

Sacred Limestone Caves: Effectiveness of Heritage Legislation and Institutions in Managing Sacred Heritage Places in Tanzania

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ABSTRACT

In Tanzania, sacred heritage places, especially in Limestone Caves, a far way to be recognized by the government bodies and legislation. This situation has led to problems in the management of sacred heritage places compared to other secular heritage in Tanzania. Therefore, the paper examines the current status of management of sacred heritage places based much on heritage legislation and institutions govern immovable cultural heritage in Tanzania. The secondary data obtained from a review of Tanzania heritage legislation while primary data obtained from interviews to the Tourism and Antiquities government officials. The study proposed the need to develop a legal framework and regulations which govern the management of sacred heritage places as the places for local communities to worship and pray.

KEYWORDS: *Sacred Heritage Place, Management, Legislation, Limestone Cave, Local Community*

Introduction

This study examines the effectiveness of Tanzania heritage legislation and institutions in recognizing and managing the sacred heritage places in Limestone Cave areas in Tanzania. In Tanzania mainland, the Division of Antiquities as a Government institution is responsible for protecting, preserving and developing the country's immovable cultural heritage resources by approving of matters related to restoration, rehabilitation, documentation, and revitalization of historical monuments, areas, and sites (MNRT 2014). Additionally, the Division of Antiquities has been supported by Antiquities Act (1964 amended in Cap 333 of 1979) as the principal legislation for management and conservation of immovable cultural heritage (Kamamba 2005). It has been the same in Tanzania Islands whereby Ancient Monuments Preservation Act of 2002 has supported the Division of Antiquities. It should well know that on 26 April 1964, the mainland Tanganyika united with Zanzibar to form the United Republic of Tanganyika and Zanzibar (United Republic of Tanzania). However, Zanzibar remains a semi-autonomous region of Tanzania.

While trying to discuss how to ensure proper management of sacred heritage

places especially Limestone Caves in Tanzania, many studies conducted in Tanzania and Zanzibar Island have concentrated more on the management and conservation of built heritage and tourism studies (Juma *et al.* 2005; Kamamba 2005; Chami and Lyaya 2015; Chami 2018; Lwoga 2017; Ichumbaki and Mapunda 2017). Other studies have concentrated on archaeological investigations (Chami, 2009; Juma, 2004). These emphasize, unfortunately, affected how sacred heritage places such as Limestone Caves that are still in use by the local communities in Tanzania, are managed by Antiquities and Tourism Divisions (government bodies). I can argue that over-concentration on those aspects alone, perhaps, a less comprehensive approach because sacred heritage places are thought to be the product of cultural and traditional civilizations that followed before modernization and globalization. A comprehensive approach would be giving attention to sacred heritage places to ensure proper management for the present and future generations. The need for research on this topic in Tanzania has become very relevant, because the management of sacred heritage places may differ from other forms of heritage (secular heritage) in some way; therefore, management of sacred places might subject to different considerations especially regarding legal and policy perspectives. I further argue for the need to develop a legal or policy framework which recognize sacred heritage places. It will ensure that there are no tensions and interferences to the local communities' spiritual activities that could result in negative effects for the heritage sites. Also, the word "*Management*" used throughout this study. It is a concept involves legal and administrative requirements, procedures, planning, controlling and implementing all possible activities including preservation and conservation of the heritage sites for the future generation (Willems 2010).

It should well know that many of these Limestone Caves along the Swahili coast of Tanzania Gazetted as National heritage sites protected and managed under the laws. Lastly, the data presented here have drawn from various interviews with Antiquities and Tourism officials (8). Legal review (document analysis) and personal observations of activities going on in and around the Caves also included in this data. Actually, I conducted research activities including archaeological excavation in and around the Amboni Limestone Caves in Tanzania mainland for a couple of months (Peter 2013; Chami 2018) while visited the Kuumbi Limestone Cave in Zanzibar Island for my Ph.D. research activities from 2016-2018. During all these visits, I experienced the local community's right to practice their cultural activities interfered by visiting tourists and research activities undertaken in the Caves.

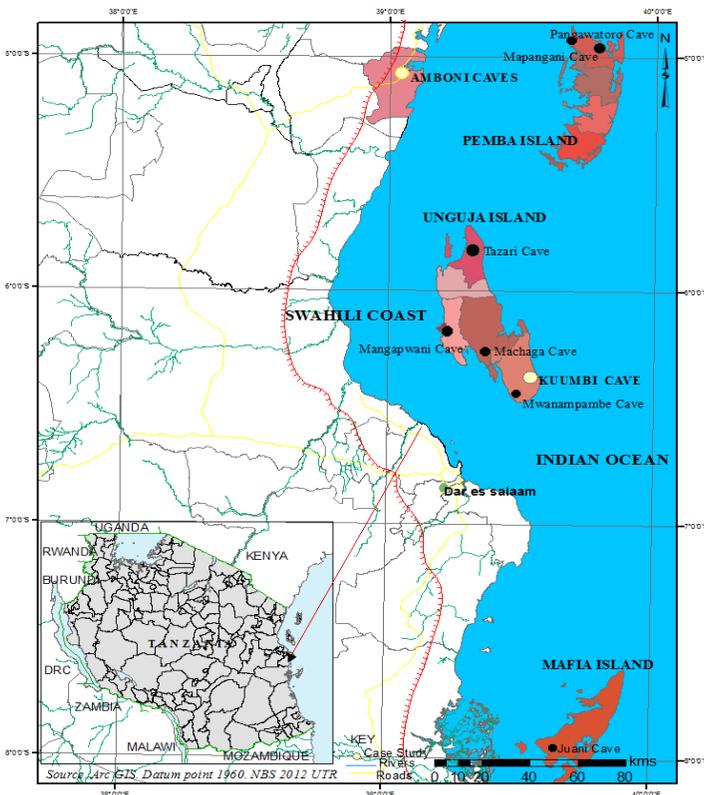
Geological and Historical Information: Formation of Limestone Caves in Tanzania

As this paper meant for readers of different disciplines background, especially those read about human history and culture in Limestone Caves could be curious to know how these Caves formed along the Swahili Coast of Tanzania. It should be noted that coastal Limestone is from *coral reefs*. When these *coral reefs* uplifted above the seawater, polyps which form the reef die and reef solidifies into a Limestone rock (McClanahan and Obura 1996). In Tanzania, the largest part of the seaside and islands covered by Limestone and red soils mantle above the Limestone rock (Temple 1970; Ngusaru 2002). Caves form in the exposed limestone when water percolates through the cracks causing the reef to become honeycombed.

When the reef caused to break down the combs, it becomes Limestone Caves (Ngusaru 2002; Chami 2009).

These Limestone caves have become significant places to archaeology, heritage, tourism and spiritual activities on the Swahili coast of East Africa especially in Tanzania (Chami 2009; Kiriama 2009). This situation also has been the same in different part of the World whereby Limestone Caves have been preserving human cultural evidence and settlements patterns for many years (Braidwood 1963). In many parts of Swahili coast in Tanzania, Limestone Caves have been an area for the local communities to pray and worship their ancestries and performing other ritual activities. The local communities believe Limestone Caves are home to their Gods (spirits) and must be approached with respect (Chami 2009; Sinclair 2006; Prendergast *et al.* 2016 and Osuagwu 2017). As it was noted by Ingrams (1967), Swahili communities along the coast of East Africa have been conducting religious and cultural activities in remembering their ancestors even before the coming of colonialists. Archaeological evidence in Amboni and Kuumbi Limestone Caves further supported this argument by suggested that these Limestone Caves have been used by the Swahili communities for spiritual activities back to 30, 000 years ago and in 16th century AD respectively (Chami 2009; Peter 2013).

Figure 1: Map of the Swahili coast of Tanzania showing the Limestone Caves



Source: NBS 2012

Overview of Heritage legislation in Managing and Recognizing Sacred Place in Tanzania

This section focuses on Antiquities and Tourism Acts, Policies and the Constitution of Tanzania Article No. 19 (1). These heritage Acts and Policies of Tanzania Mainland and Island assessed their recognition to sacred heritage places and how tourism and research activities recognized and controlled in these places. Starting with Antiquities Act 1964 which amended to Cap 333 in 1979 due to the failure of old legislation to cope with the new development challenges; is the basic legislation for the protection and preservation of the country's heritage resources (King *et al.* 2009; Kamamba 2005:262). Since its amendment, the Antiquities Act of Tanzania ensured the protection of monuments, prohibits the sale or export of any cultural object without a permit (Article No. 11 and 13) and prohibit all activities which caused the destruction of the relic, protected object or monument by imposing heavy punishment for any person found guilty (Article No. 24) (URT 1979).

The paper cannot refuse the contribution played by the Antiquities Act in the development, improvement, conservation, and management of cultural heritage properties in Tanzania. However, during the review and analysis, it was observed that the Act still facing some challenges especially when it comes to sacred heritage places. The sacred heritage places have not much recognized in the Act. Also, it included the failure of the Act to explain clearly how research activities conducted in the sacred heritage places which are still in use by the local communities for religious practices. This situation has been a little bit different to Cultural Heritage Policy of 2008 which was able to recognize the spiritual sites (sacred places); including caves, trees, forests, rivers, mountains, and buildings identified and used by communities for religious purposes. However, the policy failed to make clear on how sacred places are going to be used and managed from tourism and research activities within these sites to avoid interferences with local communities' spiritual activities. The policy emphasized much towards sustainable management of Tanzania's cultural heritage resources. With effective implementation of this policy, the Government of Tanzania has overlooked the sacred heritage places which have been one of the areas of worship and ritual activities by the local communities. Moreover, I can argue that there is a need for a legal framework which will guide the use of sacred heritage place.

Additionally, Tourism Policy of 1999 reviewed in this paper. It was the first National Tourism Policy of Tanzania adopted in 1991 with the aim to provide the overall sustainable tourism development in the country (URT 1999). Due to the changes in the political, economic and social factors in the country, it led to the revise of the policy after the stakeholders involved in workshops in Arusha and Dares Salaam respectively. The Tourism Policy of 1999 since revised has been able to improve tourism industry through community participation in tourism activities and ensuring environmental protection. However, the policy unsuccessful failed to clarify how tourism activities conducted in sacred heritage places which are still in use by the local communities for spiritual activities such as Limestone Cave areas. Due to this, the government enacted Tourism Act of 2008 to support the Tourism Policy of 1999. Generally, the Act based much the institutional framework, administration, registration and licensing of tourism activities, facilities, operators,

grading of establishments and registration of tour guides (URT 2008) and being able to support Tourism Policy of 1999. However, the Act also failed to explain clearly how tourism activities will be practiced in the sacred heritage places which regarded as the holy places by the local communities. This failure led to the tension between the stakeholders especially local communities on the use of sacred heritage places in Tanzania.

In Zanzibar Island, things are a little bit different. After working had to move away from British legal administration for controlled town planning, building controls, land use, new development and urban services (i.e. the Ancient Monument Preservation Decree of 1927 and the Ancient Monument Preservation Act of 1948), Zanzibar Island finally enacted their Antiquities law on 9th June 2006 (Syversen 2007:132; Karume 2005). This Act cited as the Ancient Monuments Preservation Act, 2002 which provide for the Preservation of Ancient Monuments and Objects of Archaeological, Historical or Artistic Interest in Zanzibar. The Act recognized the Caves as the “*monuments*” though it has failed to specify exactly or clearly on whether or not these Caves were for religious purposes (Article No. 2). Furthermore, the Act insisted on the proper maintenance of the worship places and not to use for any purpose inconsistent with its character and prohibiting the entry in the places without conditions agreement by the persons in religious charge (Article No. 11 (1-2)). Nevertheless, the Act failed to stand on this Article No.11 whereby many of sacred heritage places such as Mwanampambe, Machaga and Kuumbi Limestone Caves excavated by different researchers which is against the law.

This situation also has been the same as the Zanzibar Tourism Act No. 6 of 2009 amended in 2012. The Act is the main principle legislation for the development of tourism activities in Zanzibar Island. This Act played a big role in to ensure sustainable tourism development through the Commission for Tourism by promoting and sustain eco-tourism through controlling the destruction of tangible and non-tangible heritage (Article 4 (b, d)). However, the Act has failed to explain clearly on how tourism activities should be practiced in the sacred heritage place areas such as Limestone Caves which has been widely used by the local communities for ritual (spiritual) activities. Additionally, the Constitution of the United Republic of Tanzania of 1977, i.e., Article No. 19 (1), Right to Freedom of Religion was analyzed. The article explains that every person has the right to the freedom of thought or conscience, belief or faith, and choice in matters of religion, including the freedom to change his religion or faith (URT 1977). Though the constitution has not mentioned any religion, still it has done enough to recognize the right of the people to pray and worship in their respective areas without any interference from the others. Consequently, the local communities around the Limestone Cave areas have all the rights to pray and performing rituals without any interferences from the different activities performed in the sacred areas.

Finally, I can suggest that any interference in the ritual and worship practices from the people who not affiliated with the place could cause decay of the practices and sometimes produce conflicts between the people. It was further argued in “*Ritual theory*” by Collins (2004) who insisted that decay of ritual and worship activities sometimes produced little or no feeling of group solidarity and no respect for the community’s symbols which provoke a sense of stale ceremonialism. Therefore, I argued that there is need to respect and recognize the ritual practices in

sacred heritage places by developing legal or policy framework which will govern the management of sacred heritage places in Tanzania.

Overview of International Heritage Institutions on Sacred Heritage Places

There are many varieties of religious and sacred places which in early 20 percent of them inscribed on the UNESCO World Heritage List. ICCROM, ICOMOS, and IUCN have carried out previous meetings and activities with state parties on religious and sacred heritage, such as the ICCROM 2003 Forum on the conservation of Living Religious Heritage. It also includes 2005 ICOMOS General Assembly resolution called for the "establishment of an International Thematic Programme for Religious Heritage," and 2011 ICOMOS General Assembly for Resolution on Protection and enhancement of sacred heritage sites, buildings, and landscapes. In 2011 as well UNESCO MAB/IUCN established Guidelines for the Conservation and Management of Sacred Natural Sites (UNESCO 2018). With many challenges and complexities facing the use and management sacred/religious heritage places, these meetings were to reflect these complexities and to develop a proper dialogue between all stakeholders who want to share the experience in the uses of the places (*ibid.*). During these meetings, it was relieved that sacred places require specific legislation for the use and management and must be developed in-depth consultation with the appropriate stakeholders and the government (Verschuuren *et al.* 2010).

However, on 5 November 2010, UNESCO in close collaboration with different scholars such as national authorities and international experts adopted the Statement on the protection of religious properties within the framework of the World Heritage Convention. It was the first and unique document which provides 12 statements for general recommendations on the management of the sacred heritage places. The framework insisted on establishing a dialogue between all stakeholders collaboration and recognizing the role played by local religious communities in the creation, maintenance, and the custodial role in the sacred heritage places which at present is far away to be recognized in Tanzania (UNESCO 2018). Lastly, IUCN develops guidelines for the conservation and management of sacred natural sites. These guidelines were to support the efforts of a wide field of faith groups, site managers and local communities of the World for the long-term conservation of their sacred natural sites (Wild and Mclead 2008). With these, all efforts are made by IUCN and UNESCO through the establishment of guidelines and frameworks still, I can argue that they are far away to apply to all types of sacred heritage places. These guidelines (IUCN) and framework (UNESCO) are too general to apply to all types of sacred heritage places. I can further argue many of these sacred heritage places differ in features and characteristics. The problems and challenges facing sacred forest places cannot be the same as the sacred Limestone Caves. From these arguments, IUCN and UNESCO guidelines and framework might be not applicable to all sacred heritage places. Therefore, there is a big need to develop a legal framework for the best practice of sacred heritage places in Limestone Cave areas. This idea has been supported by Verschuuren *et al.* (2010: 176) who argued for the need of countries to establish laws for protection and management of sacred heritage sites. I can further argue that these legislations, policy or laws should state clearly on how these sacred heritage places used without interfering with the local communities spiritual activities.

Government Official's Feelings and Concern on the Management of Sacred Heritage Places in Tanzania

Antiquities and Tourism government officials also were interviewed to provide their feelings, concern and the views concerning the use and management of the Amboni and Kuumbi Limestone Caves as the sacred heritage places in Tanzania. The interview also involved how their Divisions recognized sacred heritage places and ensured best practices in the use and management of these Limestone Caves. It is understood that the local community regards many Limestone Caves in Tanzania as holy places for the prayers, worships and believed as the home of their ancestors and spirits (Chami 2009; Peter 2013). During the interviews with the antiquities officials revealed that the Antiquities Divisions recognized the presence of sacred heritage place and managed under the law. However, the respondents further revealed that the Divisions is not much concern with the religious or spiritual activities of the local community at the sites but they are allowed to conduct their spiritual activities regardless is not harmful to the site. Additionally, in Zanzibar, the officials agreed on some of the sacred heritage places being used inconsistently with their characters such as Kuumbi and Mwanampambe Caves which is against the law. On how to ensure proper management of sacred heritage place, they revealed that the management and of the places depend on the site managers to ensure the sites used in a way that everyone shares the opportunities equally without any conflict or interferences at the site.

Finally, the respondents pinpointed that the Antiquities Acts and Policies failed to explain how the sacred heritage places (Limestone Caves) should be used during the research activities especially when the local communities want to pray. These findings imply that the institutions and the heritage legislation do not much recognize the local community spiritual beliefs and activities in these places. The findings mean that there is need to develop a legal framework which governs sacred places in Tanzania.

Tourism officials also had their perspective. The respondents revealed that sacred heritage places in Limestone Caves recognized as the place for tourist attractions or tourism products. It further revealed that the management of the sites is not under their custody rather than Tourism Division. Their main job is to promote and market the products such as sacred places in Limestone Cave areas worldwide. On how the Tourism Divisions ensures best tourism practices in sacred heritage places, the respondents suggested that it is the duties of Antiquities Divisions and site managers to ensure the tourism activities practiced in a way that it does not destroy the culture and beliefs of the local communities around the site. Finally, on the tourism legislation, the respondents revealed that it had done little to recognize the sacred places in Tanzania.

It means that it has failed to explain how tourism activities practiced in the sacred heritage places which have got the spiritual value to the local community. However, the respondents believed that Antiquities legislation should do much better to ensure the best practice of tourism activities in the sacred heritage places in Tanzania. These responses imply that the aspect of the spiritual values of the sites are not taken into account by Tourism Division while there is poor communication between Antiquities and Tourism Divisions in Tanzania especially in the management of sacred places.

Discussion

Based on the findings from the document analysis and interview, it revealed that heritage legislation in Tanzania, i.e., Antiquities and Tourism Acts and Policies have failed to provide a clear-cut on how the sacred heritage sites managed in Tanzania. These findings also are similar to the institutions which managed cultural heritage resources in Tanzania which have failed to provide the best mechanism for the management of sacred heritage sites (Osuagwu 2017; Verschuuren *et al.* 2010). I can argue that all the problems which the local communities are experiencing during the spiritual activities in the Limestone Caves in Tanzania, perhaps were due to the lack of legal framework which governs the management of sacred heritage places in Tanzania. Some scholars such as Verschuuren *et al.* (2010: 176) emphasized on the need of countries to establish laws for protection and management of sacred heritage sites. This idea should be taken into consideration by Tanzania. However, Cultural Heritage Policy of 2008 and Zanzibar Ancient Monuments Preservation Act of 2002 have tried to say a little bit on sacred places; still, these laws have failed to clarify the management of sacred heritage places. For example, the Cultural Heritage Policy of 2008 is more resembles as the guidelines rather than a legal document (Ichumbaki 2013). Hence, there is a need for clear regulations or legal system which will specify all the components and govern the management of sacred heritage sites in Tanzania. The idea will help to reduce interference to religious practices and give the rights to worship and pray to the local community as the constitution of the country article no. 19 (1) declared (URT 1977).

These findings further suggest that the government bodies, i.e. Antiquities and Tourism Division have also failed to provide a good mechanism for management of sacred heritage places. It includes lack of good communication between these institutions when it comes to the proper management of these sacred heritage places. I can also argue that all of these problems facing the management of the sacred heritage sites in Tanzania might be due to finger pointing or avoiding responsibilities between these government bodies. It perhaps has affected how the sacred sites managed in Tanzania. There is a big need for these two institutions to work together through good communications and arrange different meetings to try to find the best mechanism for the best management of sacred sites in Tanzania. Whatever the reasons one could provide, it suffices to say that Antiquities and Tourism Divisions should work collaboratively to develop different approaches to ensure the sacred sites managed properly that the local communities are getting the chances to conduct their religious activities in a conducive environment. With all these arguments provided here, I can finalize by arguing that begging for legal framework and regulations for the management of sacred heritage places by the local communities is a fundamental human right and part and parcel of protecting their culture which survived for a long time since the 16th century.

Conclusions and Recommendations

Based on the findings and discussion above, it can conclude that the heritage legislation in Tanzania is not much aware with sacred heritage places which used by the local communities for religious activities. It has much concentrated on the management of secular or built heritage than sacred heritage places. These findings also have been the same to the government bodies, i.e. Tourism and Antiquities

Divisions which failed to have a proper approach or mechanism for proper management of sacred places. For that reason, whatever reason one could provide, it is enough to understand that the lack of clear regulations for the management of sacred heritage places in Tanzania has led to the big problems to the local communities who want to conduct their religious or spiritual activities as part and parcel of their culture.

Finally, based on these findings and analysis the paper recommends that there is a need for the Government to develop a legal framework or regulations which will help to govern and manage the sacred heritage place. It is because the sacred heritage places especially the Limestone Caves are used by the local communities as the place for players while at the same time are used for tourism and research activities. Furthermore, there is a need for Antiquities and Tourism Division to communicate and collaborate and have some meetings and worship on how to develop different mechanisms which will help to ensure the proper management and use of the sacred heritage places from tourism and research activities. This idea will help to reduce all the interference which the local communities experience in sacred places especially Limestone Caves along the Coast of Tanzania.

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