



REVIEW OF LEGAL & POLICY FRAMEWORK ON SAFETY AND SECURITY FOR ZANZIBAR

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I. Introduction and Background

I.1 Zanzibar Tourism Sector

Mass tourism first began in Zanzibar in the late 1980's, and has grown steadily year-on-year during the interim years, with arrivals rising from 12000 to reach 175,000 in 2012..The tourism industry in Zanzibar is the principle economic sector, making the largest contribution to the revenue of the Zanzibar Government, accounting for 80% of the foreign exchange earnings, 27% of GDP and 75% of FDI.

The Zanzibar Tourism Industry employs more than 15,000 people directly, with another 50,000 indirectly employed in tourism through ancillary services and products, and it is expected that 50% of the Zanzibari workforce will be employed in tourism by 2020. Despite its prevalence, however, the industry has faced numerous challenges in recent years, principal amongst which has been the safety and security of the tourists and others who visit Zanzibar.

I.2 Tourism Safety and Security in Zanzibar

One of the main challenges to the development and expansion of tourism in Zanzibar is the perceptions of insecurity surrounding the destination. Security is a key consideration while selecting a holiday or travel destination, safety and security vital to providing a quality tourism experience. The success or failure of a tourism destination depends on being able to provide a safe and secure environment for visitors, more so than in another economic sector. Therefore, the most important prerequisite for a successful tourist industry is a reputation for having crime under control and guaranteeing tourists' safety. r.

Safety and Security is increasingly the key issue most likely to have a significant impact on the increase or decrease of the number of tourists who visit the islands. Guaranteed safety and security are prime considerations for all modern international travellers and tourists in Zanzibar. The friendliness of the people, and the relative absence of crime, or social and ethnic conflict, has historically been a key attraction for visitors. If this is threatened, then so the tourism industry potential to increase foreign exchange earnings will also be under threat, with potentially serious outcomes for the island's economic and social health.

Tourism safety must therefore be given the highest, and on-going, priority - with the necessary resources of policing made available - in order to anticipate and nullify the threat.

Similarly, there is an urgent need for Zanzibar to review its legal frameworks and policies on security to address safety and security issues that might threaten the tourism sector.

It is with this in mind that ZATI have taken the pro-active step of commissioning this review to outline the challenges that current security issues pose and to make practical proposals on how best security organs and Government can deal with the problems arising from the current less-than-ideal security preparations. The Association also requested a consultative review of the respective legal and regulatory frameworks so as to offer suggestions on reforming those laws and regulations that might address security and safety issues within the tourism industry.

There is an urgent need to comprehensively address the issues of safety and security for tourists under the laws, policies and strategies. A lack of clear strategy on security for the tourism industry may put Zanzibar at risk of losing the current backbone of its economy. If Zanzibar loses its tourism industry there is no other industry (at this time) that will be able to cover the severe losses to the economy that will follow.

1.4 General Overview on Tourism Safety and Security

Tourism is now the biggest employer, and largest industry, in the world. The issue of safety and security in the tourism sector, and the impacts upon its successful development, have been identified as one of the five global forces most likely to affect the tourism industry in the new millennium.

For the purposes of discussion in this report, the term security can be generally defined as 'the degree of resistance to, or protection from, harm'. It applies to any vulnerable and valuable asset, be it a person, dwelling, community, nation, or organization.

Safety is the state of being "safe", the condition of being protected against physical, social, spiritual, financial, political, emotional, occupational, psychological, educational or other types or consequences of failure, damage, error, accidents, harm or any other event which could be considered non-desirable. Safety can also be defined to be the control of recognized hazards to achieve an acceptable level of risk. This can take the form of being protected from the event or from exposure to something that causes health or economical losses. Safety and security have always been an indispensable condition for travel and tourism but it is an incontestable fact that safety and security issues have gained a much bigger importance in the last two decades in tourism..

The issue of safety and security has been on the global tourism agenda for some years. In many of those destinations where security has already become a serious concern, the respective governments have often established a "Tourist Police" to concentrate on providing security for visitors, to be visible in those areas frequented by tourists.

After visiting a destination, tourists' perception of safety and security during their stay will determine whether or not they come back, and how they choose to promote Zanzibar when they get back in their countries. Unlike other kinds of businesses, tourism is particularly sensitive to safety and security, with the internet and numerous tourism review sites such as Trip Advisor offering opportunities for guests to share their experiences of a particular destination or property. The opportunity to disseminate negative feedback on a destination and its security is now very real and can have an instant impact on a destination.

Security improvements and change of image are therefore two crucial factors in tourism development in any destination across the world, including Zanzibar. The challenge is how to control the security threats, bring comfort to visitors and harness and utilize the tourist industry's potential to increase foreign exchange earnings and livelihood of the people in the Zanzibar islands. This may also require reviewing appropriate policy and legal measures to improve security and safety in line with improving products and services to attract greater numbers of local and international tourists.

In recent years Zanzibar has initiated a raft of policy and legal reform programs so as to create and subsequently improve the enabling environment for the private sector - including the tourism sector. Examples relevant to this study include the 2009 Zanzibar Tourism Act. However, despite the reforms initiated by the government, the tourism industry in Zanzibar is still very far from where it is supposed to be.

Whilst there are very real concerns within the tourism industry over the tax policies and infrastructural shortfalls on Zanzibar, the principal concern amongst all tourism stakeholders is the question of safety, security and judiciary procedures.

In 2013, concerns over the likelihood of a fragile security framework negatively affecting the reputation of the destination as a whole were proven true when two British volunteers were the victims of an acid attack

This is recorded as the first such attack on foreigners in Zanzibar. The Zanzibar Government offered a reward of 10m Tanzanian shillings (£3,970; \$6,170) for information

leading to the capture of attackers who threw acid at two UK women. However, on the date of writing this report, little conclusive evidence or prosecutions have been secured.

Media reports linked the attacks to previous acid attacks and shootings of priests in Zanzibar, as well the rising antagonism between Muslims and Catholics – along with mentions of muslim fundamentalism. All eyes were on Zanzibar as the incidents was extensively reported by local and international mainstream media including the CITIZEN, the Daily Mail, CNN, Sky News and BBC – to name just a few. It was also covered extensively and in an extremely negative fashion, by the Italian media, Italy being Zanzibar's biggest tourism market.

This attack and others have raised serious concerns about the security and safety of tourists and visitors to Zanzibar and provoked an extremely negative global media response which portrayed Zanzibar as 'dangerous', 'under-policed' and 'prone to religious and sectarian violence'. The response was immediate, with cancellations at hotels across the island, particularly in Stone Town as visitors sought to find holiday destinations that they considered safer. Six months after the incident, there are still regular references to the dangers of travelling to Zanzibar and warnings against religious activism, acid attacks and a general xenophobia against visitors. Recent visitor numbers indicate a unseasonal fall, but it has yet to be proved whether this was linked to the attacks.

The incident in Zanzibar and its immediate impact on tourism arrivals and receipts is not the first time that an unexpected and unprovoked attack has negatively affected the industry in the region. Lamu, Kenya, found itself a no-go area to tourists in 2011, when a 66-year French woman was kidnapped from her beach house in the Lamu archipelago by Somali pirates who bundled her into a speedboat and escaped to mainland Somalia. This attack came just two weeks after a British couple were abducted whilst on holiday further up the coast in Kiwayu, close to the Somali border, the husband murdered by the abductors. Following the kidnapping, several foreign Governments immediately changed their travel advice. Britain and the US, which provide the biggest number of tourists to Kenya, warned their citizens to stay away from Lamu, as did France and at a stroke, the tourism sector was destroyed. This had a major impact on economy through the loss of revenue from the tourists who cancelled their trip to Kenya. Furthermore, the Travel Warnings were serious enough for insurance companies to refuse cover to visitors travelling to the area, making tourism there even more dangerous. Lamu effectively closed down.

It was further reported that there was a huge decline in the number of guests received in the Lamu region and it was noted to be at about 50% in just 6 months as

compared to the situation before the attack, the decline attributed to the on-going insecurity in Kenya as well as the travel advisories that US and other western countries are issuing against Kenya. Most of these hotels were operating with losses as many tourists cancelled their bookings although the Government was trying to improve the situation, doubling funding to the tourism board as they undertook a massive PR exercise to lure visitors back.

Similarly, the Westgate Mall attacks on Kenya in October 2013 are estimated to have cost the Kenyan Government between \$200m and \$250m in lost tourism receipts, slowing the growth of GDP by 0.5% that year. This attack was in Nairobi, on a shopping mall frequented by residents and citizens rather than tourists, but the impression that Nairobi, and Kenya by extension, was unsafe was to have deleterious effects on the economy.

Safety and security are vital to providing quality in tourism. More than any other economic activity, the success or failure of a tourism destination depends on being able to provide a safe and secure environment for visitors. This also creates a conducive and competitive environment, a challenge that the tourism industry is facing.

Tourism safety and security need to be one of the key priority areas to be addressed in Zanzibar, now that the tourism safety and security agenda is regarded as global.

To conclude, Zanzibar urgently needs to review her legal frameworks and policies on security to address safety and security under the tourism sector to boost the key sector of its tax based and maintain economic growth.

2. Statement of the Problem.

This report highlights the particular concerns of various stakeholders within the tourism industry – including hoteliers, tour operators, investors and other key stakeholders affected by the safety and security of tourists in Zanzibar. The report has been prepared to give a clear insight on the major problems affecting the tourism sector, with particular focus on security in Zanzibar and the role of ZATI, the Government and other key stakeholders. This report recommends policy reforms, judicial reforms and amendments to the laws so to ensure ongoing security within the tourism industry, to protect Zanzibar's fragile economy – and also attract more tourists to create income for the economic growth and development of Zanzibar.

In many places around the world - especially in popular destinations such as Zanzibar - crimes committed against tourists have become a growing threat with felons believing that tourists carry cash and other valuable belongings. Incidences of crime have become widespread across the island, reported in Nungwi, , Stone Town, Bububu, Paje, Bwejuu, Michamvi, among other areas and there are fears that tourists are increasingly seen as easy targets, particularly with government security resources underfunded and sketchily deployed.

It is clear that the Government need to take effective measures and security needs to be regarded as a national agenda for the sustainability of tourism to continue and the positive knock-on effects on the economy to continue. Furthermore, there is a strong need to implement an information and PR management system so as to influence the dissemination of information about criminal activity and incidents when they do occur.

There are legal and policy implications for image, management of information, and for specific measures to improve the safety and security of tourists. If safety and security issues are not managed in a proactive manner but only dealt with as and when they occur (in a reactive manner), the result will continue to be negative media and a detrimental travel advisories.

Whilst Zanzibar has various laws addressing security and safety issues through criminal legislature, there are no specific provisions under the law that specifically address security and safety issues against tourists. Weak regulations along with the sector's poor integration with broader national development goals contribute to these problems. There are various policies and Strategies that mention the importance of tourism for the growth of economy in Zanzibar. However, these documents do not clearly address the security and safety on the sector and how the problem can be tackled using laws and other measures.

Social factors contribute to crime against tourists in Zanzibar including poverty; unemployment, social marginalisation and equality are all issues that the Government must tackle in its broader social contract. Meanwhile criminal activities such as the illegal drug trade, corruption, trafficking of firearms which flourish amidst the ineffectiveness of the existing criminal justice systems are also catalysing the rise in crime, further exacerbated by the poor legal framework and consequent waiving of sanctions. There have been only a few isolated attempts to report scientifically valid tourist crime statistics which could actually be used for comparison purposes. Deployment of law enforcement personnel may help ease the fears of tourists; however, their presence alone does not necessarily yield a reduction in offenses against tourists. As a result, in order to reduce crime against tourist, law enforcement must find ways to arrest and remove offenders and potential offenders from the equations.

A broader look at the social influences on crime is highly recommended in order to anticipate and manage potential crime scenarios. It is highly recommended, for example, that the Government also review and reforms the laws regulating business (including local government laws and bylaws) to control informal beach traders “papasi” who disturb tourists at the beaches and other attractive areas.

2.1 Benchmarking on addressing the solution to the security problem in other countries

Some destinations that face similar security problems like Zanzibar have addressed the security and safety issues using the legal and policy frameworks available to them, addressing security and safety for tourists using policies, laws, strategies and other measures as indicated below. These are chosen for their relevance to the Zanzibar situation.

2.1.1 South Africa

South Africa has introduced Policy guidelines to protect and ensure tourist safety and securities, and these have been formulated to be implemented in all provinces. The strategy that has been devised has short and long term actions and strategies to reduce crime and violence against tourists. South Africa has also developed appropriate and speedy legal procedures that facilitate speedy and effective prosecution of cases where tourists were involved. These legal and judicial reforms based on speedy justice dispensation were first tested during World Cup held in South Africa in 2010. Zanzibar can also learn and benchmark from South by adopting these policy guidelines and strategies in line with creating legal framework that will clearly address security and safety on tourism industry.

2.1.2 Kenya

Kenya has prioritized safety and security within the tourism sector by establishing a Special Police Unit for tourists, created through an agreement between the Commissioner of Police and the Permanent Secretary, Ministry of Tourism and Wildlife. Zanzibar stands in a good position as an East African Community Member State to learn and benchmark from Kenya by adopting these policy guidelines and strategies in line with creating legal framework that will clearly address security and safety in the tourism industry.

2.1.3 Seychelles

The Republic of Seychelles has a relatively low crime rate in proportion to the volume of visitors that it attracts on annual basis. This is a major advantage when promoting quality tourism, as security is increasingly a prime concern for international travellers. Seychelles remains one of the safest destinations in the world and any shortcomings in this area have the potential to jeopardize all the gains made in other areas within the Indian Ocean Islands. The Tourism Board in Seychelles is empowered to regularly monitor the measures taken by tourist hotels and establishments providing tourist services to ensure the safety and security of tourists, including insurance cover in respect of their customers. Seychelles has also introduced a police unit that works in collaboration with security Agencies in dealing with security and safety for tourists.

Of most interest is the pro-active role played by Government in monitoring the security capabilities of the hotel themselves, sharing the responsibility for tourist security between private and public sector.

2.1.4 Mauritius

Mauritius is another destination with specifically-improved security and safety measures in place for tourists. This has been done through various measures at government and private levels. The measures taken by the Mauritius Police on their part to improve the safety and security of tourists include:

- To ensure better coordination and response, the “*Police du Tourisme*” has been placed under the control of the Emergency Response Service (ERS) with 89 Officers under their command.
- At divisional level, targeted and coordinated mobile and foot patrols are being maintained by the Emergency Response Service, *Police du Tourisme*.

- The Police are conducting sensitization campaign with management and security officers of hotels and other tourist resorts with a view to disseminating information pertaining to personal safety and how to handle emergency scenarios.
- A fast track mechanism is in place at the level of the Police to initiate proceedings in a timely manner before the Court in cases involving tourists.

Mauritius is perhaps the best example for Zanzibar to learn from, having adopted measures that are both reactive in their response and pro-active in their anticipation and management of potential crime scenarios.

3. Review of Relevant Laws on Security and Safety

3.1 Relevant laws for analysis

Zanzibar is part of the United Republic of Tanzania, and finds itself in the rare position of being regulated by both Union Laws, shared between the judiciaries of Tanzania mainland and Zanzibar, as well as non-Union laws specific to Zanzibar only. This creates a great challenge in terms of formulating, administering and enforcing these laws.

At present, Zanzibar has various laws in place that address some of the issues related to safety and security of the islands and its citizens. Like Tanzania Mainland, issues related to safety and securities in Zanzibar are generally regulated under criminal laws, many derived from British colonial legal frameworks in place when independence occurred.

There is no specific legal framework that specifically provides security and safety for tourists, rather that security issues is generalized as part of crimes and criminal offences to any person or property on the islands, as defined by general criminal law. Thus, Security and safety issues are addressed using specific legal, policy and institutional sectoral approaches rather than a fully integrated approach.

Some of the relevant laws on security and safety issues that need to reviewed for necessary reforms include:

- 1) The Penal Act, No.6 of 2004
- 2) The Police Force and Auxiliary Services Act, Cap 322 [R.E, 2002]
- 3) The Criminal Procedure Act, No.7 of 2004
- 4) The Evidence Act, Cap. 5 of 2004
- 5) The Zanzibar Tourism Act, No.6 of 2009
- 6) The Terrorism Act, No. 21 of 2002

There are various other laws that in one way or another could be said to touch upon security and safety or tourism in general, however, this legal analysis has been performed on those key laws that have direct bearing or impact on security and safety for tourism:

3.1.2 The Police Force and Auxiliary Services Act, Cap 322 [R.E, 2002]

This is a Union Law, applied in both Zanzibar and the Tanzania Mainland, stating that the Force shall be employed in and throughout the United Republic of Tanzania (including Zanzibar) for the preservation of the peace, the maintenance of law and order, the prevention and detection of crime, the apprehension and guarding of offenders and the

protection of property, and for the performance of all such duties and shall be entitled to carry arms. This is the principle statute that provides for the organisation, discipline, powers and duties of the Police Force, a Police Reserve and an Auxiliary Police Force and for related matters. Powers and duties of police officers are provided under sections (ss 27-46).

There is the potential for the Tanzanian Police to use their powers conferred under this Act to apprehend and stop criminals committing crimes against tourists. However, the Act does not provide power for the Minister to make Regulations that could be used by the Police or Auxiliaries to ensure security and safety to tourists.

3.1.2.1 Establishment of a Police Unit to deal with security and safety for tourism under the Police Force Act

There are various police auxiliaries that have been established under this Act. However, the Government has never actually established specific police auxiliaries or Police Unit under this Act to deal specifically with security and safety for tourism. The importance of establishing a special Police Unit for ensuring security and safety of tourists cannot be re-emphasised. This is very important, as has been proved in those destinations that have chosen to implement them. There is the capability for a dedicated Unit to be established under the Police Force Act. Apart from Police Unit, the relevant departments under the Government such as the Tourism Commission may establish a special policy auxiliary for tourists under this Act, as was undertaken on the Tanzania Mainland by the Ngorongoro Conservation Area Authority.

Indeed the provision of the Police Force Act such as sections 125-147 may be used to establish an Auxiliary Police Force apart from the Special Police Unit. More specifically section 126 provides that there shall be established a Police Force which shall be supplementary to the Force with the function of assisting the Force in maintaining order and protecting property in special areas.

Some Countries such as Kenya, Seychelles, Mauritius and other countries have made the safety and security of the tourism sector a priority by establishing such a special Police Unit for tourists.

More specifically, in Kenya, a special Tourist Police unit has been created through an agreement between the Commissioner of Police and the Permanent Secretary, Ministry of Tourism and Wildlife. The functions of the Tourist Police Unit include: -

- Provide security and safety to tourists

- Provide escorts to tourists
- Enforce local authority by-laws
- To offer general advice and guidance to tourists
- Handle various cases concerning Tourism Industry

As highlighted in the previous section, several prominent destinations have already established a specialist "Tourist Police" charged with providing security for visitors to be prominently visible in areas which tourists frequent. Zanzibar also need to learn and benchmark from these countries. The Tourism Act, 2009 in Zanzibar seems to provide for the establishment of the special Police Unit for tourists.

A previous attempt to establish a specialist Tourism Police in 2012 has failed, with the 100 officers of the Unit who passed out in September 2012 either still in barracks or transferred to other units within the Police Force.

The principal reasons for this are cited as lack of resources including finances, however it is clear that the incorrect laws were invoked for its establishment, and in using the Police Force Act, the Unit became responsible to the Union and its laws.

It is recommended that The Minister use his statutory powers to make Regulations under this Act to provided guidelines and rules for functions of such Unit including their procedures and powers in ensuring security for tourists.

Comment/recommendation:

1. There is a need of reviewing the law to make amendments which accommodate the effective establishment of the Special Unit Police and Auxiliary Police Units that would deal with crimes committed against tourists and their properties. The Police Unit should be empowered to deal with, *inter alia*, provision of security and safety to tourists, their welfare and their property, dealing with tourism-specific cases, working hand in hand with the Ministry of Tourism to ensure that the investigation and prosecution of cases involving tourists are fast-tracked and dealt with promptly and speedily.

2. ZATI recommends that a priority amendment should be focused on Zanzibar laws in the short term, followed by the Union laws where necessary.

3. ZATI recommends the immediate implementation of a fully operational and dedicated tourism Police Unit, established under Zanzibar law to ensure proprietary control and maintain funding, led by a steering community drawn from Public and Private sectors.

Section 76 of the Police Force Act may also be relevant in establishing the Police Force Unit. This section empowers the Inspector-General on the directions of the Minister, on “the application of any person and on being satisfied as to the necessity therefore, to detail any number of police officers for special duty at any place in the United Republic and for such period as may be considered necessary.”

Section 76 further provides that “where the Inspector-General considers that it is in the interests of any person that the employment of additional police in any place as is necessary for the safety of any public or private property, or that there is a reasonable apprehension of a breach of the peace, *he may*, subject to the directions of the Minister, *station police officers for duty at any place for such period as he may consider necessary*”. Furthermore, section 81 empowers the Inspector-General or the Superintendent in charge of police, or the Regional Commissioner or District Commissioner (e.g. in Zanzibar) having jurisdiction in any or region district, to appoint in writing under his hand Form 2 of the First Schedule to this Act, ‘any residents of the United Republic *to be special police officers in such number, for such time, and within such area as he may deem necessary interests of public order and safety.*’

However, Section 129 empowers the President to make the declaration of special areas that need additional Police Forces such as Auxiliary Police. Among the areas mentioned, provision is made for areas that are *industrial, agriculture, mining* but areas of significance to tourism are not mentioned. The section (29) reads as follows:

“Where the President is satisfied that an undertaking is engaged in any activity for commercial, industrial, agricultural, pastoral, building or mining development of the United Republic, or any area of the United Republic, or any other development whatsoever of the United Republic or any area of the United Republic (e.g. Zanzibar), and that special provision should be made for policing the area where such development is taking place, the President may, on the request of such undertaking, by notice in the *Gazette*, declare such area or part thereof to be a special area for the purposes of this Act”.

Comment/recommendation:

- There is a need of amending this section (129) to include tourism area or areas visited by tourists as part of the declaration of ‘special areas’. This will allow the government to use police resources in areas of high tourism value. Police Stations to be established in areas of tourism significance, housing the Tourism Police units and trained, English-speaking officials to fast-track tourism crimes.
- It is worth noting that at present, all major police posts in Zanzibar are located in areas of agricultural significance and commercial centres only, with areas now popular with tourism development, without a police station within a radius of 30kms. An example is Matemwe, popular with tourism, where crime has been most prevalent, and the nearest Police station is in Mkototoni 20kms away.

Other sections that need review and amendments include section 130, 131 (establishment and maintenance of police stations in special areas), 132, 133 and 134.

As asserted above, this is a Union Law, and so ZATI recommends for Government to consider amendment of Zanzibar laws such as Tourism Act and Penal Act first, and where necessary, the next step could be the amendment of Union laws such as The Police Force and Auxiliary Services Act.

3.1.3 The Penal Act No.6 of 2004

This is an Act to establish a code of criminal law which extensively provides for crimes, offences and penalties for perpetrators of criminal activity. Indeed this is the main criminal statute which provides general rules as to criminal responsibility, offences (e.g offences against the person, theft, stealing, robbery and extortion) punishments and other criminal matters. This is the main Act that can be used to address security and safety issues related to persons and their properties

. **Problem:** The Act has no specific provisions that address security and safety issues to tourism. The Act is general, addresses security issues to all persons and their properties. The Act only applies to Zanzibar. In Tanzania Mainland there is also a different Penal Code (Cap 16) with different offences. While the laws are implemented by the same police officers working under the Union Ministry, the applicability of the laws is different.

Comment/recommendation: This is the relevant law that could be used to punish offenders and criminals who target tourists in Zanzibar. The punishments need to be reviewed and improved. Offences relating to persons and properties including compensation thereof need to be reviewed and improved. The Law needs to be reviewed in line with the Penal Code in Tanzania Mainland to make integrated provisions.

Crimes against foreign citizens should be regarded as a crime against the state, with far more stringent penalties as has been done in Egypt.

The harassment of tourists by unlicensed vendors and touts (known as Papasi) should be made into criminal offences. As harassment normally leads to extortion, the offence and penalty for offenders need to be much higher

3.1.4. The Criminal Procedure Act, Act.No.7 of 2004

As its name suggests, this is the principle Act that provides for the procedures to be followed in the investigation and prosecution of crimes and the conduct of criminal trials and

for other related matters. As noted in the preceding analysis of the Penal Act, this Act which is not a Union Law, is also implemented by the Police, under the Union Ministry (Home Affairs). The Act provides for general provisions relating to arrest, search, compelling attendance of witness, examination of witness, criminal investigations, mode of taking and recording evidence in inquiries and trials, institution of proceedings and other criminal procedures.

Problem 1: Like the Penal Act (Zanzibar) and Penal Code (Mainland), Criminal Procedures Acts for both Zanzibar and Mainland are not in harmony. These laws (Penal and Criminal Procedure laws) need to be harmonized through cross-references and integrated provisions to simplify implementation.

Problem 2: The criminal procedures and investigations, prosecutions are complicated and cases take too long to be administered. This creates major inconvenience when cases involve tourists who have lost their property, but are staying in Zanzibar for a short period of time, insufficient for the crime to reach court and charges to be pressed.

Comment/recommendation: The Act needs to be amended to speed up cases and criminal procedures. More specifically there is a need of having specifically provisions for fast-tracking criminal procedures for tourists or visitors who stay for only a short time in Zanzibar.

These cases need to be given priority and be decided in a shorter time before the tourists leave for their homes. A comparison could be made with the High Court commercial division which deals with cases commerce nature whereby such cases takes shorter time to be decided compared to other cases.

Consideration should be given that affidavit statement coupled by identification of the criminal in a parade by foreigner who is here for a short term should have the same weight in prosecution.

ZATI recommends for the need for standardising procedures for low-level crimes such as theft. In the case of crimes against a tourist's property, police need to have simplified forms to be filled by the tourist who has lost his property, so as to satisfy the requirements of international insurance companies in the event of theft.

In countries such as South Africa, a special court is in place for the speedy facilitation of criminal procedures involving overseas visitors to ensure that their cases are dealt with speedily. When this does not happen, the perpetrators of the original crime are released and

can easily reoffend, safe in the knowledge that the courts will not be in a position to prosecute without the victim present to press charges.

Comment/recommendation: This is the relevant law that could be used for criminal procedures against offenders and criminals who target tourists. The investigations, prosecution and procedures need to be reviewed and improved. The Law need to be reviewed and harmonized in line with the Tanzania Mainland Criminal Procedure Act to make integrated provisions.

In addition to the special Police Unit for dealing with tourist cases, the establishment of a special court to deal with criminal cases or tourist cases must be set up as a matter of priority. Experience can be drawn from the current court structure where there is a special court to deal with commercial cases.

3.1.5. The Evidence Act Cap 5, 2004

This is an Act that deals with issues related to evidence in criminal matters, civil matters and other related matters. The Act applies to judicial proceedings in all courts, other than primary courts, in which evidence is, or may be given, but does not apply to affidavits presented to any court or officer not to arbitration proceedings. The Act does not apply to both parts of the United Republic of Tanzania, as Tanzania Mainland has her own law of Evidence Act, 1967. The Act deals with among others oral and documentary evidence as indicated under part IV and V. The other key area of this Act includes burden of proof, witnesses and procedures for examination of witnesses.

Problem 1: The procedures especially examination of witnesses and production of documents are complicated and may not be user-friendly to tourists who stay for a short time. The tourists who visit and stay in Zanzibar for a short time may not be ready to bear witness in the cases involving them or their properties, because of timeline constraints. It is recommended that the evidence law should not force tourists to appear in court as witnesses rather that they should be represented by the Police if time does not allow for the appearance of the tourist.

Comment/recommendation: The Act needs to be reviewed and amended to speed up procedures for evidence that would also facilitate cases and criminal procedures involving tourists or visitors who stay for only a short time in Zanzibar.

Set up a legally defined time-frame for closing the evidence so that procedures are clear.

3.1.6. The Zanzibar Tourism Act 2009

This is an Act that repeals the promotion of tourism act, 1996 and to enact the promotion of tourism Act, and to enact Zanzibar Tourism Act and other matters related thereto and to make better provisions for matters connected or incidental thereto. This is an Act that mainly deals with the institutional framework, administration, regulations, registrations and licensing of tourism activities and other related matters.

The Act defines a “Tourist” to mean any person who displaces himself from his place of residence for a period less than three months, in any period of twelve months, with the purpose of tourism, recreation, sport, health, family affairs, religious pilgrimage, business or others, without immigration purposes. More importantly the Act defines “Tourism Auxiliary Police” means an Officer of a special unit as established under section 11(6) of the Act to ensure the safety and security of the tourist and their properties. Under this Section, The Act provides that, there shall be established Tourism Auxiliary Police” under the Commission which shall take patrol in areas designated as of tourism value to safeguard tourists and their properties.

Problem 1: Though the Tourism Act establishes the Tourism Auxiliary Police”, this Unit has not yet been established under the proper law. Such establishment of the Auxiliary Police may not be effective as this law need to be in line (harmonized with cross-references) with the the Police Force and Auxiliary Services Act, which is a Union Law. Police Force and other Auxiliary police Services are established and regulated under this Act. The best way to properly establish such Tourism Auxiliary Police with effective legal mandate is to amend both the Police Force and other Auxiliary Services Act and the Tourism Act, 2009 to provide provision with clear cross-references.

Problem 2: The Act does not clearly provide the role of police officers and other law enforcers such as KMKM in dealing with security and safety issues to tourists. The Act does not provide cross-references with other laws such as penal Code and any relevant law on

tourism in Zanzibar. Other laws that need to be reviewed include electoral laws to maintain

Comment/recommendation: The Act needs to be reviewed and amended and introduce the provisions/sections that will provide for the role of police officers and other law enforcers in dealing with security and safety issues to tourists. The Act need to make cross-references with other laws such as penal Code and any relevant law on tourism in Zanzibar

peace and tranquility within Tanzania to attract more tourists to Tanzania without any fear of insecurity.

Furthermore, one can observe the problem under section 31 of the Act which empowers the Minister to make Regulations. However, the powers of the Minister to make Regulations are limited to certain matters only such as registration, classification and criteria for tourism hotels and guests houses including fees and record keeping. This means that Minister may not have power to make Regulations for security issues to tourists. Recommendation: This provision need to provide for general powers to the Minister in collaboration with the Minister responsible for safety and security to make Regulations for security issues. ZATI recommends for the Minister to make regulations that should detail the role of the tourism police unit. These Regulations should allow the minister to use his power against “papasi” and other informal traders that frequent beaches and popular tourism sites.

3.1.7. The Prevention of Terrorism Act, 2002

This is an Act that provides for comprehensive measures when dealing with terrorism, to prevent and to cooperate with other states in the suppression of terrorism and to provide for related matters. The Act applies to Mainland Tanzania as well as to Zanzibar. Section 4(1) provides that no person in the United Republic and no citizen of Tanzania outside the United Republic shall commit terrorist act and a person who does an act constituting terrorism, commits an offence.

Problem: Though this is the union law, the law just mentions Criminal Procedure Act, 1985 for Tanzania Mainland but it does not mention the for Criminal Procedure Act Zanzibar is indicated below. The question remains, however, that in case of any terrorist offences against a tourist in Zanzibar does the Criminal Procedure Act, 1985 and the evidence act, 1967 apply in Zanzibar?

“29,(I) Notwithstanding the provisions of the *Criminal Procedure Act, 1985 (for Tanzania Mainland)*, where, in a case of urgency, application to the court to obtain a warrant would cause delay that may be prejudicial to the maintenance of public safety or public order, a police officer, not below the rank of Assistant Superintendent, or in charge of a police station may, notwithstanding any other Act, with the assistance of such other police officers as may

Comment/recommendation: ZATI recommends for use of the provisions of the Prevention of Terrorism Act to be invoked when crimes are committed against tourists. Crimes against tourists could be dealt under this Act sending out a very strong message to society and visitors that crime against a visitor is considered a crime against the state, with sentences and punishment to match.

be necessary”. This provision might be challenged before the Court.’

Some of the relevant sections to be used include section 4 and offences against tourists should be part of offences under these provisions. Some of the acts listed as terrorism offences under this Act include:

- attacks upon a person's life which may cause death
- involves serious bodily harm to a person;
- involves serious damage to property;
- endangers a person's life; any dangerous, hazardous, radioactive or harmful substance;
- use of any toxic chemical

Similar offences represent much of the serious crimes committed against tourists.

3.2 Other laws that need to be considered and reviewed

3.2.1. The Constitution of Zanzibar, 1984

Article 121 of the Constitution provides for the establishment of the special departments namely Jeshi ia Kujenga Uchumi (JKU), (b) Kikosi Maalum cha Kuzuia Magendo (KMKM) and (c) Chuo cha Mafunzo (cha wahalifu). These departments are the security agents that deal with security as mandated by the respective laws that establish them. The Constitution further empowers the president to establish other special departments.

ZATI recommends the president use his power under this constitution to implement the establishment of the Policy Auxiliary Unit to deal with tourism. However, due to ongoing constitutional reforms which might bring more changes that can take long time, still the

Government can reform laws such as The Police Force and Auxiliary Services Act, and The Zanzibar Tourism Act 2009 as recommended in this report.

3.2.2. Jeshi La Kujenga Uchumi (JKU), Act No.6 of 2003

This Act provides for the establishment of the Jeshi la Kujenga Uchumi (JKU). The most relevant section under this Act is section 4 (b). This section empowers JKU to join force with the Police Force where necessary in maintaining security and order. Section 4 (d), (e), and (f) are also relevant as far as security is concerned. The President is empowered under this Act to order the department to do any other things including security issues.

3.2.3. Kikosi Maalumu cha Kuzuia Magendo (KMKM), Act No.1 of 2003.

This Act establishes Zanzibar Special force known as Kikosi Maalumu cha Kuzuia Magendo (KMKM). The most relevant section under this Act is section 4. For instance Section 4 (K) empowers the president is to assign the department to do any other things including security issues.

3.2.4. Kikosi Maalumu cha VALANTIA Act, No.5 of 2004

Section 3 of this Act establishes a special force known as VALANTIA. The special force under section 4 is among others empowered to maintain peace and security in the country and undertake any other assignment as may be directed by President under the Constitution of 1984 and the Minister responsible.

ZATI recommends the government to implement the provisions of these laws by urging these special force departments to work and cooperate together with the police to ensure security for the tourists.

3.2.5. The Hotel Levy Act No.1 of 1995

Section 14 of this Act empowers the Minister may prescribe such regulations and procedures, for proper management of and giving effect to the intent and purpose of this Act, as are considered necessary which shall have the same effect as this Act upon publication in the Gazette. The provision of this Act can be used by the Minister to make Regulations with security standards to be followed by hotel owners.

3.2.6. The Arms and Ammunition Act, Cap 364 [R.E, 2002]

This is the Union law which regulates the sale and use of arms and ammunition. This is one of the oldest laws and needs to be reformed to provide heavy penalties and offences for persons found illegally possessing arms and ammunition.

3.2.7. The District and Town Councils Act no.4 of 1995

This is an Act that empowers District and Town Councils to make by-laws applicable throughout its area of jurisdiction. The Councils are also empowered to ensure the collection and proper utilization on the revenues of the Council. The bylaws made under this Act can be used to control trade by “papasi” and other informal traders involved in the unwelcome harassment of tourists.

3.2.8. The Zanzibar Municipal Councils Act No.3 of 1995

This is an Act that empowers Municipal Councils to make by-laws applicable throughout its area of jurisdiction. The Councils are also empowered to ensure the collection and proper utilization on the revenues of the Council. The bylaws made under this Act can be used to control trade by “papasi” and other hawkers to the tourists.

3.2.9. The Stone Town Conservation and Development Authority Act of 1994

The Law establishes the Stone Town Conservation and Development Authority which is empowered to make such rules as may be required for the purpose of ensuring orderly and fair development of the Stone Town and in particular rules to ensure agents security within the Stone Town. The Authority can use its statutory power under this Act to make comprehensive rules with standards and guidance that can ensure security for tourists who visit stone town area.

3.2.10. The Drugs and Prevention of Illicit Traffic Drug Act No.16 of 2003

This Act deals with prohibition of possession and trafficking of narcotic drugs and other related matters. Some of the culprits who commit crime against tourists are the drug users. This law need to be amended to provide for heavy penalties and offences for possession, use and sale of drugs.

ZATI further recommends the government to reform business, local government laws, and Anti-drug laws and amended to deal with “papasi” who trade around the beaches and other centres of tourism activity.

4. Policy Overview

4.1 Introductory remarks

Zanzibar has various policies that touch upon the tourism industry, each with key objectives that need to be implemented through existing legal frameworks. However, the principal policy documents are the Zanzibar Tourism Policy (2006), and the Tourism Master Plan (2003). The Tourism Master Plan (2003) highlights that Tourist safety against terrorist attack and island robbery must be given the highest priority and necessary resources of policing made available. Indeed A choice of destination is usually not made objectively but according to the destination brand that is projected, and so to ensure the integrity of the destination, the popular perception of the destination and the way it impacts on the key visitor markets, the popular image of Zanzibar should be original, safe and attractive.

4.2 Zanzibar Tourism Policy

Zanzibar Tourism Policy is the keystone policy for Tourism on Zanzibar. The key objectives of this policy are based on economic, social, environmental and cultural definitions. This policy objective needs to be interpreted and endorsed under the law. More specifically, the objective behind “Zanzibar Tourism Development Policy” is to elaborate, taking into account Zanzibar own reality and vision 2020, a framework of reference which will permit the establishment of the country future tourism development with Sustainability, quality and diversification as the most important factors. While the Tourism Policy of Tanzania provides for safety and security of tourists visiting Tanzania, the Tourism Policy in Zanzibar does not clearly address safety and security of tourists in details.

4.2.2 Specific recommendations on tourism policy objectives

Like Tourism Policy for Tanzania Mainland, Zanzibar Tourism policy may also need to be reformed to clearly define strategies that ensure the safety and security of tourists as follows:-

- 1) Undertake both short and long term security measures in collaboration with the Tanzania Police to anticipate and nullify potential threats.
- 2) Provide adequate information to visitors that will help improve their understanding of the cultural and social environment in which they find themselves.
- 3) Ensure that adequate resources are devoted to providing for security of tourists.
- 4) To enhance the popular tourism image of Zanzibar as unique, secure and attractive.
- 5) To address the tourism safety and security issues as an important part of the government’s overall safety and security concerns.

6) Carry out appropriate research concerning tourist security trends and monitor the effectiveness of safety and security measures.

The key objective here is use laws to address tourist safety and security issues cooperatively as an important part of the government's larger safety and security concerns through the following strategies:-

- Setting up a special trained tourist police unit providing security and assistance to tourists and residents.
- Establishing tourist hot line for reporting crime against tourism industry.
- Coordinating efforts among tourism stakeholders to prevent and investigate tourist from engaging in any criminal activities.

One of the key recommendations is the amendments of the current Laws related to security and tourism industry to take on board all policy objectives for undertaking both short and long term security measures in collaboration with the Tanzania Police. The Laws related to tourism and Regulations made thereof need to create a secure and better environment for the growth of tourism in Zanzibar.

The Government through its institutions need to harmonize the National Tourism Policy and legislation with other policies and legislation related to the administration of the tourism sector. In 2009, the government implemented National Tourism objectives by enacting the Tourism Act in 2009. However, contrary to the policy, the law has not taken all policy objectives such as security issues on board. The relevant Laws on tourism industry need to be reviewed and amended to reflect the policy objectives to ensure that the security and safety of visitors is enacted for the benefit of the industry in the long-term.

5. Policy Principles and Guidelines for Consideration when Reforming Laws

5.1 Introduction

This report has pointed out the need for reforming policies and laws to ensure security and safety for tourism. To assist the government in effectively achieving its reform objectives on specific laws and policies, this report presents general policy guidelines and principles that need to be considered when preparing and adopting policies on security and safety in line with laws. These guidelines and principles that have been successfully applied by various countries are highlighted for the government to consider them as follows:

Changing the legislation as it pertains to crimes against tourists;

Laws need to be changed or strengthened to address the specific problem of tourism, as has been done for example with terrorism, and racially motivated crimes.

Enhance greater collaboration between the stakeholder and law enforcement agencies.

Multi-sector steering committees to partner on implementation will expedite understanding amongst those concerned, both regarding the problem and those who have the mandate to address the problem.

Need for mandatory security measures at tourist establishments and areas

A 'code of conduct' agreed by Public and Private sector stakeholders to implemented to ensure that tourism establishments play a role in their own security and that of their guests.

Address the issues of youth's marginalization, and drug use

It is clear that social issues such as unemployment and drug use are a key cause of crime in Zanzibar. The stakeholders are requesting the Government to develop programs that will reintegrate marginalized youth back into mainstream society. This strategy has been used successfully in the UK, for example, to address the problem of 'home-grown terrorism'

Prioritize tourism-related crimes in police investigations and prosecution.

The police should expedite cases of crimes against tourists to allow for victims to testify before returning to their countries of origin. The need for victims to testify in court has proved problematic as most victims of crime do not return to testify against their offenders, leading to release and the opportunity to reoffend with little fear of prosecution. Teleconferencing might also be used..

Educating the public about the importance of the tourism industry;

There is a perceived lack of sympathy amongst the local communities towards the crimes taking place against tourists. It would be important for Government to reiterate as often as possible the role that tourism plays in the development of the islands, its resources, employment opportunities and small business development.

Establish tourist offender register;

A tourist offender register that contains details of those convicted of tourism crimes would allow the police to monitor these individuals and their known whereabouts. This particular type of crime prevention strategy has been used in the UK and other countries in relation to sex offenders.

Capacity building for law enforcement and security officials on issues relating to crime against tourists.

A capacity-building programme will enable law enforcement personnel to familiarize themselves with situations which may potentially lead to crime against tourists, enabling them to address the problem with more professionalism and effectiveness

5.2 The need for implementing other policy guidelines and standards for security

The ultimate objective policy guideline of this report is to develop the tourism sector in a sustainable manner for the collective benefit of the island, its people and the Government themselves. To this end, this policy recommendation serves as general guidelines to existing policies and strategies available at the national level.

In order to ignite the engine of growth in Zanzibar tourism, a number of key policies must be developed and actions taken. Zanzibar together with the Government of Tanzania needs to commit to ensuring the safety and security of all tourists in order to maintain the reputation of the destination brand as a high-end, luxury destination that is safe and friendly.

The following policy guidelines need to be applied:

- i. undertake both short and long term actions and strategies to reduce crime and violence on tourists in collaboration, with relevant global and supra-national organisations as required.
- ii. Initiate appropriate legal procedures that would facilitate speedy and effective prosecution for cases involving tourists.
- iii. provide adequate information to visitors that will help to improve their safety and security when visiting Zanzibar.
- iv. ensure that adequate resources are devoted to providing for the safety of tourists

v. coordinate cooperation among appropriate stakeholders to work together to ensure the safety and security of all tourists

6. The Role of the Police in the Security of Tourism

6.1 Security strategies and challenges for Police officers and law enforcers

As the upholders of the law, the police officers in Zanzibar play the key role in ensuring security and safety for tourists. However, they may also face challenges if they are not supported in their efforts by the public, other law enforcers and other key stakeholders.

This Report advocates a dual approach to safety and security, effective and efficient law enforcement and the provision of crime prevention programs to reduce the occurrence of crime in the tourism industry. The report further advocates institutional reform, which will create a clear role of the police and other law enforcers in ensuring security and safety within the country to attract more tourists to visit Zanzibar and boost the economy. This requires that Government take firm control of the policy environment within which the police are required to operate and, at the same time, provide greater managerial autonomy for the police to execute their operational mandate. This will, in effect, ensure greater accountability for improved service delivery.

Public support is paramount in ensuring security and safety to tourists. To rely on law enforcement alone will incur huge costs associated with investigation, prosecution and imprisonment. Therefore, without an adequate focus on crime prevention, the justice system and judicial system will remain overburdened. International experience suggests that it is more cost effective in the medium to long term to invest in projects which prevent crime, than in simply spending more on the institutions of policing, courts and corrections.

6.2 Key areas for focus in the Police

One of the primary focus areas for policing should be based on improving the quality of criminal investigations in the Police department. Improving the capacity of the Police department to do this means allocating sufficient resources to detection and developing the skills and techniques of the relevant Police personnel.

6.3 Specialized investigation units for tourists' cases

Special investigative techniques are required for dealing with a range of complex crimes. Specialised units on tourism should continue to be established where a high degree of skill,

particular techniques, experience or knowledge is required. However, clear criteria for the establishment of specialised units must be formulated.

6.4 Preventive patrols

This consists of a constant uniformed police presence in areas of high tourism value or those targeted on the basis of analysis of crime patterns. This type of patrol has been found to be most effective in major urban areas. Municipal police services have an important role to play in this regard.

6.5 Dedicated Patrols

This involves the assignment of patrol officers to provide a visible presence in a specific location for a limited period and for a particular purpose. Directed patrol relies on crime analysis to provide timely information on crime patterns in any area.

6.6 Polisi Jamii

The community policing, or Polisi Jamii, has proved to be a successful method of controlling crime using paid volunteers from the local communities, trained by the Police Force, to patrol areas with tourism establishment. It is also an effective means of building relationships between tourism and community stakeholders for the benefit of both groups.

As a first step an audit needs to be conducted to assess the police capacity in all these areas. It is considered assistance could be provided if requested from such bodies as Scotland Yard or other Police Forces who have great knowledge in the modern and past Policing methods

7. Stakeholder Consultations and Observations

Two stakeholders workshop was organized. The first workshop was done before writing the report by visiting various stakeholders for meeting consultations. The second workshop was focused on validation of the Draft Report which was held in Zanzibar on 26 September 2013.

7.1 Recommendations

This study has been hindered by a lack of reliable statistics or data from the government on security incidences for the tourists in Zanzibar. The Government has no sources of reliable data. The Government need to introduce a database or other means of record-keeping for data on crimes against tourists or foreigners. The statistics will assist the government in assessing the magnitude of the security incidences and set up measures to improve security that will ultimately improve the reputation of the destination and assist the sustainable growth of the Zanzibar economy.

More specifically the stakeholders and ZATI generally make the following recommendations:

- a) There is a general concern for the safety and security of tourists, prompting the need to review the relevant laws on safety and security and amend accordingly.
- b) There were concerns over the capability of the police force and Judiciary to tackle the crimes. Participants noted that some countries such as Kenya, Greece and Jamaica have reformed their police to address the security issues affecting tourism. They recommended that Zanzibar can learn from these examples when reforming the institutions that deal with law enforcement such as the Police and the Judiciary.
- c) KMKM units, which are accountable to the Zanzibar government, might also be used to work together with the police in dealing with tourism interests. Whilst originally formed to tackle the problem of *magendo*, this mandate is now on the wane, and their capability might be directed towards assisting the Police, who are under-resourced.
- d) The stakeholders noted that there is a need for a Specific Policy and Strategies framework addressing security and safety of the tourists to be implemented, rather than a general Tourism Policy that does not address

8. ZATI's Key Recommendations

Police stations need to be located in key tourism areas, with English-speaking officers, and members of the Tourism Police available to assist tourists when required. Even small police posts form an effective deterrent.

- a) Training on tourism needs to be given to the police officers; this must include how they can put the training into practice and how they can speed their functionalities.
- b) Being a service industry, tourism is a vulnerable industry if not well addressed under the laws and policies
- c) The law must be able to ensure that criminals are being punished accordingly so as to protect the community and the tourist's safety
- d) Zanzibar needs to have a specific law to address issues related to security and safety in the tourism sector. Alternatively, the current laws could be amended as suggested to include the specific provisions that address issues related to security and safety in the tourism sector
- e) Legal system needs to be reformed to improve investigation processes and expedite criminal proceedings. Clear systems and transparency will assist this and also dissuade bribery.
- f) Judicial proceedings are complicated leading to delay of cases. For instance one case that involved tourists took more than four years to be decided and claimant died while the case was still pending. The system need to be reformed urgently.
- g) harmonization of the security laws such as criminal laws and evidence laws in Tanzania mainland and Zanzibar must be done so as to ensure legal and procedural simplification in dealing with tourists issues because there is high linkage between tourism in the mainland and in Zanzibar
- h) the law should not require the presence of the victim during hearing of the entire case, when cases are likely to be prolonged.
- i) Need for reforming judicial system and establishing 24 hours court with enough magistrates and judges to be available, so as to deal with those cases promptly.
- j) Reform and amend criminal Procedure laws and Evidence laws to speed up cases involving tourists and their properties. For instance the law can provide for a time frame within which cases can be completed.
- k) Some of the stakeholders argued that the idea of creating a police Unit to deal with tourists issues is good but need to be introduced with care e.g it should not take out the

general police responsibilities and the public should be educated about the idea and its justification.

- l) Harmonize laws and policies to advocate for institutional coordination in combating crimes against tourists
- m) Conduct capacity building for police officers on investigation and detecting crimes
- n) The Government needs to introduce mandatory insurance for tourists and visitors.

8.2 General recommendations and the role of the Government.

Governments have a principal role to play in ensuring security on the tourism sector. They need to develop an appropriate, consistent, and transparent policy and regulatory framework that focuses on ensuring security and safety within the tourism sector. It is also important that any framework recognizes the linkages between the law enforcers such as police and the public and that there is coherence in policy, regulation, and legislation for the whole spectrum of tourism activities.

- a) The country needs a legal framework that will reduce crimes against tourists and their properties. Need to consider time spent in courts solving disputes and also enforces fast tracking of the licensing procedure.
- b) Need for reforming the laws to reflect the Tourism Development Policy Objectives

8.3 Legal and administrative issues

- a) Need for reforming relevant laws on security issues to promote tourism in Tanzania and reflect policy objectives.
- b) Encourage community-related crime prevention groups such as “polisi Jamii” in tourism-related areas,
- c) Train and license vendors, and commit them to a code of conduct so that a sale is made without the feeling of harassment
- d) Review use of security guards in resorts – encourage effective partnership among private security organisations and police for the efficient management and control of crime and other undesirable behaviour. Police force may consider mandatory training of hotel security guards,

8.4 Policy Recommendations

In order to create straightforward, steady and sustainable development in the tourism sector in a way that contributes to growth of economy, the Government need to develop a consistent policy in line with effective security laws for the sector. This policy should be based on some key strategic pillars: peace and political stability and assured security,

The following tools will help the Government to meet these objectives:

- a) Demand-oriented extension services (legal, organizational, economic and a technical) for the tourism sector to ensure security and safety
- b) Create an incentive scheme for Police operations
- c) Need for an effective security and safety system policy and legal frameworks that will address an integrated systems approach, which not only provides protection for the hotel guests, employees, and the general public for a particular establishment, as well as the tourist destination.
- d) Recognize that an effective security system requires well-trained personnel to carry out the security procedures accordingly and to operate the security equipment properly.
- e) Safety and security management should be maintained at the industry level.
- f) The local hotel association and police force should collaborate to facilitate and promote cooperation in providing safety and security among member hotels.
- g) The police should assist hotels in their regular evaluation of their security systems using a comprehensive audit checklist, to ensure and maintain high standards
- h) Introduce the triple tier systems approach would provide an effective framework for safety and security management in a hotel namely Hotel Level Physical Systems, Industry Level and National (Destination) Level (The Police Force). The system has worked very well in ensuring high security and safety for tourists in Singapore.
- i) The Government of Zanzibar must make clear in a published policy statement the direction tourism will be taking in the future.
- j) The tourism sector must work with communities while planning for and managing tourism, so that it can maximise its benefits and minimise any negative impacts.
- k) Local authorities need to take an active role in destination management.
- l) Ensure that all tourist establishments meet safety standards and have adequate insurance protection to cover the safety and security of clients using their facilities
- m) Give consideration to the implementation of establishment of a tourism police unit.
- n) Tier of safety and security management should be maintained at the industry level.

ZATI further recommends as follows:

- a) The laws and judicial system should be reformed to provide for a '24 hours court' so as the tourists cases regarding to acts of theft, rape and robbery can be dealt in a short time, ideally within 24 hours of the crime being committed. An example on how 24 hours court operate can be drawn from South Africa during the 2010 World Cup, where cases were sorted within 24 hours, including weekends.

- b) Alternatively, a special court/unit that deals solely with tourists cases should be provided by the law, as it is for commercial cases. A similar Judicial system is in place in Brazil where special courts and Magistrates to deal with criminal cases at football grounds, dispensing justice immediately after an offence is committed.

- c) Legally recognize and use “Polisi Jamii” to support security and safety by providing them with resources and capacity building. Establish the legality of “police Jamii” and urge the Government to support its development, bringing tourism and community stakeholders together.

- d) The Judiciary needs to be reformed to provide for running judge for 24 hours courts.

- e) Reform judicial system to introduce simplified and categorized court systems e.g petty crimes to be dealt by different courts. An example can be taken from Commercial Court Division under the High Court.

- f) Reform judicial system (Judiciary and DPP) to address loopholes as to why offenders are easily released and cases are withdrawn or dismissed and adjourned many times. Police should not be involved in dispute settlement or making any decisions on the outcome of cases.

- g) bail levels be increased for petty crimes against tourists to at least TZS 500000 rather than the current TZS 100,000 which is easily accessible, often paid for from the proceeds of the crime committed. A longer stay in detention before bail will be a powerful deterrent.

9. Summary Table of Key Recommendations and Relevant Institutions Responsible.

<p>A short term need is the amendment of the Zanzibar Tourism Act 2009 to introduce the provisions/sections that will provide for the role of police officers and other law enforcers such in dealing with security and safety issues to tourists.</p> <p>The Act need to make cross-references with other laws such as penal Code and any relevant law on tourism in Zanzibar. The law also need to be amended and harmonized in line with the Police Force and Auxiliary Services Act</p>	<p>The Ministry of Justice and the Ministry of Tourism (Zanzibar)</p>
<p>As a long term goal, there is a need of reviewing and amending Police Force and Auxiliary Services Act and making amendments to accommodate the establishment of the Special Unit Police and auxiliary police that would deal with crimes committed against tourists and their property.</p>	<p>Ministry of Justice (both Zanzibar and Union Government) and the Police</p>
<p>Amend the Evidence Act and Criminal Procedure Act (Zanzibar) to simplify and to speed up procedures for evidence that would also speed up cases and criminal procedures to accommodate tourists or visitors who stay short time in Zanzibar. the evidence law should not force tourists to appear in court as witnesses rather they should be represented by the police.</p>	<p>Ministry of Justice (Zanzibar)</p>

<p>Reform judicial system to introduce simplified and categorized court systems.</p>	<p>The Judiciary and Ministry of Justice (Zanzibar)</p>
<p>ZATI recommends for use of the provisions of the Prevention of Terrorism Act to be invoked when crimes are committed against tourists. Crimes against tourists need to be dealt under this Act with sentencing to match.</p>	<p>Ministry of Justice (both Zanzibar and Union Government) and the Police</p>
<p>Need for reforming judicial system and establishing 24 hours court with enough magistrates and judges to be available to dispose those cases accordingly with delays of justice.</p>	<p>The judiciary and the Ministry of Justice (Zanzibar)</p>
<p>ZATI recommends the government to implement the provisions of the laws establishes special departments security forces such as JKU, KMKM, VALANTIA etc. by urging these special force departments to work and cooperate together with the police to ensure security for the tourists.</p>	<p>The Government of Zanzibar, the Office of the President the Police, JKU, KMKM, Chuo cha Mafunzo and VALANTIA</p>
<p>Legally recognize and use “Polisi Jamii” to support security and safety by providing them with resources and capacity building</p>	<p>The Government of Zanzibar, The Police and the Local Government</p>

<p>The Government need to realize and support the Tourism police unit by allocating enough resources and conducting capacity building to make them active in their assigned mandate.</p>	<p>The Government of Zanzibar</p>
<p>Amend the Penal Act (Zanzibar) and review offences relating to persons and properties including compensation thereof need to be reviewed and improved</p>	<p>Ministry of Justice (Zanzibar)</p>
<p>Reforms business laws including local government laws and provisions with strict rules, punishment and conditions to deal with hawkers or traders including Papasi who harass the tourists around the beaches and other tourism areas.</p>	<p>Ministry of Justice (Zanzibar), the Local Government and the Ministry of Trade (Zanzibar)</p>

10. Conclusions.

The foregoing discussion in this Report has analysed those laws relevant to the tourism sector pertaining to on security and safety within the sector , whilst keeping in line with the National Tourism Policy and other relevant policies, to find out to what extent the security and safety issues to tourists might be addressed by the Government of Zanzibar. The Legal and policy gaps have been identified for further reforms. The report highlights a clear insight about the major problems facing the tourism industry in Zanzibar when it comes to ensuring security and safety to tourists.

As noted above, the key concern and challenge with the current legislations is that there appears to lack of clear legal mechanisms to ensure security and safety within the tourism industry. It is also clear that in some cases, there are laws such as Tourism laws and criminal laws which are in actual conflict with other laws, due to lack of cross-references provisions. One of the key recommendations in the amendments of the current laws is to take on board all policy objectives on security for the promotion of tourism in Zanzibar. The Laws and Regulations made thereof need to create a secure and better environment for tourism growth through ensuring effective security measures.

ZATI sincerely hopes that these recommendations will be considered by the Government of Zanzibar in the hope that through Public Private Partnership, we might be able to create a safer tourism environment, and thereby strengthen Brand Zanzibar for the benefit of private and public sector alike, so that together we might build a stronger business environment and achieve tourism for all.