
2. kuonyesha uhusiano wa vipengele vya vijisheria mbali mbali,
3. kutathmini mafanikio yake katika maendeleo ya kilimo na
4. kubuni siasa za kilimo ambazo zitatatua matatizo yaliyopo.

Eneo la Uchunguzi

Zanzibar inavijumuisha visiwa vya Unguja na Pemba. Ipo ng'ambo ya mwambao wa Afrika Mashariki pia ni sehemu ya Jamhuri ya Muungano wa Tanzania. Inayo idadi ya wakazi wapatao 640,000 wanaoishi katika eneo mraba wa kilomita 2, 332. Ipo kwenye ukanda wa ikweta. Hupata mvua mara mbili kwa mwaka. Kilimo ndio uti wa mgongo wa uchumi wa Zanzibar.

Zanzibar imegawanyika katika kanda tatu za kilimo: *kanda ya mashamba makubwa* (plantation area), *kanda ya maweni* (coral rag area) na *kanda ya mabonde ya mafuriko* (hydromorphic valleys)

Kanda ya mashamba makubwa imekuwa ikilimwa tangu miaka 150 iliyopita. Waarabu ndio waliokuwa wa kwanza kuyatumia mashamba hayo kupanda mikarafuu na minazi. Sehemu kubwa ya wakulima nchini Zanzibar ni wakulima wadogo wadogo wenye kulima mchanganyiko wa mazao ya kudumu na ya msimu. Utaratibu wa kumiliki ardhi kwa mtu binafsi nchini Zanzibar ulianzishwa katika kanda ya mashamba makubwa.

Ardhi yenye rutuba hafifu ipo upande wa Mashariki ambayo ni kanda ya maweni. Kina cha udongo wake ni kifupi ambacho kimetanda juu ya tabaka za miamba ya chokaa (coralline limestone). Aina maarufu ya kilimo ni kile cha kuhamahama ambacho hutumia njia ya kuchoma moto. Kwa kawaida mazao ya msimu ndiyo maarufu katika sehemu hizi. Mazao ya kudumu hulimwa kwa nadra.

¹¹⁰ Translated from English by Suleiman MOJAEKA

Waarabu walipoingia Zanzibar hawakujishughulisha katika kumiliki ardhi ya kanda ya maweni. Hivyo basi, mila na desturi za wenyeji hazikuguswa

Kwa kawaida *kanda ya mabonde ya mafuriko* hutumika katika kilimo cha mpunga. Mpunga ndicho chakula kikuu na kinachopendelewa na wakazi wa Zanzibar. Mara nyingi hulimwa na wanawake kama zao la chakula. Hii inadhihirisha kuwepo kwa mgawano wa kazi kati ya wanawake na wanaume katika sekta ya kilimo

Zanzibar ilitumika kama bandari maarufu katika Afrika Mashariki kwa muda usiopungua miaka elfu mbili iliyopita. Uhusiano wake na Waarabu pamoja na Waajemi ndilo lililokuwa chimbuko la ustaarabu wa Kiswahili. Hatimae, kuwasili kwa Wareno, Wajerumani na Waingereza kulichangia katika kujenga historia ya Zanzibar.

Mwaka 1964 wazalendo walifanya mapinduzi na kufanikiwa kunyang'anya madaraka toka mikononi mwa utawala wa Kisultani.

Mara baada ya mapinduzi Zanzibar iliungana na Tanganyika na kuzaliwa Jamuhuri ya Muungano wa Tanzania. Hata hivyo, masuala ya mambo ya ndani kama vile, umilikaji ardhi, kilimo, elimu, afya, michezo na utamaduni yalibaki chini ya Serikali ya Zanzibar

Muundo wa sheria za Zanzibar umetokana na mchanganyiko wa mila na desturi za wazalendo pamoja na zile za wahamiaji. Sheria za Kiislamu (sharia) zimejitokeza kuwa na uzito zaidi. Hata hivyo, mila, sheria za kikoloni pamoja na mawazo ya kijamaa vimechangia katika kujenga misingi ya sheria zinazotumika Zanzibar

Taratibu za Uchunguzi

Mchanganyiko wa mbinu mbali mbali zinazotumika katika uchunguzi wa kijamii na uchumi zilitumika

Uchambuzi wa kazi zilizopita ulifanyika kabla ya uchunguzi wenyewe haujaanza. Hii iliendelea kufanyika katika kipindi chote cha uchunguzi.

Awamu ya uchunguzi wa awali ilitumika kutafuta vidokezo kutoka kwa wafanyakazi wa Wizara mama na mashirika ya umma kwa kutumia maswali yaliyotungwa katika mpangilio maalum ili kupata mwanga wa hali halisi ilivyo.

Vijiji sita vilichaguliwa kutoka visiwani Zanzibar na vijiji viwili kutoka mwambao wa Tanzania bara. Kutokana na mazungumzo na vikundi mbali mbali vya wanavijiji ilijitokeza kwamba misingi ya sheria za kilimo tayari ilikuwepo. Matokeo ya mazungumzo na wanavijiji yalionyesha umuhimu wa kufanya uchunguzi wa kina zaidi.

Katika awamu ya pili uchunguzi ulifanyika mara mbili na matokeo yake yalikuwa ndicho kiini cha uvumbuzi

Katika uchunguzi **A** viongozi wa kaya 360 walichaguliwa bila ya mpangilio maalum kutoka vijiji sita vya Zanzibar. Baadae walihojiwa kwa kutumia orodha ya maswali yaliyoandaliwa.

Katika uchunguzi **B** taarifa za utendaji kazi zilikusanywa kutoka kwa wakulima wa sehemu maalum zilizochaguliwa kutokana na umaarufu wake wa kilimo. Taarifa zilikuwa zikikusanywa asubuhi na mchana mara moja kila mwezi kwa muda wa mwaka mmoja.

Awamu ya tatu ilitumika kurudia tena na tena kuchunguza kwa undani zaidi mambo yaliyojitokeza kufuatana na ufafanuzi wa jinsi mambo yalivyokuwa yakifanyika ikijumuishwa na uchambuzi wa matokeo ya utafiti

Awamu ya nne ilitumika kukusanya taarifa na kuzifanyia uchambuzi. Matokeo ya uchambuzi yaliwasilishwa kwenye mkutano wa hadhara. Hii ilitoa nafasi ya kuhakikisha usahihi na kurekebisha makosa yaliyojitokeza: Pia, ilitumika kutoa taarifa ya awali kwa wanasiasa juu ya hali halisi ya mambo ilivyo.

SHERIA NA KANUNI ZA UMILIKAJI NA MATUMIZI YA ARDHI

Haki za kumiliki ardhi zinazingatia sheria na mila za wakazi wa Zanzibar. Hivyo basi, siasa yoyote inayojihusisha na masuala ya ardhi inawajibika kutilia maanani maslahi ya wananchi katika kumiliki rasimali zilizopo.

Historia ya Kuanzishwa kwa Sheria za Ardhi Zanzibar

Zanzibar imezijumuisha kanuni na desturi mbali mbali za wenyeji wa asili na zile za wahamiaji katika kujenga misingi ya haki za kumiliki ardhi. Imezihusisha kanuni na desturi za Kiafrika, Kiislamu, Kizungu pamoja na mfumo wa kijamaa.

Kutokana na misingi ya mila za Kiafrika hakuna ardhi ya mtu binafsi, isipokuwa, mtu binafsi anaweza kumiliki mazao yaliyomo. Taratibu za kutumia ardhi husimamiwa na wazee kama wadhamini. Mtindo wa mtu binafsi kumiliki ardhi umeanzishwa na Waarabu. Taarifa za kwanza za biashara ya ardhi zinarudi nyuma hadi karne ya 18. Umilikaji wa mashamba makubwa ulijitokeza kunako karne ya 19 baada ya mlolongo wa Waarabu kusehelea visiwani pamoja na uanzishwaji wa kilimo cha mazao ya kudumu kama vile, mikarafuu na minazi ambacho kilisababisha umilikaji wa ardhi wa muda mrefu.

Orodha ya hati za kumiliki ardhi ilianzishwa mwaka 1863 na baadhi ya mambo yaliyorikodiwa yalikuwa biashara ya ardhi. Kujihusisha kwa wakoloni kulidhihiri mwaka 1890 baada ya Zanzibar kuwa chini ya ulinzi wa himaya ya Kiingereza. Vipengele vingi vya kumiliki ardhi vilihalalishwa na kufanywa kuwa sheria. Uorodheshaji wa biashara ya ardhi ilikuwa ni jambo la lazima.

Katika miaka ya 1920 na 1930 sehemu kubwa ya ardhi iliyowekwa rehani kwa wakopeshaji fedha wa Kihindi ilikuwa inaelekea kufilisiwa kutokana na kutoweza kulipa madeni. Sheria zilitungwa kusaidia ucheleweshaji au uzuiaji wa ardhi ili isitolewe kwa wakopeshaji fedha wa Kihindi.

Utumwa ulikomeshwa Zanzibar mwaka 1897. Mashamba mengi ya mikarafuu na minazi yalikuwa yakitegemea watumwa kuyahudumia. Hata hivyo, wenye mashamba walimudu kuendelea kuwatumia watumwa wao kwa muda wa miaka kumi iliyofuata. Pia waliweza kuwatumia wahamiaji kutoka bara ambao walifanya maskani katika mashamba yao. Wahamiaji waliruhusiwa kufanya makao kwenye mashamba hayo na kupanda mazao ya chakula katikati ya mazao ya kudumu, hivyo basi, kuyafanya mashamba hayo kubaki katika hali ya usafi. Vile vile, walitumiwa kama vibarua wa kulipwa katika kuvuna karafuu. Hali hii ya kutegemeana iliendelea kwa muda mrefu.

Kuanzia mwaka 1940 migongano ilianza kati ya wenye mashamba na wahamiaji. Hii ilisababishwa na ongezeko la watu pamoja na mwaniko wa kisiasa. Kwa vile, wengi wa wenye mashamba walikuwa Waarabu na wahamiaji kutoka bara walikuwa Waafrika, migongano hii ilibadilika sura na kuwa ya Kimataifa.

Uhuru uliopatikana mwaka 1963 kutoka mikononi mwa himaya ya Kiingereza na kukabidhiwa serikali yenye chimbuko la Kiarabu (Pro-Arab) ulidumu kwa muda mfupi. Baada ya hapo Wazalendo walifanya mapinduzi mwaka 1964. Serikali iliyofuata iliimarishwa katika misingi ya kijamaa. Ilifanya marekebisho ya sheria za kumiliki ardhi ambazo zilisaidia kutatua migogoro iliyokuwepo kati ya wahamiaji na wenye mashamba. Inakadiriwa kuanzia mwaka 1964 hadi 1967 kiasi kipatacho ekari 60,000 za mashamba zilinyang'anywa kutoka mikononi mwa wenye mashamba 72 na kukabidhiwa wananchi 22, 262 katika mpango wa ekari tatu-tatu.

Kuanzia mwaka 1964 ardhi imefanywa kuwa mali ya umma. Ingawa sehemu kubwa ya ardhi imebaki mikononi mwa watu binafsi au familia, Serikali imejaribu kuingilia kati kwa vitendo. Sheria zilitungwa juu ya matumizi bora ya ardhi. Hata hivyo, uzalishaji ulishuka kutokana na wasiwasi wa kunyang'anywa ardhi, kujiingiza kwa Serikali katika maamuzi

ya mkulima na sababu nyingine nyingi ambazo ziko nje ya mfumo wa haki za kumiliki ardhi

Kuanzia mwanzoni mwa miaka ya 1980 hatua za kisheria zilichukuliwa ili kuondoa kero ya haki za kumiliki ardhi. Sheria ya kumiliki ardhi ya mwaka 1992 inatoa nafasi kwa watu binafsi kushikilia ardhi wakati haki ya kumiliki inabaki mikononi mwa serikali. Sheria ambayo inamuongezea mkulima uhuru. Katika mjadala wa ardhi imeelezwa kinaganaga kwamba . . . *kwa namna yoyote ile, haki ya kushikilia ardhi ina muana sawa na haki ya kumiliki ardhi* (ANONYMOUS, 1991b).

Kanuni Muhimu za Haki y Ardhi

Kuna kanuni nyingi zinazotofautiana juu ya haki na umilkaji wa ardhi visiwani Zanzibar Jambo la msingi, zote zinakubaliana kwa sauti moja kwamba ardhi ni mali ya umma. Tofauti zao zinajitokeza katika masuala ya haki za matumizi ya ardhi. Kufuatana na JAMES akishirikiana na FIMBO (1973: 353) kuruhusu *upandaji wa mazao ya kudumu ni sawasawa na kutoa haki ya kumiliki ardhi*. Haki za kutumia ardhi zimegawanyika katika vipengele vitatu: Kipengele cha kwanza (primary occupancy) kinahalalisha upandaji wa mazao ya kudumu na ya msimu pamoja na kuyatumia mavuno yake. Kipengele cha pili (secondary occupancy) kinatoa haki ya kupanda na kuyatumia mavuno ya mazao ya msimu. Kipengele cha tatu (tertiary occupancy) kinatoa haki ya kuyatumia mazao yaliyomo shambani, lakini hakiruhusu upandaji wa mazao mapya.

Kipengele cha Kwanza cha Haki za Kutumia Ardhi (Primary Rights of Occupancy)

Shamba linalomilikiwa na mtu binafsi linatoa haki na uhuru mkubwa kwa mwenye shamba kufanya maamuzi. Anaweza kuliiza, kulirithisha, kulikodisha au kulitoa kama zawadi.

Shamba la ukoo humilikiwa kwa pamoja na vizazi vya aliyekuwa akilimiliki shamba hilo. Sababu ya kutoligawanya shamba la ukoo ni ule udogo wake ambao kiuchumi haiteti maana kuligawanya zaidi. Mashamba ya ukoo ndiyo yanayofanya sehemu kubwa ya kipengele cha kwanza cha haki za kutumia ardhi (primary rights of occupancy). Umaarufu wake utaongezeka kutokana na uhaba wa ardhi ambao utawalazimisha wenye mashamba kuyaunganisha mashamba yao.

Mashamba ya ekari tatu-tatu ni matokeo ya marekebisho ya sheria za ardhi (land reform) yaliyofanyika baada ya mapinduzi. Haki ya kuyatumia mashamba hayo inakoma mara tu, mke na mume wanapofariki. Baada ya hapo hayaruhusiwi kuuzwa wala kufanyiwa matumizi ya aina yoyote ile. Maamuzi ya kuwarithisha watoto wa marehemu yanatolewa na Mtukufu Rais.

Haki ya kuendelea kuyatumia mashamba ya ekari tatu inategemeana na matumizi bora ya ardhi, vinginevyo Mtukufu Rais amepewa madaraka ya kubatilisha haki hiyo.

Wasiwasi wa kunyang'anywa haki ya kuendelea kuitumia ardhi waliyokabidhiwa ni kikwazo kikubwa cha maendeleo ya kilimo visiwani Zanzibar.

Kipengele cha Pili cha Haki za Kutumia Ardhi (Secondary Rights of Occupancy)

Mashamba ya kuazima ni utaratibu maarufu unaotumika Zanzibar. Hii inatokana na makubaliano kati ya mwenye shamba na muhitaji wa shamba. Ni mtindo unaojenga uhusiano sawa na ule wa anayekodi na mkodishaji shamba, tofauti yao hakuna malipo ya aina yoyote katika mashamba ya kuazima.

Kwa kawaida mwenye shamba huazimisha shamba lake baada ya yeye mwenyewe kutomudu kulihudumia kikamilifu labda kutokana na uzee, umbali au baada ya kupata njia nyingine bora zaidi ya kujipatia mapato.

Mazao ya kudumu hupandwa, lakini wingi wa magugu huathiri ustawi wake. Wenye mashamba wa kipengele cha kwanza (primary occupants) huazimisha mashamba yao na kuwaruhusu waazimwa kupanda mazao ya msimu. Kwa njia hii, mazao ya kudumu hufaidika wakati mazao ya msimu yanapopaliliwa.

Ardhi ya mpunga ambayo inasimamiwa na Serikali imetokana na mashamba yaliyotafishwa kwenye mabonde ya mafuriko (hydromorphic valleys). Mwaka hadi mwaka wakulima wadogo wadogo huruhusiwa kupanda mpunga pale jitihada zao zinapowaridhisha wawakilishi wa wizara ya Kilimo. Vinginevyo mashamba hayo hukabidhiwa wahitaji wengine. Upandaji wa mazao yasiyo ya msimu husababisha ucheleweshaji wa kilimo cha mpunga.

Ardhi ya matumizi ya muda (temporarily occupied land) inapatikana katika sehemu za maweni (coral rag areas) ambako kuna ardhi ya kutosha. Kwa kutumia mtindo wa kuchoma moto wa kilimo cha kuhama hama (shifting cultivation) mashamba hutayarishwa na kupandwa mazao Mashamba yanayotayarishwa kwa njia hii hutelekezwa baada ya kutumiwa kwa muda mfupi (miaka miwili hadi mitatu) kutokana na upungufu wa rutuba. Mashamba ya aina hii yanaweza kupandwa mazao ya kudumu na hatimaye kufanywa kuwa mali ya mtu binafsi

Kipengele cha Tatu cha Haki ya Kutumia Ardhi (Tertiary Rights of Occupancy)

Baadhi ya watu au vikundi vya watu wanaweza kuwa na haki ya kumiliki mazao ya kudumu yaliyoko katika mashamba ya wakulima wa kipengele cha kwanza (primary occupants) Hasa, haki ya kuvuna mazao kama vile maembe, matufaa, mashelisheli na mabungo Vile vile, wanayo haki ya kuitumia miti ya mazao hayo kama sehemu za wakfu.

Inaruhusiwa kwa mtu yeyote Zanzibar kuokota tunda ambalo limedondoka lenyewe Hili ni tatizo kwa kiasi fulani hasa kwa zao la mnazi kwani nazi zilizodondoka zenyewe ndizo zilizokomaa kadhalika ndizo zinazotoa mbata za daraja la juu kinyume na nazi zilizoanguliwa.

Kuni zinaweza kukusanywa toka shamba la mtu yeyote ilimradi hakuna miti au matawi yanayokatwa. Ni lazima kupata kibali kutoka katika idara ya misitu iwapo kiasi kikubwa cha kuni kitakusanywa kwa madhumuni ya biashara

Uchungaji wa ng'ombe na mbuzi katika mashamba ya watu unavumiliwa ilimradi hakuna mazao yanayoharibiwa. Bahati mbaya utaratibu huu mara kwa mara huvunjwa na mizozo kati ya wenye mashamba na wenye mifugo hutokea.

Upatikanaji wa Ardhi kwa Vikundi Dhaifu

Wanawake wanaoishi peke yao baada ya kuachika au kufiwa na wanaume zao wanamiliki ardhi ndogo ya aina ya kipengele cha kwanza cha haki za kutumia ardhi (primary occupancy) kuliko familia zinazoishi mume na mke pamoja. Hata hivyo, inaonekana wanao uwezo wa kuazima ardhi inayotosheleza mahitaji yao ya maisha

Wahamiaji kutoka bara walipata matatizo kidogo walipokuwa wakisehelea Zanzibar. Hivi sasa wamekubalika kama sehemu ya jamii ya wakazi wa Zanzibar. Pia wao ndio waliofaidika zaidi katika mpango wa kurekebisha umilikaji na ugawaji wa ardhi ya ekari tatu-tatu na ardhi ya mashamba ya mpunga inayosimamiwa na Serikali. Wanamiliki ardhi ndogo ya mashamba ya binafsi au mashamba ya ukoo, lakini wanayo ardhi kubwa ya mashamba ya kuazima kuliko wananchi wenye asili ya Zanzibar.

Matatizo na Uwezekano

Matatizo mengi ya uzalishaji katika kilimo yamesababishwa na udhaifu wa sheria za haki za kutumia ardhi. Matumizi hafifu ya ardhi na matumizi yanayopita kiasi yamethibitishwa. Ardhi yenye matumizi hafifu ni ile ya mashamba ya ekari tatu-tatu na ardhi inayotumiwa kupita kiasi ni ile ya mashamba ya kuazima

Kuendelea kuitumia ardhi ya mashamba ya ekari tatu-tatu kunategemea mambo mengi. Hakuna dhamana ya uhakika wa kuendelea kuitumia ardhi ya mashamba ya ekari tatu-

tatu. Sheria mpya za kumiliki ardhi hazikuondoa udhaifu huu. Hivyo basi, maendeleo duni katika kilimo yataendelea

Ongezeko la watu na sheria za Kiislamu zinazotetea usawa wa kugawana mali kati ya wanaume na wanawake zitaleta ongezeko la ardhi itakayomilikiwa katika ubia. Masharti ya kuweka kiwango cha chini cha upatikanaji wa hati ya haki ya kuitumia ardhi yatawalazimisha watu kushirikiana katika kumiliki ardhi zao. Matatizo ya ushirikiano wa ardhi yanakuja katika kufanya maamuzi na matumizi ya pamoja. Njia mojawapo itakayorahisisha uendeshaji wa mashamba ya ushirika ni kuwahalalisha baadhi ya wahusika kuwa wadhamini kwa niaba ya wenzao.

Utaratibu wa kuazimana mashamba ni muhimu kwani unawawezesha wenye mashamba makubwa ambao hawamudu kuyatumia ipasavyo kuzipatia familia zisizokuwa na mashamba ya kutosha. Vile vile, unawawezesha kuwapatia raslimali muhimu watu dhaifu kama vile, familia za wanawake wanaojitegemea na wahamiaji. Utumiaji mbaya wa ardhi umejitokeza kwenye sehemu zenye msongamano wa watu, kama vile kaskazini mwa Unguja na kusini mwa Pemba. Mfululizo wa ukulima wa mazao ya msimu unaathiri ustawi wa mazao ya kudumu. Mara nyingi husababisha upungufu wa rutuba, udhaifu wa ardhi na mfumo wa kilimo ambacho hakijitegemei.

Hatua madhubuti zimechukuliwa katika sheria mpya. Kwa mfano, sheria ya kutoa hati ya umilikaji ardhi milele ni hatua ya kimaendeleo katika kilimo. Hii itawapa wakulima uhakika wa kuimiliki ardhi waliyokabidhiwa; vilevile, itawapa uhuru wa kulima mazao kufuatana na matakwa yao. Hata hivyo, baadhi ya sheria bado zinahitaji marekebisho, kwa mfano, sheria zinazohusu mashamba ya ekari tatu-tatu.

Siasa ya nchi inatakiwa vile vile kujenga mbinu ambazo zitasaidia kutatua matatizo ambayo yako nje ya taratibu za haki za kumiliki ardhi, kama vile, ongezeko la watu ambalo husababisha uhaba wa ardhi.

URITHI WA ARDHI NA MAZAO YA KUDUMU

Kuna sheria za aina tatu zinazotumika katika urithi. Sheria za Kiserikali, Kiislamu na Kimila. Sheria za Kiislamu ndizo zinazotumika zaidi katika urithi wa ardhi na mazao ya kudumu. Ambapo sheria za Kimila zinatumiwa wakati ardhi inapotolewa kwa ajili ya matumizi ya pamoja kwa warithi.

Sheria za Kiserikali mara nyingi zinatumiwa kwa watu wasiokuwa Waislam waliotoka bara karne mbili zilizopita. Sheria za Kiserikali zinatetea usawa kati ya warithi wa kike na kiume. Ukilinganisha na sheria nyingine, sheria za Kiserikali zinatoa haki zaidi kwa wajane wa kike.

Jambo linalojitokeza katika sheria za Kiislamu ni kwamba pasipokuwepo na usia, warithi wa kiume hupata mara mbili ya mali wanazopata warithi wa kike. Ugawaji wa mali wakati mwenye mali bado yuhai ndiyo njia rahisi ya kukwepa kanuni za urithi zilizopo.

Udhaifu mkubwa wa sheria za urithi za Kiislamu ni unyanyasaji wa warithi wa kike na ugawanyaji wa ardhi katika vijishehemu vidogo vidogo ambavyo havina maana kiuchumi, isipokuwa kuimiliki ardhi hiyo katika ubia.

Hata hivyo, ugawanyaji wa ardhi katika vijishehemu vidogo vidogo halionekani kama tatizo kubwa, kwani familia nyingi zinavyo vijishamba vitatu au vinne. Hii inawezesha mkulima kufanya uchaguzi wa mazao anayotaka kuyalima. Vile vile, inampunguzia mkulima athari ya kuvuna mazao hafifu.

Kufuatana na sheria za kimila, mavuno yanayotokana na mazao ya kudumu ambayo yanamilikiwa na warithi kwa pamoja hugawanywa sawa sawa kati ya warithi wa kike na kiume. Hii inakeuka sheria za Kiislamu ambapo warithi wa kiume hupata mara mbili ya hisa za warithi wa kike.

MFUMO WA KAZI KATIKA KILIMO

Hali ya hewa ya joto (tropical climate) yenye misimu miwili ya mvua na misimu miwili ya joto hustawisha mfululizo wa kilimo cha mazao ya msimu na ya kudumu bila ya mapumziko katika mwaka. Kuna msongamano wa kazi. Hata hivyo, ukiacha msimu wa uvunaji wa karafuu, msongamano wa kazi sio wa kutisha ukilinganisha na ule wa sehemu za hali ya hewa ya joto zenye msimu mmoja wa mvua.

Mgawano wa Kazi

Hakuna kanuni za kimila wala sheria za Serikali zinazojizatiti kurekebisha udhaifu wa mfumo wa kazi katika kilimo. Baadhi ya nchi za dini ya Kiislamu zinawatenga wanawake na kuwazuia wasifanye kazi mashambani. Kwa bahati nzuri dini ya Kiislamu Zanzibar imelegeza masharti hayo. Wote, wanawake na wanaume wanachangia katika kazi za mashambani, iwapo mara nyingi wanaume hujishughulisha na kazi za ajira.

Kwa kawaida kazi katika mashamba makubwa (plantations) hufanywa na wanaume ambapo wanawake hufanya kazi maweni na kwenye mabonde ya mafuriko (hydromorphic valleys).

Kazi za wanaume zinahusiana na umilikaji ardhi wa kipengele cha kwanza (primary occupancy) na mazao ya biashara ambapo kazi za wanawake zinahusiana na ardhi ya kuazima pamoja na kilimo cha mazao ya chakula.

Wahamiaji

Wahamiaji kutoka bara waliingia Zanzibar miaka mingi iliyopita. Tokea enzi hizo mpaka sasa wahamiaji wanachangia kiasi kikubwa cha wafanya kazi wa mashambani. Iwapo idadi yao ni asilimia 12.3 ya wakazi wa vijijini, wanachangia asilimia 17.7 ya wafanya kazi wote wa mashambani na asilimia 59.3 ya wafanya kazi za ajira mashambani.

Vikundi vya Ujima

Utaratibu wa kusaidiana kazi za mashambani ni mtindo ulioenea Zanzibar, hasa kati ya akina mama katika kilimo cha mpunga. Kufuatana na wastani wa sehemu za uchunguzi, asilimia 14.3 ya kazi zote za kujijiri (ukiacha kazi za ajira) na asilimia 22 ya kazi za kilimo cha kwenye mabonde ya mafuriko (hydromorphic valleys) hufanyika katika mpango wa vikundi vya ujima. Vikundi vya aina hii ni muhimu katika kuanzisha ushauri wa pamoja wa kilimo.

Kazi za Ushirika

Wanavijiji hujenga na kuyafanyia ukarabati mashule, mabarabara na visima vya maji katika mpango wa kujitolea. Kazi za ushirika ni muhimu sana, pia hazileti kipingamizi kikubwa katika kutekeleza kazi za kilimo kwa sababu mchango wa kazi unaotakiwa kwa mkulima ni siku chache tu katika mwaka.

Uhamaji

Kiasi kipatacho theluthi moja ya watu wazima waishio vijijini wanakadiriwa kuvihama vijiji vyao ili kwenda kutafuta kazi za msimu. Kazi wanazozifanya hasa ni uvunaji wa karafuu, uvuvi pamoja na kilimo kwenye sehemu za ardhi ya mpunga na maweni (coral rag area).

Vikwazo

Tatizo kubwa linaloukabili mfumo wa kazi katika kilimo ni uzalishaji mdogo unaotokana na kilimo cha jembe la mkono. Kiasi cha shamba kinachoweza kulimwa na mtu mzima hakizidi ekari 0.5. Kwa upande mwingine kilimo cha matrekta kitasababisha uhaba wa ardhi katika muda mfupi.

Tatizo lingine ni elimu ndogo ya wakulima. Zaidi ya asilimia 40 ya wakulima hawajui kusoma wala kuandika. Elimu ni chombo muhimu kwa mkulima katika kuiga mazingira ya kilimo bora.

Kazi za kilimo kwa kawaida hazivutii. Vijana huvihama vijiji vyao ili kwenda kutafuta kazi mijini. Nusu ya vijana wanaobaki vijijini mwao hupendelea kufanya kazi ambazo hazihusiani na kilimo.

MIKOPO YA KILIMO

Sheria ya Kiislam inayokataza kutoza riba (interest) ni moja ya mambo yanayozuia maendeleo ya mikopo katika kilimo. Hii imesababisha mikopo ya kibiashara isifanyike, isipokuwa kati ya watu wanoahusiana kiukoo au kiurafiki. Riba inayokubalika kwa kiasi fulani ni ile ambayo kiwango chake kimewekwa na vyombo vya Serikali na maneno kama *malipo ya utumishi* yatatumika. Neno *riba* linapaswa liepukwe katika shughuli za mikopo kwa sababu linaleta picha ya dhuluma kuliko nia ya neno lenyewe ilivyo.

Tatizo lingine kubwa linaloathiri taratibu za mikopo katika kilimo ni kutokuwepo kwa mpango wa mikopo ya muda mrefu kwa sababu ardhi haipo katika orodha ya vitu vinavyoweza kuwekwa rehani. Tatizo hili limeondolewa na sheria mpya, hasa sheria ya usajili wa ardhi (*Registered Land Act*) na sheria ya umilikaji wa ardhi (*Land Tenure Act*) ambazo zinaruhusu uwekaji wa ardhi rehani. Wakati huohuo, Serikali inayo nia ya kuanzisha utaratibu maalum wa kuorodhesha ardhi katika kijitabu ambacho vile vile kitatumika katika kuorodhesha ardhi ambayo itawekwa rehani. Hatua hizi zitajenga misingi madhubuti itakayosaidia kuendeleza shughuli za mikopo katika kilimo.

Taratibu za Mikopo Kutoka Vyanzo vya Kawaida (Formal Credit Arrangements)

Kutokuwepo na mfumo maalum wa mikopo ni kipingamizi kikubwa katika maendeleo ya kilimo Zanzibar.

Miradi na taasisi nyingi hutoa mikopo, bahati mbaya mikopo hiyo haitumiki katika kutatua matatizo yanayowakabili wakulima, badala yake hutumika kuviendeleza baadhi ya vikundi vya watu na teknolojia ambazo haziendi sambamba na mahitaji ya wakulima. Zaidi ya hayo, mikopo hutolewa katika masilahi makubwa mno (highly subsidized) Ingawa hii huwavutia wakulima wengi, haifidii gharama za utumishi wa kutoa mikopo. Vile vile haizalishi rasilimali ya kutosha kutokana na uwekaji wa akiba.

Viwango vya riba lazima virekebishwe kulingana na mfumuko wa fedha, vitoe vishawishi vya uwekezaji wa akiba na viweze kulipa ushuru unaotokana na biashara ya fedha.

Uingizaji wa siasa na upendeleo ni tatizo lingine linaloikabili sekta ya mikopo.

Imedhihirika kwamba baadhi ya mikopo hutolewa katika miradi ili kusaidia teknolojia ambazo hazilingani na mahitaji ya wakulima. Hatari ya kutofikia malengo ya miradi ya aina hii ni kubwa, hivyo basi, husababisha mzigo mkubwa wa kulipa madeni kwa kutumia vyanzo vingine vya fedha mbali na miradi inayosaidiwa.

Taratibu za Mikopo Kutoka Vyanzo Visivyo vya Kawaida (Informal Credit Arrangements)

Asilimia 91.1 ya mikopo hutolewa na vyanzo visivyo vya kawaida, mara nyingi hutolewa na ndugu, majirani au marafiki. Kuna uhuru mkubwa wa kulipa madeni ya mikopo ya aina hii - mara nyingi malipo hufanyika wakati mdaiwa anapojeweza -. Hata hivyo, muda wa kulipa huwa hauzidi nusu mwaka. Hii inaonyesha dhahiri kwamba mikopo

isiyotokana na vyanzo vya kawaida hutolewa ili kukidhi mahitaji ya muda mfupi Ustawi wa mikopo ya aina hii unaathiriwa na sheria ya Kiislam inayokataza upokeaji wa riba na kutokuwepo na utaratibu wa kutumia ardhi kama dhamana.

Baadhi ya vyombo vinavyotoa mikopo kutoka vyanzo visivyo vya kawaida, ambavyo havionyeshi malipo ya riba, vimekuwa vikifanya kazi navyo hukubali dhamana ya vitu (kama vile mavuno ya mazao yalioko shambani au mifugo).

Vikundi vya upatu: hivi ni vikundi vilivyoenea Zanzibar vikiwa na madhumuni ya kukopeshana na hujiwekea akiba katika mzunguuko maalum uliopangwa na wanachama wake. Vikundi hivi ni hodari katika kukusanya na kuwalipa wanachama wake ipasavyo. Ni vikundi vinavyotia moyo wa kuweka akiba ya fedha ambazo vinginevyo zingetumika katika mambo yasiyokuwa ya maana. Ingawa vikundi vya upatu kwa kawaida si vikundi imara, ni jambo la busara kuvifanyia majaribio ili kuona kama vyombo vya mikopo vinaweza kuvitumia vikundi hivyo katika kutoa mikopo.

Utaratibu wa *kuyaweka mazao ya kudumu rehani* ni njia mojawapo ya kutatua tatizo la kifedha

Iwapo haitokei mara kwa mara, kasoro za uzalishaji zimejionyesha katika mifano michache ya minazi iliyowekwa rehani kutokana na tabia ya wakulima kutojali utunzaji wa minazi, hasa ile wanayoiweka rehani. Hata hivyo, uazimanaji wa mashamba unategemewa kulipunguza tatizo hili karibuni kutokana na uhaba wa ardhi ambao utasababisha watu kuitumia ardhi ambayo hapo awali iliokuwa haitumiki ipasavyo.

Kushirikiana hisa katika mifugo ni utaratibu unaotumika toka zamani ambapo mtu mmoja (mwenye mnyama) hununua mnyama jike na kumkabidhi mtu mwingine (mchungaji) amfugie. Kwa maana nyingine, mtu mmoja hutoa *rasilmali* na mwingine *nguvu kazi*. Mapato yanayopatikana hugawanywa. Uchunguzi unaonyesha kwamba mtindo huu huzifaidisha pande zote mbili, mwenye mnyama na mchungaji. Utaratibu wa kushirikiana hisa katika mifugo ni mtindo wenye manufaa kwani huwezesha upatikanaji wa rasilmali katika kipindi cha masafu ya kati na marefu. Vile vile, husaidia mtiririko wa fedha toka mijini kwenda vijijini, hivyo basi, huimarisha uhusiano wa jamii za mijini na zile za vijijini

VYAMA VYA USHIRIKA

Vyama vya ushirika vilianzishwa katika miaka ya 1930. Viliwahi kuvunjwa mara mbili. Mara ya kwanza ilikuwa mwaka 1934 wakati Serikali ilipotaka kuyadhibiti mauzo ya karafuu. Mara ya pili ilikuwa mwaka 1967 ambapo vyama vya ushirika viligeuzwa kuwa mashirika ambayo yalitumiwa (vibaya) kutekeleza malengo ya kisiasa na Kitaifa.

Vyama vya ushirika vilifufuliwa katika miaka ya 1970. Vyama vingi vya ushirika wa walaji vilisajiliwa kati ya mwaka 1980 hadi 1984. Baada ya hapo vyama vya ushirika vya uvuvi, kilimo na viwanda vidogo vidogo vilishamiri. Usajili uliongezeka tena mwanzoni mwa miaka ya 1990 kutokana na miradi ya kuendeleza vyama vya ushirika katika sehemu mbali mbali za nchi.

Mpaka mwezi Februari 1994 vyama vya ushirika 2856 vilikuwa vimesajiliwa. Kati ya jumla ya wanachama 62, 000, wanachama 19,000 (31%) walikuwa wanawake. Uchunguzi uliofanyika katika kaya 360 unaonyesha kwamba idadi hii haitoi picha halisi kwa vile baadhi ya vyama vilikuwa tayari vimevunjika, lakini vilikuwa bado havijafutwa katika orodha.

Vyama vya ushirika ni muhimu. Kutokana na uchunguzi uliofanyika, asilimia 9 ya watu wazima ni wanachama wa vyama vya ushirika na asilimia 11.9 ya kazi za kujijiri katika

kilimo (ukiacha kazi za ajira) zinafanyika katika vyama vya ushirika. Vyama vya ushirika wa kilimo vya wanawake kwenye mashamba yalioko maweni ni muhimu sana. Licha ya kuongeza mapato, vyama vya ushirika wa kilimo vya wanawake vinasaidia kupunguza uzito wa hasara zinazotokana na mavuno hafifu na vile vile, huimarisha utamaduni wa kusaidiana.

Vyama vya ushirika vichache vinavyoonyesha mafanikio ya kibiashara.

Vyama vya ushirika vinapaswa viimarishwe. Sheria zibadilishwe kwa lengo la kupunguza vishindo vya siasa na badala yake zitilie mkazo misingi ya kibiashara. Vyama vya ushirika ambavyo vimevunjika inawajibika vifutwe katika orodha ya vyama. Vyama vinavyoonyesha vuguvugu la maendeleo inabidi viimarishwe kwa kuvipatia mafunzo, ushauri na mikopo.

MFUMO WA HIFADHI YA JAMII

Misaada kidogo sana ambayo hutolewa na vyombo vya Serikali kuwasaidia wakulima wanaokumbwa na mikasa.

Familia yenyewe na ndugu wa familia hiyo ndio wanaolazimika kusaidiana katika kutatua matatizo yanayojitokeza. Jinsi uhusiano unavyokuwa wa karibu ndivyo majukumu ya kutoa misaada yanavyozidi. Inashangaza jinsi watu wanavyoweza kusaidiana mbali na hali ya umasikini inayowalemea.

Sehemu kubwa ya wazee, wagonjwa na vilema huishi kwa misaada ya familia zao. Majirani na marafiki vile vile husaidia kwa kiasi kikubwa. Zaidi ya hapo, kuna baadhi ya vyama vyenye mifuko ambayo hutoa misaada kwa wanachama wake wakati wanapokumbwa na majanga. Kuna vyama kama vile, vyama vya madansi, vyama vya michezo na vyama vya ushirika ambavyo hutoa misaada wakati wa maafa iwapo vitaombwa kufanya hivyo.

Iwapo mzigo mkubwa wa hifadhi ya jamii unabebwa na vyombo visivyokuwa vya Serikali (informal sector), mfumo wa hifadhi ya jamii visiwani Zanzibar unaridhisha.

MAONI

Madhumuni ya kazi hii ni kufanya uchambuzi wa misingi ya kanuni zinazohusu sheria za kilimo. Pia ina lengo la kuonyesha kwa kiasi gani kanuni mbali mbali za sheria za kilimo zimechangia katika maendeleo ya kilimo pamoja na maisha ya vijijini na marekebisho gani yafanyike ili kutatua matatizo yanazozikabili sheria za kilimo.

Tofauti zimejitokeza baada ya kufanya uchunguzi wa kanuni mbalimbali za kilimo zinazotumika katika makabila matatu makubwa. Licha ya Serikali kuingilia kati pamoja na sheria nyingi zilizoandikwa kuhusu kilimo, sehemu kubwa ya sheria zenye uwezo wa kuleta ufanisi wa kilimo Zanzibar bado hazijaandikwa. Hii haina maana hazijaandikwa kwa sababu hazina umuhimu! Kuwepo kwao kutaleta marekebisha katika baadhi ya maeneo fulani. Marekebisho ya aina hiyo yana umuhimu mkubwa. Umuhimu wake haukomei katika kilimo tu, bali vilevile katika maisha ya vijijini, mijini na jamii nzima kwa ujumla (kama vile inavyojionyesha katika taasisi ya kufuga na kufugisha - "*institution of sharekeeping of livestock*").

Kabla ya kubadilisha au kurekebisha sheria yoyote lazima kwanza kuwepo na picha kamili ya uhusiano wa sheria mbali mbali na jinsi zinavyotegemeana. Masuala ya aina hii ndicho kilichokuwa kiini cha kazi hii.

Zanzibar inakabiliwa na majukumu makubwa. Maendeleo duni ya sekta ya kilimo katika miaka 30 iliyopita yanaonyesha umuhimu wa kufanya mabadiliko katika maeneo mbali mbali (haki ya kutumia ardhi, mikopo, vyama vya ushirika, n.k.) Hali hii inafahamika na Waniasia pamoja na wanaohusika kufanya maamuzi.

Mabadiliko mengi yamefanyika, hasa kuhusu haki za kutumia ardhi. Hata hivyo, baadhi ya mabadiliko bado hayaridhishi.

Vile vile, kuna mabadiliko mengi ya sheria ambayo yanaungwa mkono na mwandishi wa kazi hii, ingawa si rahisi kwake kuyatathmini na kuhakikisha mafanikio yake.

Kwa mantiki hiyo, inapaswa maendeleo ya kilimo yafuatiliwe kwa makini zaidi ili vikwazo viweze kugunduliwa mapema na pale inapowezekana yafanyike marekebisho.

PART IV: APPENDICES

Appendix 1: References

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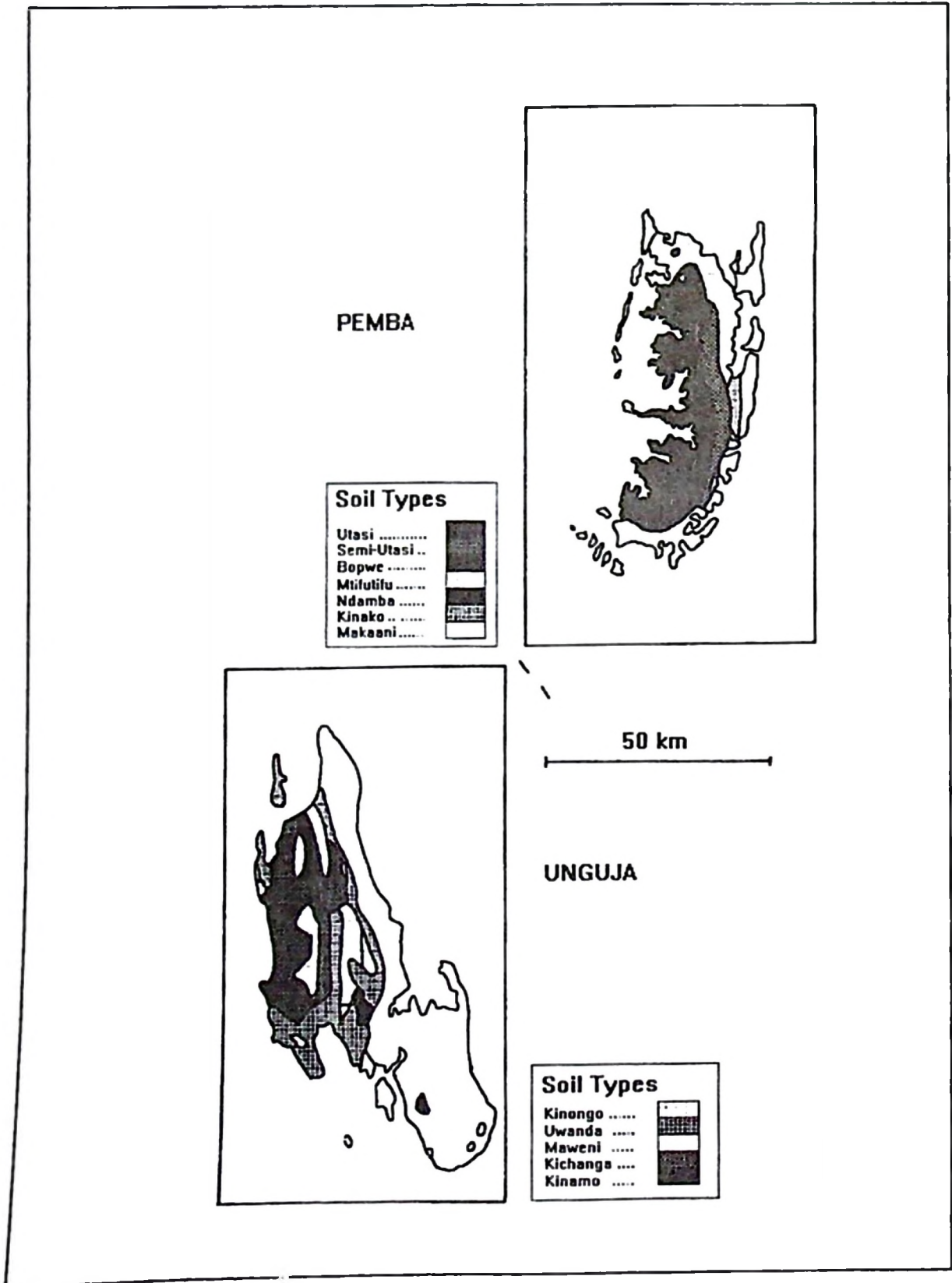
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Appendix 2: Soils of Zanzibar (after CALTON et al. 1955)

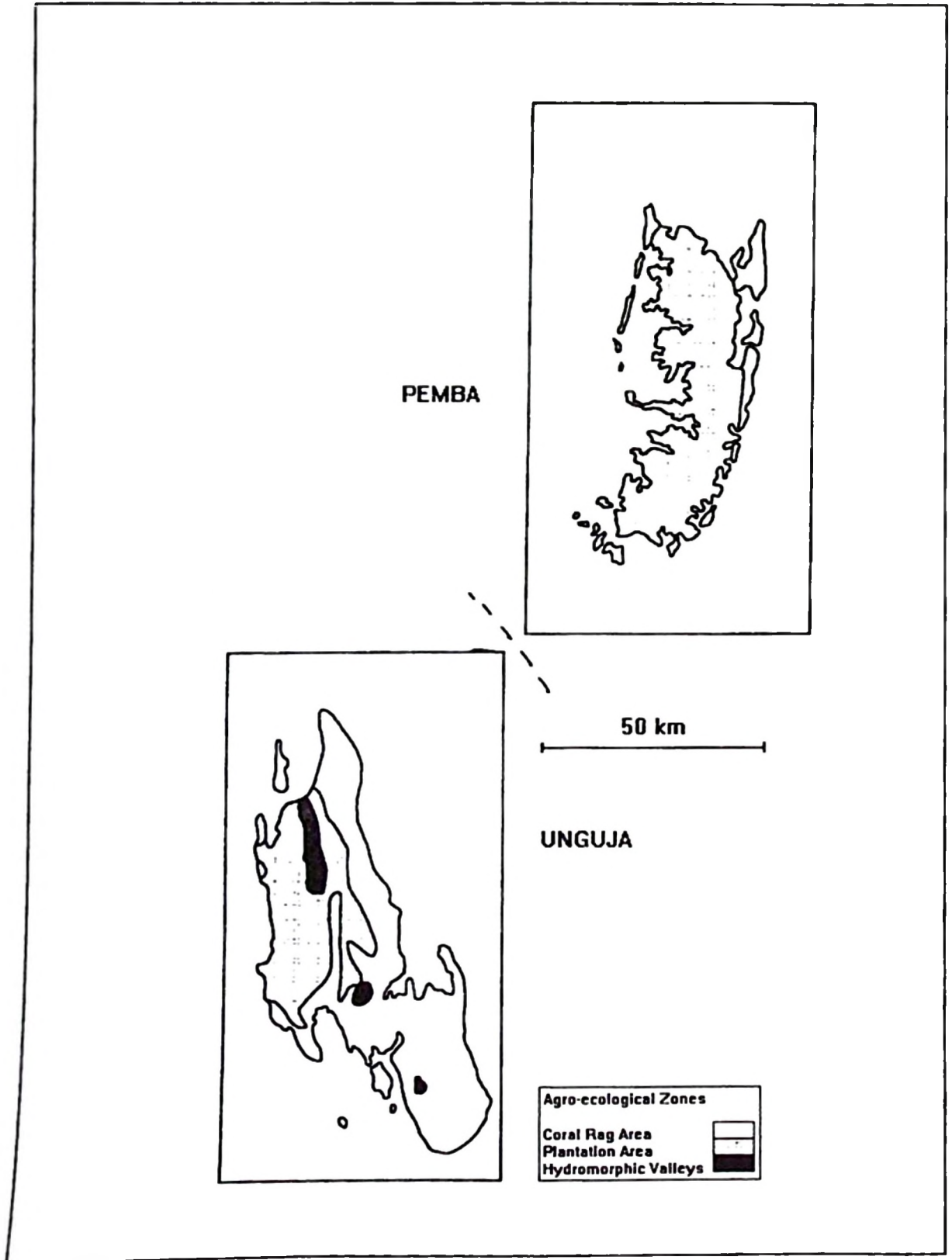


Appendix 3: Soil Correlation Between the Classification of CALTON et al. (1955) and FAO/UNESCO/ISRIC

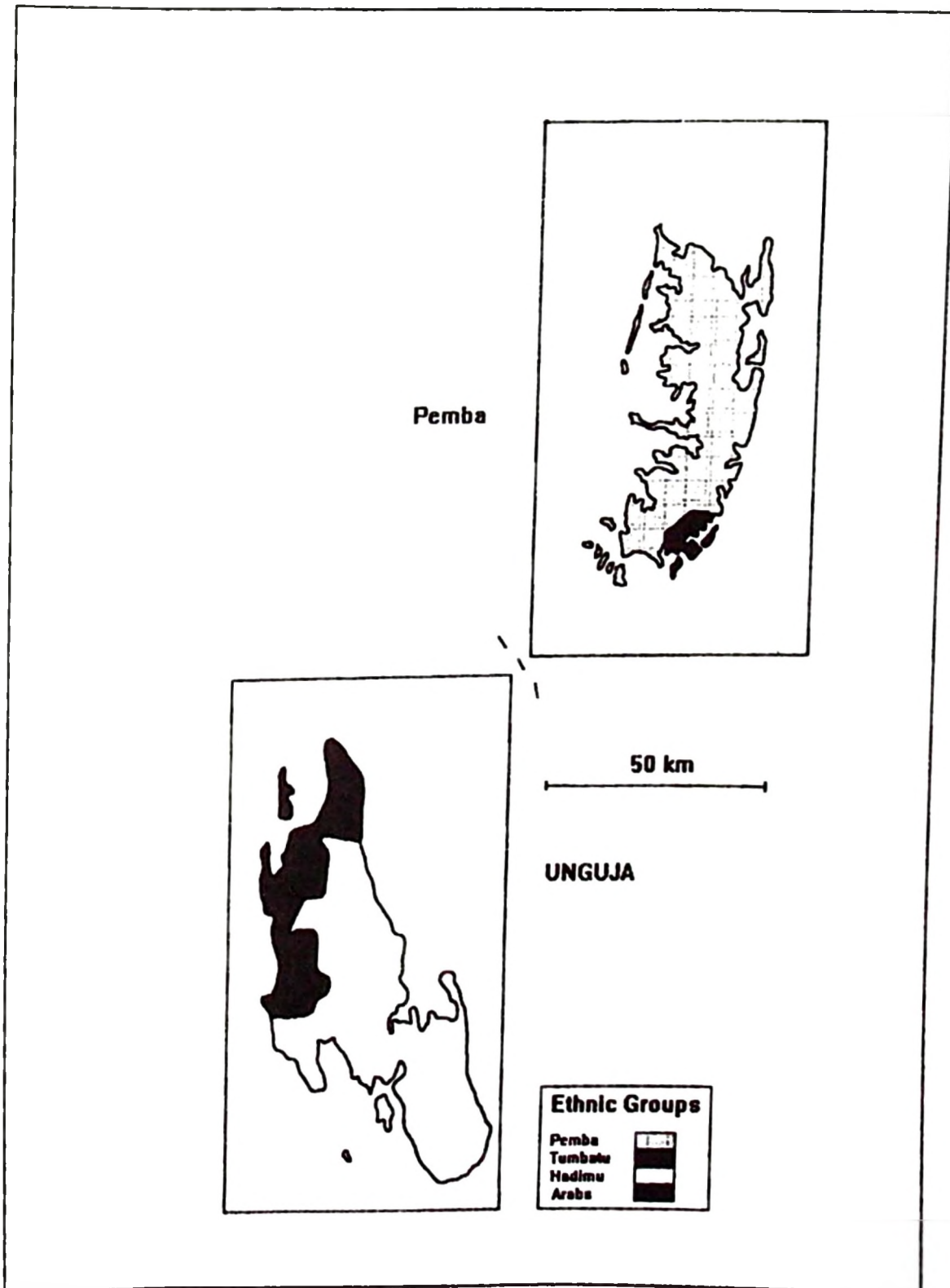
CLASSIFICATIONS	
CALTON et al. (1955)	FAO/UNESCO/ISRIC
1. UNGUJA Mchanga Group Reddish Mchanga Brownish Mchanga Yellowish Mchanga Greyish Mchanga Sandy Mchanga Kinongo Group Deep Kinongo Shallower Kinongo Shallow Kinongo Uwanda Maweni Kinamo Group Kinamo Complex Slopes Kinamo Southern Kinamo	Rhodi-Haplic Acrisol Haplic Acrisol Ferric/Gleyic Acrisol Gleysol/Fluvisol Areni-Haplic Acrisol and Cambic Arenosol Rhodic Ferralsol Chromic Cambisol Calcic Cambisol Mollic Leptosol Rendzic/Lithic Leptosol Areni-Gleyic and Gleyic Cambisol Haplic and Gleyi-Humic Nitisol Eutric and Calcic Vertisol
2. PEMBA Bopwe Semi Utasi Utasi Ndamba Mtiftifu Kinako Makaani	Ferralic Cambisol Dystric Cambisol Humic Cambisol Stagni-Dystric Planosol Areni-Dystric Cambisol Vertic and Gleyic Cambisol Mollic and Rendzic Leptosol

Source: HETTIGE (1990: 72-73)

Appendix 4: Agro-ecological Zones of Zanzibar (after KRAIN et al. 1993)



Appendix 5: Distribution of Ethnic Groups before 1964 (after AYANY 1970: 114, 117)



Appendix 6: Overview of Laws Relevant to Land in Zanzibar

1. Pre-19664 Legislation

Chapter	Short Title
12	Limitation
20	Insolvency
21	Succession
23	Administrator General
24	Public Trustee
54	Arab and African Guardianship
85	Town and Country Planning
93	Public Land
94	Land Alienation
95	Land Acquisition
96	Acquisition of Land (Assessment of Compensation)
97	Ground Rent
98	Rent Restriction
99	Registration of Documents
100	Land Survey
101	Land (Perpetual Succession)
103	Waqf Property
104	Waqf Validating
105	Foreshore
134	Roads
144	Stamp Duty
120	Forest Reserves Decree
121	Wood Cutting Decree
150	Transfer of Property Decree

2. Presidential Decrees in the Post-Revolutionary Era

Presidential Decree	Short Title
1/64	Continuation of Existing Law
8/64	Confiscation of Immovable Property Decree
16/64	Confiscation of Immovable Property (Amendment) Decree
3/68	Confiscation of Immovable Property (Amendment) Decree
11/79	Confiscation of Immovable Property (Amendment) Decree
13/65	Government Land Decree
3/66	Courts Decree
5/66	Land (Distribution) Decree
10/67	Land (Distribution) (Amendment) Decree
1/68	Land (Distribution) (Amendment) Decree
1/69	Land (Distribution) (Amendment) Decree
3/82	Land (Distribution) (Amendment) Act
14/66	Urban Rating
12/65	Waqf Property (Amendment) Decree
12/66	Waqf Property (Amendment) Decree
5/80	Commission for the Administration of Waqf and Trust Property Decree

3. Recent Legislation

Year	Short Title
1989	Land Adjudication Act
1989	Registered Land Act
1989	Land Surveyors Act
1992	Land Tenure Act
1994	Land Tribunal Act
1994	Land Transfer Act

Sources: LAWRENCE (1985, Annex II), SINGER (1991), YAHYA and ASSOCIATES (1982, Annex 4), BENSTED-SMITH (1991) and author's addition

Remark: LAWRENCE (1985) and SINGER (1991) discussed relevant laws systematically and comprehensively, while the other authors gave an enumeration of the laws only

Appendix 7: Calculation of Internal Rate of Return (IRR) of a Model of Cattle Sharekeeping

1. Cattle Owner

Year	Returns	Costs	Cashflow	cumulative cash flow at IRR of 25.4%
0	0	30,000	-30,000	-30,000
1	0	1,650	-1,650	-31,316
2	0	2,650	-2,650	-33,001
3	0	2,050	-2,050	-34,041
4	0	1,650	-1,650	-34,708
5	110,000	2,050	107,950	-105

1. Herdsman

Year	Returns	Costs	Cashflow	cumulative cash flow at IRR of 22.4%
1	0	31,950	-31,950	-26,103
2	0	30,950	-30,950	-46,761
3	110,000	31,350	-78,650	-3,872
4	0	30,950	-30,950	-17,661
5	80,000	31,350	48,650	48

Source: Based on four case studies of Mwakaje Village, Unguja

Assumptions: Owner

year 0 buying calf, local breed, for TSh 30,000
 every year sharing 50% medical costs for dipping, antiworm, and skin disease: TSh 1,650
 year 1 sharing 50% of treatment cost for East Coast Fever (ECF): TSh 1,000 for heifer
 year 3 sharing 50% of treatment cost ECF: TSh 400 for calf
 year 5 selling calf for TSh 30,000 and cow for TSh 80,000
 sharing 50% of treatment cost ECF: TSh for calf

Assumptions: Herdsman

every year valuation of cost of husbandry work of farmer: 360 days x TSh 80 = TSh 28,800, one new rope for TSh 500, sharing 50% medical costs for dipping, antiworm and skin disease: TSh 1,650
 year 1 sharing 50% of treatment cost ECF: TSh 1,000 for heifer
 year 3 valuation of 800 Ltrs. milk for TSh 80,000, selling calf for TSh 30,000
 year 5 valuation of 800 Ltrs. milk for TSh 80,000, sharing 50% of treatment cost ECF: TSh 400 for calf

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