THE APPLICABILITY AND PRACTICE OF RULE OF LAW IN ZANZIBAR, 
CASE OF SHEHIA ADMINISTRATION

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Registration Number MPA/DCC/002/T.11

A Dissertation Submitted in Partial/Fulfillment of the Requirements for Award 
of the Degree of Master of Public Administration of Mzumbe University Dar es Salaam College.

2013
CERTIFICATION

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DEDICATION

I dedicate this work to my late Parents Mr. Salim Ahmad Othman and Mrs. Hamida Suleiman Hamad.
ACKNOWLEDGEMENT

This work would not have materialized at all without the dedicate willingness of my friends and colleagues, who contributed in one way or another towards this achievement. Many others influenced me over the year that left a permanent mark in these pages. As we are constrained with a space to mention each of them by name, I will mention a few who need special appreciation. Special thanks should go to my Supervisor Dr. Andrew Mushi; lecturer at Mzumbe University School of Business. Without his support, encouragement and challenges, I would not have been able to meet this stage as far as academic is concerned.

I would like to owe many thanks to my employer, the Executive Secretary of the Commission for Human Rights and Good Governance for her permission to join the University for Master Programme. Likewise, I wish to express my gratitude to Commission’s Personal Secretary Ms. Khadija Ukasha for typing this work and Commission’s staff for their partial financial and moral support. Also, this acknowledgement cannot be concluded without mentioning my ex-undergraduate colleague Mbwana Mussa Mbwana for his technical advice.

Apart from that, I wish also to express my gratitude to my MPA colleagues (2011/2013) particularly to Abdalla Kh. Ali, Anna Mbasha, Magesa, Lucina Comino, Violet Konyani, Eric Erío, Genofeva Matemu, Migisha and Donald for successful academic discussions during the pursuit of my MPA programme. Lastly, my special thanks should go to my wife Biima Salim Ali and my children Said, Shadya, Majida, Hamida, Ismail, Zakia and Salma for their support and encouragement during the whole period of my study.

“May Allah Almighty bless them all”.
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ABSTRACT

Rule of Law is a vehicle for expressing the people’s preferences about essential political issues. It relates to the substance of the relationship between citizen and government, also it deals with process through which that relationship is conducted. The purpose of the study was to examine the applicability and the practice of Rule of Law in Zanzibar, Case of Shehia Administration. The specific objectives of this study were to find out to what extent the rule of law is practiced at shehia administration level, to determine if legislations provide any gap to shehas to abuse rule of law in Zanzibar, and to examine problems that face citizens when they need services at shehas.

The research approach used in the study was the case study design. The sample size of the study was 50 respondents, 12 were residents of Shehia of Mtoni Kidatu, 10 from Shehia of Mtoni, 5 were staff at Commission for Human Rights and Good Governance (CHRAGG), 5 from Zanzibar Election Commission (ZEC), 5 from Social Welfare Department, 4 from Zanzibar Legal Service Center (ZSLC), 4 from Association of Peoples with Disability (UWZ) and 4 staff from Women and Children Department. The methodology used was in depth interview and documentary review and data was analyzed using qualitative and quantitative models.

The study findings revealed that there is abuse of Rule of Law to great extent, legislations provide so many gaps for Shehas to abuse laws and citizens face many problems such as denial of basic rights, poor services, corruption, and high fees for services delivered by Shehas just to mention a few. On the basis of these results, the study findings recommend that in order to improve rule of law at Shehia Administration, Shehas and citizens must be educated about good governance and human rights, build offices for Shehas, harmonization of laws, have in place proper job description and scheme of services for Shehas and increase budget for Shehas offices.
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<th>Abbreviation</th>
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<tr>
<td>CHRAGG</td>
<td>Commission for Human Right and Good Governance</td>
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<td>COG</td>
<td>Commonwealth Observer Group</td>
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<tr>
<td>CSOs</td>
<td>Civil Society Organization</td>
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<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<tr>
<td>ILPI</td>
<td>International Laws and Policy Institute</td>
</tr>
<tr>
<td>LHRC</td>
<td>Legal and Human Right Centre</td>
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<tr>
<td>MDAs</td>
<td>Ministries, Departments and Agencies</td>
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<td>PVR</td>
<td>Permanent Voters Registration Book</td>
</tr>
<tr>
<td>REDET</td>
<td>Research and Education for Democracy in Tanzania</td>
</tr>
<tr>
<td>RGoZ</td>
<td>Revolutionary Government of Zanzibar</td>
</tr>
<tr>
<td>SPSS</td>
<td>Software Programme for statistical sciences</td>
</tr>
<tr>
<td>TEMCO</td>
<td>Tanzania Election Monitoring committee</td>
</tr>
<tr>
<td>THRFP</td>
<td>Tanzania Human Rights Report</td>
</tr>
<tr>
<td>URT</td>
<td>United Republic of Tanzania</td>
</tr>
<tr>
<td>ZAN-ID</td>
<td>Zanzibar National Identity card</td>
</tr>
<tr>
<td>ZEC</td>
<td>Zanzibar Election Commission</td>
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<tr>
<td>ZHRR</td>
<td>Zanzibar Human Right Report</td>
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<tr>
<td>ZLSC</td>
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CHAPTER ONE

Introduction
This chapter deals with background information, indicates the statement of the problem, objectives of the study, research questions, scope of the study, limitation of the study, and significance of the study. However, it starts with background information to the Rule of Law in Zanzibar.

1.1 Background information
The term ‘Rule of Law’ refers to a doctrine which demands all actions of the state effecting right and life of the individual in the civil society to conform strictly to procedures and limitations prescribed by law. It demands that all subjects should be treated equally before the law. Equality before the law means all classes of people in civil society should be treated alike by the law itself and before all law enforcement bodies and agencies which have been created by law (Peter 1997). The Rule of law demands that the state and its organs should act according to and within the authority conferred by the law. In the same vein, the law should not give unnecessary privilege and cushion to the state and its organs.

The effective rule of law has great impact on socio-economic and political development of any society. It is argued that a clear set of laws that are freely and easily accessible to all, strong enforcement structures and an independent judiciary to protect citizens against the arbitrary use of power by the state, individuals or any other organization are major aims of Rule of Law.

Lexis Nexis believes that meaningful, deep rooted economic development can only occur in societies where the rule of law exists. This is because citizens, institutions and foreign investor can risk capital and trust that risk is protected from arbitrary forces. Rule of law can generate economic reform and unlock the social, political and economic potentials that exist in society (http://www.lexisnexis.com (accessed 23rd January 2013). For the case of Zanzibar, at the national level, rule of law is guaranteed in constitution which introduced clear separation of power between judiciary, parliament and executive. Section 11 and 12 of the constitution stipulates:
All people are born free and equal. Every person is entitled to respect and human dignity. All people are equal before the law have the right, without any discrimination to be protected by law and shall be given a fair hearing and equal right before the law (RGoZ, 1984).

But the applicability and practice of Rule of law at Shehia administration is questionable. Shehia is the lowest institution in the administrative hierarchy of the Revolutionary Government of Zanzibar (REDET, 2012). People have been complaining that the practice of Shehas in many cases violated the rule of law. Equality before the law is regarded as important pillar of the rule of law but reports showed that most often Shehas have acted in favour of the ruling party. TEMCO (2010) stated, “TEMCO observer identified few problems which should be highlighted here… That some Sheha discretionally and illegitimately refused to provide application form to potential voters to enable them to obtain ZAN – IDs.”

Commonwealth observer Group (2010) pointed out that the low voter registration for the 2010 General Election was caused by three major reasons, the third one was the discretionary authority of Sheha whose power in this regard, though circumscribed by the amendments governing the 2010 election remain controversial. , ILPI (2010) also noted several reasons for low voter registration. Some of those reasons mentioned Shehas as a central problem because they were refusing to issue application forms for registration to eligible voters.

The above three reports show how Sheha denied some citizens their rights to participate in electing their leaders which is guaranteed in the International Convention on Civil and Political Rights (ICCPR) 1966, The African Charter on Human and Peoples’ Rights, URT (1977) and RGoZ (1984).

Check and balance is another pillar of the Rule of law. At the national level, three organs of state, that is judiciary, executive and parliament work independently of the other but each organ checks on the functions of another organ. For example parliament makes laws, executive implements those laws and judiciary interprets those laws. In the case of Shehia administration the practice seems different. According to RGoZ (1998),
Shehas are accountable to District Commissioner but in Election Act No.11 of 1984, Shehas are ex-officio Registration Argents of the Commission. It was reported that during the registration of voters in 2005 General Election, Shehas, followed orders from District Commissioners instead of Zanzabar Election Commission (ZEC) which had mandate of supervising and controlling the election process. When ZEC tried to balance the activities of Shehas, its effort failed as pointed out in ZEC (2007):

“Some of the Shehas, who were Ex. Officio of the Zanzibar Electoral Commission at registration centers followed and implemented orders and guidelines from District and Regional Commissioners instead of implementing orders from ZEC. These orders from the government leaders were issued from time to time during registration process. It is recommended that during all the period when Sheha works and implements responsibilities of ZEC as Ex. Officio, all orders concerned with the functions of ZEC should be given by ZEC and not otherwise”

According to RGoZ (1998) Shehas are responsible for reconciliation and settlement of all social and family disputes arising in their areas in accordance with the cultural and customary values of that area and wisdom. Also Shehas are responsible for controlling of immigration in his Shehia and keeping records thereof. In performing those duties some Shehas had been accused of violating the laws of land as evidenced in the reports documented by National Child Protection Unit in Zanzibar. It was reported that many cases of sexual abuses done to children failed before the court of law due to lack of concrete evidence. It was argued that when those cases were reported to Sheha, some of the Shehas tried to reconcile the issue instead of reporting to police. That is why Zanzibar has a lot of early marriages because in his reconciliation, Sheha encourages settlement of the disputes by marriage instead of going to a court of law.

In controlling of Immigration in his Shehia, it was reported in mass media that Sheha of Paje ordered some Tanzanians was originated from mainland to leave Zanzibar because they practiced prostitution in his Shehia. Also Sheha of Michamvi together with his committee ordered one citizen to leave Zanzibar because they destroyed environment by cutting trees. All victims were not happy with those orders and sent their complaints
to the various Zanzibar government institutions and lastly to the Commission for Human Rights and Good Governance.

In these cases, Shehas violated an important principle of the Rule of law and of separation of power because according to the law of the country shehas have no mandate to order any person to leave his Shehia.

This study aimed at assessing the applicability and practice of the Rule of law in Zanzibar focusing on Shehia administration as a case study.

1.2 Statement of the problem
Rule of Law is considered as precondition of any state to run its affairs smoothly. It minimizes the excessive concentration of public power in the hand of a single agency and encourages the separation of power between legislative, judiciary and executive. It guarantees respect and human dignity, fair hearing and equal right before the law; also every citizen shall have right and opportunity to take part in the conduct of public affairs directly or through freely chosen representatives.

Despite different measures being taken by the Zanzibar Revolutionary Government including 10th amendment of Zanzibar Constitution of 2010 and establishment of Zanzibar Registration Act No.7 of 2005, complaints had been raised by citizens in relation to practices of Shehas for involving themselves in the controversial administrative practices. Complaints have also been made that some Shehas discretionally and illegitimately refuse to provide services to potential citizens in their areas (TEMCO, 2010). The situation became worse when some institutions tried to solve the problems, but Shehas continued to deny the rights to their people. This was evidenced by ZEC report (2007) whereby some people were denied their right of being registered and when ZEC tried to intervene, Shehas followed the orders from political leaders particularly District Commissioners. Shehas are accountable to district Commissioners but at local level they perform the duties of different Ministries, Departments and Agencies that had no mandate to make them accountable.
Another vivid example was the recent decision of the Commission of Constitutional Reforms to condition those who want to work at District Constitutional Councils to channel their applications through Sheha, while in Tanzania Mainland applications were channeled to District Commissioners. It must be remembered that Shehas are also accused of denying many people their chances of employment particularly in the Special Departments of the Revolutionary Government of Zanzibar.

Despite the fact that various capacity building initiatives like training workshops have been conducted to enlightening them on the observance of the rule of law ensuring, yet there is no sound change and proper mechanism for balancing powers of Shehas and therefore, the applicability and practice of the rule of law in Zanzibar remain questionable.

This study, therefore aimed at investigating the applicability and practice of the rule of law at Shehia level particularly on the act of assigning a lot of responsibilities falling under the different Ministries and Departments to Shehas regardless of the fact that Shehas were answerable to the District Commissioners. The researcher wanted to examine if this practice had any impact on the Rule of Law.

1.3 Research Objectives

**General Objectives**

The general objective of this study was to investigate the applicability and practice of Rule of Law by shehas in Zanzibar,

1.3.1 Specific Objectives

The specific objectives of the study were:-

1. To find out to what extent the rule of law is practiced at Shehia administration level
2. To determine if legislations provided any gap for Shehas to abuse rule of law in Zanzibar
3. To examine the problems that face citizens when they need services from Shehas
1.3.2 Research Questions

Main research questions

1. How and to what extent the rule of law is practiced at Shehia levels in Zanzibar?

2. To what extent does relevant legislation provide room for Shehas to abuse rule of law?

3. What problems citizens face when they need services from Shehas?

1.4 Significance of the Study

This study has much significance not only to the researcher himself but also to other users of the research findings as follow:

1. The study intended to enable the researcher to acquire his Master’s degree as it was conducted for partial fulfillment of the requirement for the award of Masters Degree. As without completion of this dissertation one cannot be awarded this degree. Furthermore, the researcher managed to integrate classroom knowledge and practice; it also provided opportunity for him to do an independent study to reflect creative endeavour that made a significant contribution to his knowledge.

2. After carrying out this study, the researcher has gained more experience which is helpful for further researches as he has made critical analysis and in depth study on various research approaches, publications and other learning materials from various sources. This has strengthen the ability of the researcher to read professional literature reports and other works critically in their design, treatment of data, and presenting a research work in a clear, concise and logical manner.

3. The study may be useful to other researchers and scholars as it can be used a basis for further studies as there were few studies done in this area. They can use the findings of this research as part of literature review and help in finding a gap for further study.

1.5 Scope of the study

The study has investigated the applicability and practice of the Rule of Law at Shehia level of administration in Mtoni Constituency in West Urban Region. Also it has focused on a few members from a few departments who are dealing with Shehas in their daily activities.
1.6 Limitation of Study
The main limitation of the study was access to Literature Review. This was a problem as there were few studies done in this area; the researcher has been forced to use exploratory technique.

1.7 Summary
This chapter has looked at the background information of the problem, statement of the problem, research objectives, and research questions, significance of the study as well as scope and limitation of the study. In the following chapter, the study will focus on the review of Literature aiming at gathering secondary data basing on the theoretical background as well as the empirical evidence as part of the research gap validation.
CHAPTER TWO
LITERATURE REVIEW

2.1 Introduction
This chapter deals with Literature Review. The research was about the applicability and practice of Rule of Law at Shehia level in Zanzibar. Specifically, it intended to examine to what extent Shehas observe the rule of law when they perform their duties. The purpose of Literature Review was to explain in detail the rule of law and its main principles.

The modern history of Zanzibar can be considered to have begun with establishment of the Oman rule in 1832, followed by imposition of British protectorate in 1890. Zanzibar got independence from the British on 10\textsuperscript{th} December, 1963. On 12\textsuperscript{th} January 1964 a popular revolution took place that overthrew Al Busaidy Dynasty, and People’s Republic of Zanzibar was established. One of its first acts was to make Zanzibar a one party state, a situation that continued until 1992 when a multiparty system was reintroduced. On 26\textsuperscript{th} April, 1964, Zanzibar united with Tanganyika and created a United Republic of Tanzania as a Sovereign Republic. Zanzibar, though retains its autonomy, and has a President, House of Representatives and the Judiciary. (ZHRR. 2007).

According to the 2012 National Census, Zanzibar has a population of 1,303,568. Looking at rural – urban population distribution, it is observed that almost 40 percent of the total population lives in urban areas. For a long time, Zanzibar economy depended on cloves and in recent years tourism has become one of the major foreign currency earners.

Zanzibar’s political system is a hybrid of an executive presidency and a parliamentary system. Though the concept of separation of power is accepted, there are still many overlaps. For example, the President is part of the House of Representatives; in the House legislation passed by the House of Representative cannot come into operation.
until the President assents to it. The President appoints cabinet, ministers from amongst members of the House of Representatives. The President also appoints the Chief Justice and the High Court Judges, (ZHRR 2007:14).

2.2 Definition of key terms

Rule of Law

The term Rule of Law is derived from the French phrase ‘La Principe legalite’ (the principle of legality) which refers to a government based on principles of law and not of man. The concept of Rule of Law is of old origin. Edward Coke is said to be the originator of this concept when he said that the king must be under God and law and thus vindicated the supremacy of law over the pretensions of the executives. He emphasizes that in democracy, the concept has assumed a different dimension and means that the holders of public powers must be able to justify publically that the exercise of power is legally valid and socially just. The rule of law notion has been consistently extended to secure for the individual fair dealing by the state in the economic activities. (Massey, 2005:21).

Loveland (2004) maintains that Rule of Law is a vehicle for expressing the people’s preferences about two essentially political, issues. Firstly, it relates to the substance of the relationship between citizens and the government. Secondly, it deals with the processes through which that relationship is conducted. The rule of law is concerned with what the government can do and how it can do it.

Legal and Human Rights Centre (LHRC) (2006), defines the Rule of law as more than acting in accordance with the law, the rule of law must also mean fairness of the government and should extend to the examination of the ideal and that the law does not give the government too much power. The rule of law is opposed to the rule of arbitrary power.

Rule of Law is a contested concept, even if not quite all things to all people (Cane, 2004). He said that in English public law theory, the concept has been that of A.V. Dicey in his “Introduction to the study of law of constitution in 1885”. For Dicey Rule of law meant three things.
First the governors and the governed should be bound by the same, not different laws. Secondly, that law should be enforced against the governors and the governed alike by the ordinary courts. Thirdly, the rights of the governed against the government are better protected by the common law than by a statutory or constitutional bill of rights. Loveland (2004) elaborates the Diceyan perspective rule of law into three parts. Firstly, no man can lawfully be made to suffer in body or goods. This indicates that Dicey’s primary concern is with protecting individual rights and liberties. Secondly, except for a strict breach of the law… This reinforces the conclusion that government has to operate within a framework of laws in some way superior to the mere actions of government officials. Thirdly, factor is that any breach of law must be established in the ordinary legal manner before the ordinary court of the land.

In combination, these three elements of Dicey’s Rule of Law lead us towards another taken for granted component of the constitution, the principle of the separation of power. Hayek Jones quoted by Loveland (2004), accepts that the rule of law’s great purpose is protection of the individual against state power holders. He suggests that the rule of law would continue to exist as long as legislators, government officials and the judiciary accepted what he termed as “adjudicative deal”.

Peter and Sinkand (2011), argued that the concept of Rule of Law embraces three aspects. Firstly, no person is punishable or can be lawfully made to suffer in body or in goods except for a strict breach of law established in ordinary legal manner before ordinary courts of the land. Secondly, (is that) no person is above the law and that every person whatever be his rank or condition is subject to the ordinary law of the land and amenable to jurisdiction of the ordinary courts. Thirdly, the disputes as to the legality of acts of the Government are to be decided by judges who are wholly independent of the executive. According to the Legal and Committee of the Faculty of Law of the University of Dar-es-Salaam, Rule of Law is:-
“A doctrine which demands all actions of the state effecting the right and life of the individual in the civil society should conform strictly to procedures and limitation prescribed of law”.

Chris (1997), further argued that there are general accepted aspects which are taken to entail the Rule of Law. These are:-
Firstly, the supremacy of regular law as opposed to arbitrary power or widely and unlimited discretionary power or expeditently exercised power.

Secondly, power must be based on authority conferred by law and in particular state power must be exercised within the recognized limits prescribed by law and

Thirdly, equality before the law, wherein democratic society, which is governed by the Rule of Law, it is required that all people regardless of their political stands, religious affiliations, status, color or gender should be treated equally before the law.

According to Balakrishna, H. (1992), the Rule of Law begins with self engineering and self-management precedes social engineering. Law controls both the state and the people. He further argued that Rule of Law reflects the preference of its citizens for law and order within the state rather than anarchy, civil strife or warfare. The Rule of Law postulates that the government must be conducted according to law and that the machinery of government should operate through law.

The Rule of Law must incorporate those current social values which extend a beyond those typically held by the legal profession itself. For example, it must portray legal equality of minority ethnic groups, the legal equality of men and women, etc. Rule of Law should extend to uphold the social and economic values of modern welfare state.

For the governance of the state to be smooth, it is important for all forms of conflicts among the various organs of the state to be minimized. This can be only achieved if the constitution and other laws clearly set out the limits of the powers and functions of each of these institutions.
Former President Mwalimu Nyerere referred to the Rule of Law as one of the principles guiding the country. He said, “the Rule of Law is the basis on which rests the freedom and equality of our citizens. It must remain the foundation of our state. We must not allow even our disgust with the mutineer to overcome our principles”. (Nyerere 1966).

The Rule of Law demands that all subjects should be treated equally before the law. Equality before the law means all classes of people in civil society should be treated alike by the law itself and before all law enforcement bodies and agencies which are created by the law. The Rule of Law demands that the state and its organs should act according to and within the authority conferred by the law. In the same vein, the law should not give unnecessary privileges and cushion to the state and its organs.

The concept of the rule of law has been incorporated in the Zanzibar constitution under section 11 and 12. They respectively provide that:-

11(1) All people are born free and equal.
   (2) Every person is entitled to respect and human dignity

12(1) All people are equal before the law and have the Right, without any discrimination, to be protected by law and shall be given a fair hearing and equal right before the law.
   (2) No law shall make any provision which is discriminatory either by itself or in its effect.
   (3) The determination of the existence or extent of any civil rights or obligations shall be established by a court of law or other adjudication authority prescribed by law.
   (4) No person shall be treated in discriminatory manner by any person acting by virtue of any written law in the performance of the functions of any public office or any other authority of the party and its organs.

This demonstrates the Zanzibar Government’s commitment to a just society based on principles of constitutional government and the rule of law. However, inspite of all these nice and evident promises, a number of shortcomings may be cited (Peter and Sinkand, 2011).
Rule of Law cannot exist without a transparent legal system; the main components of it are clear set of laws that are freely and easily accessible to all, strong enforcement structures and an independent judiciary to protect citizens against the arbitrary use of power by the state, individual or any other organization.

According to Doctor Mark Cooray, Rule of Law is fundamental to the Western Democratic order, which includes the supremacy of law, which means that persons are subject to laws, a concept of justice, which emphasizes interpersonal adjudication; law based on standards and the importance of procedures. Restriction on the discretionary power, the doctrine of judicial precedent, the common law methodology, and legislation should be prospective and not retrospective, independent judiciary, an underlying moral basis for all laws and the exercise by parliament of the legislative power and restrictions on exercise of legislation power by the executive.

Lexis Nexis argued that Rule of Law cannot exist without a transparent legislation, the main components of which are a clear set of laws that are freely and easily accessible to all, strong enforcement structures and an independent judiciary to protect citizens against the arbitrary use of power by the state, individuals or any other organization. There can be no Rule of Law unless there is access to the basic sources of law and in society not adequately governed by the Rule of Law human beings will be traded as goods.

In economic development Lexis Nexis believes that meaningful, deep-rooted economic development can only occur in societies where the Rule of Law exists. Robust economies are dependent upon the existence of clear laws that govern societies and commerce, and a strong, independent judiciary to impartially enforce laws and contracts so that citizen’s institutions and foreign investors can risk capital and trust that risk is protected from arbitrary forces. Rule of Law thus enables people and institutions to fulfill their dreams and aspirations individually and collectively. It can generate economic reform and unlock the social, political and economic potential that exists in societies (www.lexisnexis.com). The keystone of Rule of Law is the idea of the government of law rather than the government of men. The keystone of the
government of laws is legal control over human discretion. The existence of widespread discretion is therefore inimical to the existence of a liberal order. Discretions need to be exercised on the basis of justice or some real justification or even of mere reasons (www.ourcivilisation.com).

**Separation of Power**

According to Cane (2004 p.412), the doctrine of separation of power has received various interpretations at different times and in different systems. The basic preposition underlying all versions of the doctrine is that excessive concentration of public in the hand of a single agency is to be avoided because it encourages, or at least facilitates abuse of power, the powers are usually divided into legislative, administrative and judicial. According to a strict version of separation theory, no agency should wield powers of more than one of these three types. Under British classical form abuse of power is guarded against not only by avoiding the conferral powers of different types on the one agency but by giving another entity belonging to one of the other branches of government, the power to scrutinize the activities of the agency in order to prevent or hold accountability for abuse of power.

Peter and Sinkand (2011) believe that for the governance of the state to be smooth, it is important for all forms of conflict among various organs of state to be minimized. This can only be achieved if the constitution and other laws clearly set out the limits of the powers and functions of each of these institutions.

Separation of power is an important pillar of rule of law, as Peter, M. and Sinkand I. (2011), emphasize. The legislature should not enact laws then try to interpret them or even to implement them. It is the duty of the courts of law to interpret the laws and the executive to implement them. At the same time, the judiciary, instead of interpreting the laws should not engage itself in enactment of laws in the pretext of interpretation. Although under the law, executive arm, the executive of the state is allowed to enact bylaws to assist it in its functions that should not be taken as warrant to take over the functions of the legislature. Equally for the executive, although is given room under the law to resolve minor disputes, it is essential that it does not turn itself into a judiciary.
They emphasize that, the legislature should not enact laws and then try to interpret them or even implement them it’s the duty of the courts of law to interpret the laws and the executive to implement them. At the same time, the judiciary, instead of interpreting the laws should not engage itself in enactment of the laws in the pretext of interpretation.

Separation of power is a very important aspect of Rule of Law. Montesquieu who was concerned with the preservation of political liberty said that political liberty is to be found only when there is no abuse of power. But constant experience shows that every man is invested with power is liable to abuse it, and to carry his authority as far as it will go … To prevent this abuse, it is necessary from the nature of things that one power should be a check on another … When the legislative and executive powers are united in the same person or body … there can be no liberties … Again there is no liberty if the judiciary power is not separated from legislative and executive … (Phillips 2001).

**Civil and Political Rights**

According to the International Convention on Civil and Political Rights – (ICCPR) (1966), Article 25 stipulates that A 25 (a) Every citizen shall have the Right and the opportunity, without any of the restrictions mentioned in Article 2 and without unreasonable restriction: to take part in the conduct of public affairs, directly or through freely chosen representatives. (b) To vote and to be elected at genuine periods election which shall be universal and equal suffrage and shall be held by secret ballot guaranteeing the free expression of the electors?

The African Charter on Human and Peoples’ Right Article 13(1) stipulated that:- “Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with provisions of the law”.

The constitution of the United Republic of Tanzania of 1977 Article 21(1) and (2) states that:-

21(1) subject to the provisions of Article 39, 47 and 67 of this constitution and of the law of the land in connection with the conditions for electing and being elected ……every citizen of the United Republic of Tanzania is entitled to take part in matters,
pertaining to the governance of the country, either directly or through representatives freely elected by the people in conformity with the procedures laid down by or in accordance with law.

Zanzibar election Act No. 11 of 1984 Section 11 stipulates that:-
S.11 Every Zanzibar who has attained the age of eighteen years shall, unless he is disqualified by this or any other Act is entitled to be registered under and in accordance with the provision of this Act as a voter.

Sheha
The institution of the Sheha is the lowest in the administrative hierarchy of the Revolutionary Government of Zanzibar (REDET, 2012). According to the Regional Administration Authority Act no. 1 of 1998, Shehas are appointed by Regional Commissioners after receiving recommendation from District Commissioner and they are accountable to District Commissioners.

2.3 Theoretical Framework
Jaffe (2001), argues that conflict theory which was developed by Karl Max, is based on the assumption that all societies are characterized by on-going conflicts between groups and persistent social change. To him, this is caused by the fact that, individuals develop different political interests based on the racial, ethnic, class, religious, gender, occupational, or regional affiliation, socially valued resources tend to be relatively scarce, which generates conflict and competition over access to and the distribution of these resources; social institutions are organized to serve the interests of those who own and control the scarce resources and the struggle between those who possess and those who do not possess the resources causes instability and change.

In organizations, those who are successfully at securing ownership of the scarce resources use that organization as a way to dominate and exercise control over those who lack these resources. Organizations are made up of members who occupy different positions – they carry out different roles, work in different departments and units, and possess different levels of authority and decision making power, and receive different levels of reward such as income. For all those reasons, organizational members will develop a variety of political interests and may engage in various forms of competition.
When this situation happens, an individual or a group who fails to compete over those resources complains against those who abuse their power to monopolize the resources to competent organs. Therefore, the applicability and practice of rule of law at Shehia level in Zanzibar can be analyzed in the form of conflict between two parties, Sheha who use discretionary authority vested on them and ordinary residents over the resources or rights.

2.4 Empirical Analysis of Past Studies
Although the civil and political rights are guaranteed in both the constitution and other laws of the land, many observers have tried to show how shehas used their power to deny people their rights.

Timeland (2003), concludes that, the Shehas at present are not locally accountable. As they have been involved in the controversial administration of voter registration as well as administrative matters relating to the settlement of internal immigrations, they have in some areas been discredited. A review of the office of Sheha and their functions and relation to the public is desirable. Shehas also collect various taxes, which reportedly are not systematically documented by receipts (pp13).

TEMCO (2005 P.236), noted that in Zanzibar Urban West Region ZEC was forced to give a statement on the 28th April, intended for Shehas who were regularly preventing people from registering on the basis of failing the residence requirement. The same author (p5) explains that it was Shehas, who were conducting the interview and establishing eligibility of applicants. Any one rejected by Sheha could not be registered. This irregularity was widespread and compelled ZEC to suspend registration for two days in order to rectify the situation which was getting out of control. ZEC intervention however, did not significantly change the situation as cases of violation of established regulation continued to occur allegedly at many registration centres.

2.4 Research/Knowledge gap
The literature review does not show clearly how Shehas use their power when they perform other duties apart from registration of voters and issuing of ZAN – IDs. The Regional Administration Act, 1998 empower Shehas to reconcile and settlement of
social and family disputes, keeping records e.g. documents relating to the registration of marriage, divorce, birth, death, residents, and controlling of immigration.

Apart from those functions which Shehas are assigned by laws, many organizations have developed a tendency of forcing their customers to have an endorsement or recommendation letter from Sheha before getting services from them. As reported earlier that Shehas are accountable to District Commissioners and put more power on him without legal mechanism of checks and balance, can create room of using the power arbitrary and corruption. This study sought to explore more on how the practice of rule of law infringed by different activities of Shehas.

2.5 Conceptual Framework
This study is intended to establish relationship between independent variables which are separation of power, independent judiciary, fairness of government, public participation, clear set of laws and regulations, policies and procedures and dependent variable which is rule of law. Under rule of law there is equality before the law, transparent legal system and supremacy of law. In order for that relationship to occur it needs the implementers which are executive, judiciary, parliament and civil society organizations.

Figure 2.1: Conceptual Framework
This frame work is clearly shown through the following model.
CHAPTER THREE
RESEARCH METHODOLOGY

Introduction
This chapter explains the overall Research Methodology. It explains research design, research area, unit of enquiry or population, sample design and techniques where it will identify sampling frame and size of the sample, data collection methods and data analysis techniques.

3.1. Area of the study
The name of Zanzibar derived from Persian language. The word “Zenj” means Black and “bar” means land. The word Zanzibar therefore means land of black people. Zanzibar is made up of two main islands Unguja and Pemba. There are other small islands around both Unguja and Pemba including Kojani, Fundo, Kisiwa Panza, Makoongwe, Tumbatu, Mnemba, Chapwani, Chumbe, Changuu etc.

Zanzibar is an island partner in the United Republic of Tanzania located in the Indian Ocean about 72 kms from Dar-es-salaam, 217 from Mombasa and 1017 kms from London. It is located at longitudes 39 degrees East and latitudes 6 degree South of Equator. The climate of Zanzibar is tropical, long rains from March to May (Masika), short rains (Vuli) from October to November, and dry seasons from November to March.

Administrative division, Zanzibar is divided into five administrative regions; ten districts, fifty constituencies and 236 Shehias. The National population census of 2012 indicated a total population of Zanzibar was 1,303,568 people with growth rate of about 2.7 percent. Agriculture is the back born of Zanzibar economy and contributes over 50% to gross domestic products; other activities are fishing, tourism and commerce. In this study two Shehias of Mtoni Constituency in West District were chosen for this study. The researcher had decided to select six departments which involved Sheha in their daily activities. These were Zanzibar Election Commission Department of Social Welfare, Women and Children, People with Disabilities, Zanzibar Legal Service Centre
and Commission for Human Rights and Good Governance. Just few members from each department were involved in this study to represent their views.

3.2 Research Design
A research design is the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to the research purpose with economy in procedure. Kothari (2008:31). Research design provides the glue that holds the research project together. Kothari asserts that the research design is the conceptual structure within which research is conducted. Such design includes an outline of what the research will do from writing hypothesis and its operational implications to the final analysis of data.

Adam and Kamuzora (2008:76) emphasize that a well designed research makes the life simple and less time, money and effort are spent to complete the project. Poorly designed research will lead to wrong conclusion and hence unreliable result, it will also result in inefficient use of resources.

The research design used in this study was the case study design which aimed to assess the applicability and practices of rule of law at Shehia. According to Kothari (2008), the Case Study method is a very popular form of qualitative analysis and involves a careful and complete observation of a social unit is that of person, family, an institution, a cultural group or even the entire community. It deals with the processes that take place and their interrelationship. The object of the case study was to locate the factors that account for the behavior patterns of the given unit as an integrated totality. The case study was used as it gives the researcher the opportunity to study the activities of Shehas in performing their duties to what extent observed the rule of law.

The study has been designed in a descriptive way. A descriptive type of study is commonly used as it aims at establishing causes of something that is happening. It has been guided by research questions already shown in chapter one. These questions have
enabled the researcher to collect data from the population of interest and then critically analyzed the findings in this research.

3.3 Population
A population is a group of individual’s objects or items from which samples are taken for measurement. The population of this study covered employees from the above mentioned six departments which frequently involved Shehas in their activities. Thirteen (13) citizens from Shehia of Mtoni Kidatu and ten from Shehia of Mtoni were involved in the study.

3.4 Sample Design and Techniques
Sample design is a definite plan for obtaining sample from a given population. It refers to the technique or the procedure the researcher would adopt in selecting items for the sample. Sample design may as well lay down the number of items to be included in the sample (Kothari, 2008). In this study the researcher used both convenience and purposive sampling design. Purposive sampling was used for interviewing local leaders (Shehas) and heads of departments at Commission for Human Rights and Good Governance, Zanzibar Election Commission, Department of Social Welfare, Women and Children Department, Zanzibar Legal Service Center, and Association of People with Disability.

3.5.1 Purposive Sampling
Purposive Sampling is the sampling method in which judgment experience and other personality views govern the choice of elements in the sample (Ndunguru, 2007). Purposive Sampling is sometimes known as judgmental sampling where the researcher chooses only these elements which he believes will be able to deliver the required data. The major criterion for including a person in a sample is possession of expertise or experience about the problem under investigation (Adam and Kamuzora 2008). The advantage of this method is less expensive and quick for selecting, but its major challenge is the possibility of bias.

The researcher used purposive sampling to select heads of the six departments and shehas because they held some useful information which could not be obtained from other sources. These respondents were also purposely targeted as they represent the
management part in the shehia on the one hand and six studied organizations on the other.

3.5.2. Convenience Sampling.
This method is based on using people who are active audience, people the researcher meets haphazardly or accidentally. Respondent are people who just happen to be working by or show special interest in your research (Kombo and Tromp, 2009).

Researcher relies on the availability and willingness of a person to participate in the study. Adam and Kamuzora (2008) advice those who want to use this method to chose the closest persons as respondent. It is a technique of sampling where a major drive for inclusion of an element in the sample is its ease access. The advantage of this approach his on time and money saving.

The researcher used this method for 13 respondents from Shehia of Mtoni Kidatu because it was easy and cheap to reach those respondents. The researcher used to go to watch football in the evening with his note book. He introduced himself to respondents and those who showed interest in the study were interviewed. And it took five days to get that number because some of them were busy watching or wished to play football.

3.5.3 Sample Size
Sample size is the exact number of items selected from population to constitute a sample. If possible, it is recommended to use a large sample size to be able to generalize the finding (Adam and Kamuzora, 2008). The sample size is a critical part of the research design. To select the sample size the researcher is influenced by the number of factors including the purpose of study population size, the risk of selecting a bad sample allowable sample error.

The sample size of 50 members has been drawn in this study. Those members were divided into seven strata comprising of twenty two (22) members from two Shehias, five from Zanzibar Election Commission (ZEC), five from Commission for Human Rights and Good Governance, five from department of Social Welfare, four from department of Women and Children, five from department of People with Disabilities and four from Zanzibar Legal Service Centre and five from the researcher himself who
decided to sample those respondents as he believed it would be good representation of the population.

3.6 Data Collection Method
Ndunguru (2007), says that data collection design method is about providing reliable and valid answers to investigate questions of the study. In this study the researcher has used primary data which was collected from the population of interest using indepth interviews. The intention of this study was to get firsthand information from targeted population.

The main method of data collection was face to face interview. Face to face interview is the process of asking questions whereby an interviewer and interviewee are in physical contact. The researcher has employed face to face interview to collect data from the respondents with managerial positions, that is, Shehas and heads of the six departments in order to obtain first hand information and primary data. This method is important since it allows the researcher to control the environment during extraction of information regarding arising needs from proceedings with questions. On the other hand, secondary data was obtained through reviewing different reports, journals and government documents such as reports from different studies of human rights and rule of law and reports from Observers of General Election since 1995.

3.7 Data Collection Instrument
A semi structured questionnaire has been the principal data collection instrument. This questionnaire contained both structured and unstructured questionnaire. Open ended questionnaire gave the respondents a chance to add information that was not given in other options. This allowed the researcher to get more insight and anticipated knowledge because respondents had greater freedom to decide on the form, detailed and length of their answers. Since the nature, depth and method of collecting information required was the same for each respondent, the same type of questionnaire was used. The questionnaire was designed in simple language to avoid ambiguity.
3.8 Data Analysis and Presentation
Data analysis refers to the computation of certain measures along with searching for patterns of relationship that exists among data groups (Kothari 2008). The key activities according to Adam and Kamuzora (2008) are editing, coding, classification and tabulation.

Data analysis was carried out using quantitative and qualitative models. Data collected in the study was analyzed by means of relationships and then presented in discussion form. The dependent variable, the rule of law, was related to independent variables; different activities done by Shehas according to law on their discretionary power.

3.9 Summary
This chapter has described how the study was designed and carried out. It has explained the sample techniques and procedures adopted, the data collection techniques and the analysis tools used to make conclusions, and the work plan for the study has also been drawn.
CHAPTER FOUR

FINDING PRESENTATION, ANALYSIS AND DISCUSSION

Introduction
This chapter deals with findings and analysis. The research findings are, analyzed through quantitative and qualitative methods to cover the objectives and research questions of the research subject. Tabulated and percentage format are used to analyze the data. Interview guide was used for all respondents of Ministries, Department and Agencies (MDA) and from Shehias chosen. Findings and analysis are presented per research objectives starting with the extent of Rule of Law practiced at Shehia administration, the gaps provided by legislation for Sheha to abuse rule of law and all problems faced by citizens when they need service from Shehas.

Before presentation of findings and analysis, the Shehia administration in which the study has been conducted is examined in terms of historical background including its function and composition.

4.1 Data presentation and analysis

Historical Background of Shehia Administration
Zanzibar as a part of the United Republic of Tanzania is divided into five Regions, three in Unguja and two in Pemba, governed by Regional Commissioners. It has ten Districts headed by District Commissioners and fifty constituencies, each of which has one Member of Parliament (Union) and one Member of House of Representatives. The institution of Sheha is the lowest in the administrative hierarchy of the Revolutionary Government of Zanzibar. A Sheha is similar to a ward. The Sheha is supposed to be non-partisan and is responsible for discharging minor government functions in the Shehia.

According to Onyango J. and Nassali (2003), legislations were passed in 1944 by Colonial Government for establishment of Councils of Wete, Chakechake and Mkoani and formalized the authorities of appointed Sheha at local level for maintenance of law and order but their jurisdiction was limited to Africans only. Shehia administration was abolished once after the Revolution in 1964 but it was officially re-introduced in 1992
after amendments adaption of the Regional Administration Authority Act No. 1 of 1998. Sheha performs some of the following functions.

Firstly to implement all the government laws, order policies and directives for maintenances of law and order. Secondly, reconciliation and settlement of all social and family dispute arising in that area in accordance with the cultural and customary values of that area and wisdom. Thirdly, to keep records of all documents relating to the registration of marriage, divorce, births and death, ngoma permits, transportation of crops, livestock, charcoal permits and so forth as directed from time to time by institutions concerned. Fourthly, to control of immigration in his Shehia and keeping records thereof fifthly, to receive the notification for convening all public meetings. Sixthly, to issue an application form for those who want to apply for the Zanzibar Identity Card. Seventhly, Sheha shall be the ex-officio-Registration agent of the Zanzibar Election Commission of his Shehia during registration of votes and lastly, to do all other things which are legal and which has been assigned to him by the District Commissioner.

In performing his duties, Sheha has been given strong power as stipulated in section 19 of Act No. 1 of 1998 which states that every Sheha may in the exercise of his duties and function under provision of the Act voluntarily request the attendance of any person or issue summon to any person who does not voluntarily attend before him requiring his attendance or requiring him to give information. Any person to whom of summon was served and without sufficient excuse does not appear before the Sheha on proof of such summons and reasonable time having passed, the Sheha shall report to the police officer who shall cause such person to appear before the Sheha and show cause why he should not be charged.

Any Sheha who receives information that any person in his Shehia has committed an offence may order that person to be arrested and surrendered to the nearby police station as soon as possible, but if not possible to do so, he may order that person to be kept in custody until such convenient time when he shall be surrendered to the police. Any person who was voluntary required to attend or summons to attend before the
Sheha who without lawful excuse fails to attend as required by the summons commits an offence and shall on convictions be liable to a fine not exceeding ten thousand shillings. (RGoZ, 1998)

Sheha can be removed from his office by the Regional Commissioner for any of the following ground. If he fails to perform his duties due to negligence or health problem, Gross misconduct, if he does any act which is contrary to the leadership ethic and if he commits a criminal offence and sentenced to imprisonment for term of three months or more.

Sheha is working under Shehia, Advisory Council whose members shall not be less than twelve and one third of them shall be elder persons who shall be appointed by the Shehia in consultation with the District Commissioner among the residents of that Shehia. Elder person in this context means a person who is sixty years of age and above and who is respectable in his Shehia. The advisory Council shall advise the Sheha in matters related to maintenance of law and order in the Shehia and other matters which are beneficial to the well being of the Shehia.

According to section 16 of the Regional Administration Authority Act No. 1 of 1998, a person cannot be appointed as Sheha unless he has the following qualifications:

She/he must be Zanzibari, is a respectable person, is of good character, is not less than forty years of age, has attended at least primary education and knows how to read and write Kiswahili and/or English.
**Characteristic of People Interviewed:**

The study was administered to 50 respondents, 27 (54%) were officers from different departments as follow; Department of Social welfare were 5 (10%), Department of Women can Children were 4 (8%), The Commission of Human Rights and Good Governance were 5(10%), The Zanzibar Election Commission were 5 (10%), Zanzibar Legal Service Center were 4 (8%), Association of peoples with Disabilities were 4 (8%) and 23 (46%) were Citizens from Shehias, 10 (20%) were from Shehia of Mtoni, 13 (26%) from Mtoni Kidatu.

**Table 4.1. Distribution of Respondents.**

<table>
<thead>
<tr>
<th>Department</th>
<th>No. of Respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Social Welfare</td>
<td>5</td>
<td>10%</td>
</tr>
<tr>
<td>Department of Women and Children</td>
<td>4</td>
<td>8%</td>
</tr>
<tr>
<td>The Commission of Human Rights and Good Governance</td>
<td>5</td>
<td>10%</td>
</tr>
<tr>
<td>The Zanzibar Election Commission</td>
<td>5</td>
<td>10%</td>
</tr>
<tr>
<td>Zanzibar Legal Service Centre</td>
<td>4</td>
<td>8%</td>
</tr>
<tr>
<td>Association of Peoples with Disabilities</td>
<td>4</td>
<td>8%</td>
</tr>
<tr>
<td>Shehia of Mtoni Kidatu</td>
<td>13</td>
<td>26%</td>
</tr>
<tr>
<td>Shehia of Mtoni</td>
<td>10</td>
<td>20%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>50</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

**Source:** Research findings, 2013.
Table 4.2 Sex of Respondents

<table>
<thead>
<tr>
<th>Sex</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>26</td>
<td>52</td>
</tr>
<tr>
<td>Female</td>
<td>24</td>
<td>48</td>
</tr>
<tr>
<td>Total</td>
<td>50</td>
<td>100</td>
</tr>
</tbody>
</table>

**Source:** Research findings, 2013.

The above table shows that out of 50 respondents, 26 (52%) were males and 24 (48%) were female the respondents, and the sample represented a good number of both genders. This implies that the research has considered gender issue and it was expected the outcome was good representation of both sexes.

Table 4.3 Level of Education

<table>
<thead>
<tr>
<th>Level of education</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>Secondary</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>Certificate</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td>Diploma</td>
<td>8</td>
<td>16</td>
</tr>
<tr>
<td>Degree</td>
<td>21</td>
<td>42</td>
</tr>
<tr>
<td>Total</td>
<td>50</td>
<td>100</td>
</tr>
</tbody>
</table>

**Source:** Research findings, 2013.

The above table maps out of 50 respondents, 5 (10%) were primary education leavers, 10 (20%) were secondary education leavers, 6 (12%) were certificate holders, 8 (16%) were diploma holders and 21 (42%) were degree holders of various fields. This was the reason of the purposive sample although education was given priority but even though some of them failed to define rule of law and it’s basic characteristics. Degree holders were the ones who gave detailed information about the rule of law and how activities of Sheha abuse rule of law.
Working Experience

Work experience of the respondents has been shown in the table 4.4 below.

Table 4.4 Work experience of the respondents

<table>
<thead>
<tr>
<th>Years</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 years and below</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>3-5</td>
<td>12</td>
<td>24</td>
</tr>
<tr>
<td>6-10</td>
<td>13</td>
<td>26</td>
</tr>
<tr>
<td>11-15</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>16-20</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td>21 and above</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>Total</td>
<td>50</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Research findings, 2013.

The above table shows work experience of the respondents that out of 50 respondents 2 (4%) had working experience of less than 2 years and below, 12 (24%) had working experience of 3-5 years, 13 (26%) had working experience of 6-10 years, 2 (4%) had working experience of 11-15 years, 16 (12%) had working experience of 16-20 years and 20 (40%) had working experience of more than 20 years. The study has taken into consideration respondents with both long and short experience and most of those who came from MDAs have law related experiences. This means more than 50% of interviewees had been working for more than 10 years and it was believed by the researcher what they said was something one can trust on.

Table 4.5 Positions of the respondents

<table>
<thead>
<tr>
<th>Positions</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Managers</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>Officers</td>
<td>27</td>
<td>54</td>
</tr>
<tr>
<td>Non officers</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>Self employed</td>
<td>13</td>
<td>26</td>
</tr>
<tr>
<td>Total</td>
<td>50</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Research findings, 2013.

The study also sought to consider positions held by the respondents during data collection as shown in the table above that. Out of 50 respondents, 5 (10%) were directors or managers from MDAs, 27 (54%) were officers of different levels like
principal, senior, and junior officer, 5 (10%) were non officers and 13 (26%) were self employed citizens from Shehias. This was believed that sample was a good choice due to distribution of respondents reflecting real representation of citizens of all levels starting from self, employed, junior, senior and principal officers up to managers and directors.

4.1.1 Applicability of Rule of Law Zanzibar:
When respondents were asked about the applicability of Rule of Law in Zanzibar, the findings of the study showed that the application and the practice of the rule of law had some problems as revealed and supported by 28(55.56%) of the respondents. However, 9(18.5%) of the respondents were in the opinion that the application and practice of the rule of law had no problems in Zanzibar, and 13 (26%) respondents were not aware of the rule of law and its applicability in Zanzibar.

Administrative areas that do not observe and respect rule of law in Zanzibar
The Institutions mentioned by respondents were the police, judiciary, ZAN-ID Office, Shehia administration, and district authorities and councils.
Some of mentioned problems on applicability and practice of Rule of Law in Zanzibar include police arresting people without following laws/unlawful detention among the citizens, beating suspects when they are in the hands of the police, nepotism, lack of accountability, lack of check and balance, ignorance of law for the majority of citizens, issuing of ZAN-ID process, and slow process of handling land disputes.

This means that the general application of the rule of law has problems as more than half of the respondents admitted that the practice has problems. One of the respondents mentioned the problem of applicability of Rule of Law in Zanzibar by saying that:

“You know the problems are how these Shehas are appointed, they are appointed by Regional Commissioner but they have mandate of endorsement of residence of every citizen in their Shehias, when Sheha rejects you, you cannot get ZAN-ID, and without ZAN-ID you cannot get employment, loans from High
The respondents also mentioned the lack of political will to make those who abuse rule of law accountable, for example the selling of M.V. Mapinduzi without following The Public Procurement and Disposal Act of Public Assets Act No. 9 of 2005 and those who did that are still there and no legal actions were taken against them. This was reported by different mass media and strong debate in the House of Representatives which commented that corrective measures should be taken against those who were involved but until now no legal actions have been taken.

Another reported problem of application of Rule of Law in Zanzibar was that principles of natural justice were not practiced, as one of the respondents from Zanzibar Legal Service Center mentioned.

“Zanzibar has Rule of Law because it is guaranteed in the constitution but its application has problems. For example; if you want to charge government official you have to give a notice of sixty days while for ordinary citizen, there is no that condition, people are not treated equally, and some people have immunity you cannot charge them. Leaders like President, Member of Parliament, and Ambassador, on top of that, some people like judges, President, and Commissioner of tax are not paying tax”

Other mentioned areas were ZAN-ID Office which was mentioned by many respondents.

District Council and Political Parties mentioned by 6 (12%) of respondent, Special Department of SMZ was mention two times and D.P.P. Office, Mass Media, Hospitals, Port Authority each of those institutions was mentioned once. When respondents were required to mentioned the areas (institution) which abuse Rule of Law in Zanzibar in

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1 Interview, Citizen of Mtoni Kidatu (name with held)- Shehia Mtoni Kidatu April, 2013
2 Interview, Program Manager (Name with held) ZLSC-12/04/2013
their opinions, police was mentioned by 28 (56%) respondents, out of 50, Judiciary mentioned by 22 (44%) respondents Shehia administration was mentioned by 26 (52%).

Police was accused of corruption, trying to distort evidence by writing wrong reports from victims, torturing victims who were under police supervision and try to convince to accept conciliation between victim and suspects by telling the victims that evidence of their case is questionable, you cannot win this case before the court of law it is better to reconcile and finish your problem.

These answers show that Shehia Administration was among institutions which were abusing rule of law; more than 50% of respondents mentioned it. This implies that if the lowest institution in the government was accused of abusing rule of law then at national level the situation is believed to be worse. Judiciary was accused of corrupt acts, delay of cases and unjust decisions. Respondents mentioned corruption and nepotism as big problems which are facing judiciary now. Shehas were accused of denying citizens their basic rights for example they are refusing to give citizens application forms for ZAN-IDs. As quoted from the respondents during the interview.

“ZAN-ID is everything in Zanzibar. If Sheha denies you this right, you are finished. You cannot get driving and business lenses, loan from bank, vote for political leaders; in short you have lost all your rights in this country”.

Shehas were further accused to be centre of land disputes especially in areas which involve investments; the respondents reported that in most cases Shehas support investors.

The recent example of land disputes was aired by Zanzibar Broadcast Cooperation TV, on 6th July reported a very interesting story by Director of Registration of Land, who was accusing the Sheha of Bububu who allowed some people to continue with construction of houses which were stopped by the order of Principal Secretary of Ministry for Land, Settlement, Water and Energy. The director mentioned a lot of cases of land disputes which were caused by Sheha of Bububu because he was using his

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3 Interview, Citizen from Mtoni Kidatu Shehia – 14/4/2013
power arbitrarily. The story was narrated before the Regional Commissioner of Urban and West Zanzibar who appointed that Sheha.

It must be remembered that according to Zanzibar Good Governance Policy (2011) media has been given a task of oversight agent “The media is also tasked with assessing the performance of the Government and report on any confirmed instances of mismanagement, breach of duty, corruption or other forms of bad governance”.

According to check and balance rule, one can expect disciplinary actions to be taken against such leaders but until now there is no actions taken against him.

Likewise, the respondents were requested to answer, if the Shehas practice Rule of Law in executing their duties. Out of 50 respondents approached 30 (60%) noted that Shehas did not practice rule of law in executing their duties. The problem which was indicated by majority of the respondents was impartiality. It was reported that Shehas provide services according to political affiliation, ZAN-ID is on the other hand, another practice that makes many Shehas fail to apply rule of law requirements because in many circumstances they refused to provide application forms to eligible citizens just because they support opposition party. One respondent at the Commission for Human Rights and Good Governance explained that Shehas don’t comply to laws instead they follow the orders from the leaders who appoint them as she noted.

“…for example ZAN-ID is basic right for every Zanzibar, I have a son who applied for ZAN-ID long time. First when we went to Sheha, he told us to go to his assistant in our zone, we approached him and he gave us small piece of paper which confirmed that we were legal residents in his area after paying two thousands shillings for that service. When we went back to Sheha he hold us that the application forms had finished we must try another day. When we succeeded to get that form we were told to pay another two thousands for that form. Now it is a long time, but my son has not received his ZAN-ID which is very important inorder to get some service from government officies”

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4 Interview : Equiry officer (Name with held) CHRAGG April, 2013
Apart from that, MDAs officers interviewed mentioned that some Shehas abuse the rule of law by trying to reconcile even criminal cases which are supposed to be handled by police. The officers argued that the problem started when the Regional Administration Act No. 1 of 1998 section 17 (2) which gives Sheha responsibilities for reconciliation and settlement of social and family disputes arising in that area in accordance with the cultural and customary values of area and wisdom. Many Shehas use this section to abuse rule of law as further mentioned by the child protection officer from the Department of Social Welfare.

“Many Shehas don’t follow rule of law, for example they follow Regional Authority Act by reconciling rape cases especially when suspect is a member of family. We receive many cases of child abuses but some of them it is difficult to prove before the court due to weak evidence and when you follow up in detail you will find out that Sheha was the source of that as he advised the suspect and victim to negotiate and when they fail to agree, they come to our office or report to police but by that time all evidences are missing”\(^5\).

This was reported by Uki A. and Hassan F. (2011) who argued that in most cases Sheha apply the wisdom to adjudicate cases at their respective localities. They further explained that “It is disgusting to note that sometime cases of allegations of rape, child molestation and abduction are settled at Sheha’s office and culprits pay about 100,000/= as compensation and leaves victim with impunity.

This is a serious setback to the rule of law as one of the basic constitutional principles”.

Personal interest and ignorance of laws were mentioned by respondents as another source of abusing rule of laws for many Shehas, it was argued that majority of Sheha were old people who were chosen just because of their obedience to the ruling party. The education level and other qualifications of proposed Shehas were given minor priority; as a result, some of Shehas depended mainly on the orders from above

\(^5\) Interview: Child Protection Officer Department Welfare – Name with held) 12/4/2013
in performing their duties than what laws and regulations said. This was mentioned by respondents from Association of People with Disabilities (UWZ) who said:

“...Some Shehas are incapable to perform their duties as prescribed by law due low level of education, you cannot believe but some of them can’t write, they depend on secretaries or sometime even their children. How such Sheha can practice rule of law while he cannot read. They depend on what District Commissioner said”\textsuperscript{6}.

The comment like that was also given by legal officer from ZEC who argued that: “Some Shehas have problems, they are partisans usually depends on orders from political figures. According to law Shehas are agent of ZEC and they are supposed to help ZEC to indentify eligible voters during registration process in order to run election smoothly but Shehas became source of problem because they rejected their own people, due to either personal interest or order given from above that is why now we have draft of new election Act which is at Principal Secretaries of Ministries for discussion. In that draft we have recommended that, the registration officer to have a power to expel Sheha from registration station if he feels Sheha contravene the law”\textsuperscript{7}

Even though 20 (40\%) respondents urged that Sheha observe rule they also claimed that that some of Shehas have some problems. The problems mentioned include involving themselves in land disputes, charging people fees without following proper guidelines where the same services were charged 2000/=, 3000/= and other 5,000/= without issuing receipt. Also it was argued that Shehas were charging 10\% when you sell anything in his areas where by that money was supposed to be collected by Municipality or District Council but it is charged by Shehas and goes to his pocket without issuing the receipts.

\textsuperscript{6} Interview: Principal Programme Officer: UWZ 12/4/2013

\textsuperscript{7} Interview: Legal Officer ZEC 12/4/2013
One respondent mentioned that the source of problem of Sheha was the way they were recruited. He argued that, unless these Shehas are elected, they will continue to abuse rule of law. Another respondent from Mtoni Kidatu who seemed to be a religious person argued most of Sheha lack qualities as leaders because they worked against the teaching of their religions quoting some verses from the holy qur-an, which reiterates our common humanity and equality: (Qur-an 3:195) “Their Lord responded to them:

I never fail to reward any worker among you for any work you do, be you a male or female – you are equal to one another …… “.

(Qur-an 4:135) “On you who believe, you shall be absolutely equitable, and observe GOD, when you serve as witness, even against yourselves, or your parents, or your relatives, whether the accused is rich or poor, GOD takes care of both. Therefore, do not be biased by your personal wishes. If you deviate or disregard (this commandment), then GOD is fully cognizant of everything you do”.

4.1.2 The Gaps of Legislation:

The key question was to what extent does legislation provide gaps for Sheha to abuse rule of law. The findings of the study revealed that out of 50 respondents approached, 37 (73%) respondents reported that legislations provide gaps for Sheha to abuse rule of law and 13 (27%) respondents reported that legislation does not provide gaps to breach the rule of law but the problems come from the Shehas themselves.

This implies that the laws of Zanzibar especially those which provide for the functions and responsibilities of Shehas have problem and majority of people are not happy with those laws.

The researcher went further and requested the respondents to indicate the pieces of laws which provide gaps to breach the rule of law, they mentioned among others: the Regional Administration Authority Act No. 1 of 1998. It was indicated that, the way Shehas are appointed is the main source of abuse rule of law. The section 12 (1) of that
Act states that. “Each Shehia shall be administered by Sheha who shall be appointed by the Regional Commissioner with advice of the District Commissioner of that Region in which that Shehia is situated”.

Clarification from the respondents revealed that most of the Shehas don’t care what citizens say against them especially when they feel that they were from opposition parties. What is important for Sheha is to make those who appoint them happy because they are the ones who can make them accountable.

The above argument is supported by Uki A. and Hassan F. (2011) who commented that “It should be noted that at this juncture that every Sheha holds the office at the pleasure of the Regional Commissioner” another respondent from Mtoni Kidatu explained that they faced many problems when they need service from Sheha as noted below.

“The main source of all problems we are facing is the laws. Shehas don’t listen to us, just they follow order from District Commissioner, if we were given chance to vote for them, they could not do what they do. They know unless they listen and do what we want, otherwise they will lose their post after five years”8.

The findings reflect that the majority of people are not happy with the way Shehas are appointed. They want to be involved in the issues which touch their everyday life. Also the system of top down does not work properly. On another hand, it can be argued that now people know their rights and need to be given a chance of electing their leaders and make them accountable.

Also it was reported that law empowers Shehas to choose less than twelve members of Shehia Advisory Council whose role is to advise the Sheha in his daily activities. It was argued that Shehas take this opportunity to select those who are loyal to them and if any

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8 Interview: Citizen : Mtoni Kidatu (name with held) Zanzibar 4/4/2013
member tried to advice against the interest of Sheha, he is immediately disqualified from Shehia council as indicated by one respondent.

…”It is better you are asking this question when Sheha is not around. Frankly speaking our Sheha has problems I was a member of Shehia Advisory Council and we used to work very closely and cooperatively for the development of our Shehia. The Hospital you see there, I was the one who wrote project proposal I went to see Principal Secretary of the Ministry of Health, and we managed to win sponsor for our project. But then he was told that I was preparing to contest for member of House of Representatives while Sheha was supporting the current member by then, I was removed from Advisory Council just because of that…”

The same law was mentioned by Child Protection Officer from the Department of Social Welfare. She argued that the law gave the power for Shehas to make reconciliation on family disputes which occurred in his Shehia. She said that they had come across some cases of early marriages and people who were ordered to pay fines after sexual abuse to children. Some Shehas either for their ignorance of law or personal interest use the Section 17 (ii) of RGoZ (1998) to make reconciliation on those criminal cases. The section empowered Shehas to reconcile family disputes just by using wisdom; in that context wisdom for Shehas means marriage.

Zanzibar had been reported to have big number of early marriages but there were any case or attempt reported taken by Shehas to stop them. That was different from Tanzania Mainland where some cases like that had been reported were stopped by village leaders.

Uki A. and Hassan F. (2011) had the following about Sheha:

“There is no requirement of at least basic legal knowledge by the Sheha in the adjudication of disputes. This suggests that there is not sense of independence

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9 Interview, Citizen: Mtoni Kidatu (Name with held) Zanzibar 5/4/2013
in the decision making process and in the adjudication of disputes taking into account that Sheha is answerable to the District Commissioner. In the above given situation residents falling under the jurisdiction of Sheha must be equipped with basic legal knowledge to know their rights and rush to the courts of law in case of violation of their rights rather than depending on Shehas for the settlement of legal disputes. In addition, the independent of Sheha in the exercise of duties is questionable as he is not answerable to the law”.

Also she explained that according to the procedure of Department of Social Welfare all complaints to that department must be channeled through Sheha and that service supposed to be free of charge but in most cases those complainants reported to them that they had been charged by Sheha.

A respondent from Association of People with Disabilities argued that law which laid down procedure of how to get Sheha was source of all problems. He said that Shehas have been given extreme power by law. He said that Shehas had taken the chance of Sultan at Shehia level. They could deny the basic rights of any body and nobody can challenge them or made them accountable. He asked how many people lost their right to vote during election, some people were struggling to get ZAN-ID for months now. Employment was another area mentioned by the officer where Shehas used their power arbitrary. The same respondents claimed that, there were some cases where people had been removed from boat going to Dar-es-Salaam to join army just because a Sheha had comment against those people although they had all qualifications to join the army. That man was concurred by another respondent from Mtoni Kidatu who narrated a case from his village in Pemba. Here Sheha Assistant was requested to appoint a few young people would be employed by Government of Zanzibar. But he did not select anybody from his village and when he was asked why he replied that all people in his village support the opposition then he was told why he did not send the name of his son who had finished secondary school he replied that his son did not listen to him. Here we can see how this Sheha does his job if someone can deny his own children their rights of employment who else can be guaranteed to get their rights.
A long service Social Welfare Officer who had been working in that department for thirty years argued that Zanzibar legislations provide gaps to great extent for Shehas to abuse rule of laws. She commented that there is no check and balance because Shehas were appointed and accountable to District Commissioner who was a political leader but there were many laws and regulations for other different departments which forced ordinary citizens to get Sheha endorsement before receiving services from those departments. She mentioned some of those department like, Immigration, Zanzibar Election Commission, Office for Zanzibar Residence Registration, Land department, Bank even Social Welfare department but the heads of those departments cannot make Shehas accountable even after seeing open violation of laws and regulations of those departments. Directors of ZEC and Office of ZAN-ID had been complaining against acts of Shehas but they failed to take any legal action against those Shehas.

According to TEMCO (2005) conquered the same opinion when it explained how laws gave Sheha power. It noted that in Zanzibar Urban West Region, ZEC was forced to give statement on the 28th April, 2005, intended for Shehas who were regularly preventing people from Registering on the basis of failing the Residence requirement. The report clarified that Sheha were the ones who were conducting the interview and establishing eligibility of applicants. Any one rejected by Sheha could not be registered. This fault of registration was wide spread and compelled ZEC to suspend registration for two days in order to rectify the situation which was going out of control. ZEC intervention however did not significantly change the situation as cases of violation of established regulation continued to occur allegedly at many registration centers.

The Commonwealth Observer Group (2010) on Tanzania General Elections attributed the low voter registration for the 2010 elections to three major reasons. Third one was discretionary authority of the Sheha whose power in this regard, though circumscribed by the constitutions amendments governing the 2010 election, remains controversial.

International Law and Policy Institute (ILPI 2010) reported in 2010 Zanzibar General Election noted several reasons for low voter registration among them was the Sheha
being central of these problems as they would refuse giving application form to eligible voters.

Zanzibar Election Commission (2007) reported that although it used Sheha as its agent during registration process, but pointed out some difficulties to control Sheha and noted that.

“Some of the Shehas, who were Ex. Officio of the Zanzibar Electoral Commission at registration centers followed and implemented orders and guidelines from District and Regional Commissioners instead of implementing orders from ZEC. These orders from the government leaders were issued from time to time during registration process. It is recommended that during all the period when Sheha works and implements responsibilities of ZEC as Ex. Officio, all orders concerned with the functions of ZEC should be given by ZEC and not otherwise”.

All these imply that the Regional Administration Act provides big gaps for Shehas to abuse rule of law by breaking the important pillars of rule of law which stand on equality before the law. By that action they violet the constitution of Zanzibar Section 12 (1) which stipulates:

“All people are equal before the law and have the right, without any discrimination to be protected by law and shall be given fair hearing and equal right before laws”.

That also violates the International Convention on Civil and Political Rights – (ICCR) 1966 which Tanzania had rectified, Articles 25 stipulates that:

“Every citizen has opportunity, without any restriction and to take part in the conduct of public affairs directly or through freely chosen representatives. To vote and to be elected at genuine election this shall be universal and equal suffrage and shall be held by secret ballot guaranteeing the free expression of the electors”.

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The Registration of Zanzibari’s Resident Act No. 7 of 2005 was mentioned by some respondents that it gave Shaha big power. The Zanzibar National Identity Card (ZAN-ID) Office which is headed by Director is entrusted the power to register every Zanzibari resident in Zanzibar who has attained the age of 18 years and above. The requirement entails possession of two main documents and money. The documents are a letter of introduction from Sheha and birth certificate. Many respondents mentioned that some residents were/are denied introduction letter by Sheha because of personal interest or orders from district authority. One respondent from Mtoni Kidatu commented that:

“The Residence Act had given Shehas excessive power Sheha can refuse to give you introduction letter and there is no institution which can make Sheha accountable for his wrong acts and because majority of citizens are ignorance of laws just they complained to their colleagues but they cannot access many rights without ZAN ID”\(^\text{10}\).

On another hand there were few respondents who commented that the laws did not have any problem and did not provide any gap but the problems come from the attitude of some Shahas. It was pointed out that some Sheha did not know laws and regulations which they supervised also they did not care about the consequences of their acts to citizens. One respondent from the Association of People with Disabilities commented on that:

“Our laws don’t have any problem, the problem is Sheha themselves. They practice dictatorship in their areas; in my opinion most of them do that because they are ignorant of laws. They must be educated in order for them to know the laws and their responsibilities. Also we must to introduce a monitoring committee which will observe the performance of Sheha”\(^\text{11}\).

But for surprise one Sheha who was interviewed commented that they had been given a lot of responsibilities but they had no mandate of controlling many things and their

\(^{10}\) Interview: Citizen (name with held), Mtoni Kidatu 14/4/2012

\(^{11}\) Interview: Vice chairman (UWZ) 14/4/2013
benefits were little. He clarified that they were facing a lot of challenges when they perform their duties but no one cared about hardship which they faced. He argued that.

“Sheha have been given crown of grass (kilemba cha ukoka), we don’t have enough power of controlling what we do. We need more power and mandate to control what we are supervising.”

This was interesting comment to the researcher because all respondents interviewed earlier were complaining about the arbitrary power given to Sheha, but Sheha himself felt that they have not enough power and mandate to control some issues. It shows that the Sheha is unaware (ignorant) of laws that empower them.

4.1.3 Challenges faced by Sheha:
When respondents asked about what challenges were facing by Sheha in performing their duties, they mentioned several of challenges faced Sheha associated with practice of rule of law. Observation revealed the problem of political interference was one among big challenge facing Sheha in their daily activities. 35 (70%) out of 50 respondents who were interviewed mentioned this problem. This implies that to a great extent Shehas are not free to work according to law. The argument of those who wanted Sheha to be chosen by people have strong point because Sheha will do what people want instead of following orders from District Commissioner. It was argued that most of accusations associated with abuse of rule of law to Sheha were caused by orders from political leaders who instructed Sheha to favour members of the ruling party and denied the basic rights of members of opposition parties.

The second problem mentioned by respondents was low level of education of majority of Shehas. It was clarified that several Shehas can hardly read and write Kiswahili and English although that was precondition to be chosen as Sheha according to law. As a result either purposely or blindly some Shehas abuse rule of law in doing their duties as mentioned in the previous chapters.

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12 Interview: Sheha of Mtoni Kidatu (name with held) 13/4/2013
The third problem revealed was ignorance of laws for the majority of citizens. This was clarified that laws provide procedures on how to get services from different government departments and any authority who denies your rights the procedure should be followed in order to get your rights. A good example was the Registration of Zanzibar Resident Act No. 7 of 2005, section 13 provides the procedure of appeal if the citizen denied his right of ZAN-ID by Sheha, that citizen can appeal to registration officer then to Director.

“Any person aggrieved by a decision of the Director may appeal against decision to the Minister whose decision shall be final”.

Also section 14, of the same Act stipulates that:

“Any person who unlawfully deprives any person Identity Card issued to him under this Act shall be guilty an offence and on conviction be liable to fine of not less than one hundred thousand shillings or to imprisonment for the term not exceeding one year”.

But experience showed that majority of citizens when they were denied their right of ZAN-ID instead of appealing or taking legal action against Sheha, they continued to argue with Sheha and at the end they surrendered to Shehas.

The fourth problem associated with applicability and practice of Rule of Law to Sheha was age; 30 respondents out 50 argued that majority of Shehas were very old and cannot perform their duties properly. This indicates that age can take important part in the performance of any institution, when an organization has a staff where majority are old can face problem in reaching their target. Once it was commented by one scholar who was worried by the future of some departments of University of Dar-es-Salaam where majority of lecturers are very old and advice that institution to recruit young blood. One respondent from the Department of Social Welfare commented on the issue of Sheha by saying.

“Some time it is difficult to deal with Shehas because some of them are very old. Usually we organize seminars, to sensitize them when we have new a
programmes but you can find some of them don’t cope because of old age: some of Shehas are untrainable”\textsuperscript{13}.

The fifth problem revealed was inadequate resources in terms of materials and financial. Most of Shehas had no offices and they were using their houses as offices. The consequence of that was missing of important documents, lack of secrecy especially when Sheha was conducting conciliation, lack of security of Sheha’s family. This was elaborated by Sheha of Mtoni Kidatu when he narrated:

“One day I was conducting conciliation of one family and my mother was inside my house. After a short time, members of that family were accusing each other and a hot discussion went on, I tried to control the meeting but one part of family started to insult me that I favored another part. The meeting finished without consensus and my mother told me she cannot live in my house where most of the time people were insulting each other”\textsuperscript{14}.

Lack of furniture and shortage of money were among problems which diminished the status of Sheha’s offices. Shehas were given new responsibilities every day but there was no budget for those activities.

The sixth problem associated with practice of Rule of Law to Sheha was lack of respect and corporation from citizens. It was reported that several Shehas did not get support from citizens when there was special programmes which aimed at the improvement of society.

Example mentioned were failure of some development projects like hospitals, schools, water and road. On the other hand in few cases Shehas were beaten by citizens or their houses put on fire because of political reason. A senior legal officer from ZEC explained that in 2010 General Election there were some accidents at Pemba where Shehas were beaten and their houses destroyed by fire and those activities indicated the lack of rule of law. People took law in their hands.

\textsuperscript{13} Interview: Legal Officer DWS (Name with held )12.04/2013
\textsuperscript{14} Interview: Sheha of Mtoni Kidatu (Name with held) 12/04/2013
The Commission for Human Rights and Good Governance Report 2010 mentioned a lot of cases which endangered the life and properties of those Shehas some of the incidents are as follows:

On 29/8/2009 the Chairman of Commission for Human Rights and Good Governance together with his delegation met with some Shehas of North Pemba Region and those Shehas narrated many cases, some of them were written warnings like this one:

“WARNING FOR SHEHA OF GANDO’
“A group of people which deals with stubborn Shehas has received the news that you are denying people of Gando their right of application forms for ZAN-IDs. You are informed that from now on, if you will continue with this nonsense activity, our group will take action against you any time”.

Sheha Ali Salim Ali of Kambini Wete district Pemba reported:
“The exercise of updating the permanent voter register started very smoothly in his Shehis from 3rd August, 2009 and he was Ex-Officio of ZEC at that centre..... A short time after registering three people, one person known as Ali Bakari Hassan who is member of CUF, entered the room and met Sheha sitting on a bench. He attacked and beat up the Sheha while calling his colleagues and shouting for help.

Sheha Khamis Abeid Ali of Fundo reported:
“On 29th Augusts, 2009 when he was on his way from his home Fundo Island to the Office of Regional Commissioner of North Pemba to attend a meeting organized by CHRAGG Office an unknown man invaded him.... In that action Sheha was injured by parts of the body that person around his eye in his defense, the Sheha beat up that person and wrestled him and both of them fell to the ground”.

Sheha Salim Said Salim of Mihogoni in Micheweni District reported:
“On 15th August, 2009 at 12:30 at night the house of the Sheha was bombed by explosive materials and one wall and roof of that house was destroyed”.

Sheha Amina Khatib Ali of Msuka Magharibi Micheweni district reported:

“On 6th July, 2009, when she was at updating of Registration of Voters Center, a group of youths of CUF arrived and told her that, they wanted registration forms for ZAN-ID…… the Sheha told and advised them to wait until when the center is closed when she will go to her house and give them those forms. On 5th August, 2009 at 12:30 night, there occurred was explosive of bomb in her house. The bomb explored in front of her house and on that day there were nine people in that house”.

Another recent serious incident happened on 24th May, 2013 when Sheha of Tomondo Moh’d Said Kidevu was serious injured by acid poured on his body by an unknown person. Mr. Kidevu was hospitalized at Mnazi Mmoja Hospital until 20th June, 2013 when he was sent to India for further treatment. There were rumors that the someone did that as revenge because he was denied the application form for ZAN-ID by this Sheha.

Lack of security was also indicated by REDET and ZSLC (2012) report that apart from the big role played by Sheha but their security of tenure is not guaranteed by law.

This had an effect on impartiality of Shehas. They were supposed to be non partisan but in most cases they favoured the ruling party and this can be seen as some of them had been holding that post for more than fifteen years while others just after five years were changed due to conflict of interest whereby most Shehas have followed more orders from their leaders than laws.

Another question which was asked to respondents was the impact of those problems to the citizens and respondents mentioned a lot of impact as follow:
The first impact which was mentioned by most respondents was denial of basic rights especially ZAN-ID and right to vote during election. It had been explained about the importance of ZAN-ID in Zanzibar where several services from the government were provided after showing ZAN-ID example you cannot participate in election. The right to vote is guaranteed in the International Convention on Civil and Political Rights (ICCPR) (1966) Article 25 stipulates that:

“Every citizen shall have right and opportunity, without unreasonable restriction to take part in the conduct of public affairs directly or through freely chosen representatives”.

Others services mentioned which citizen could miss without showing ZAN-ID were – high education loans, driving license, banking services, land titles employment in Revolutionary Government of Zanzibar and other basic opportunities for Zanzibaris.

The second impact was delaying in getting services from Sheha. This was because Sheha had no office and no working hours. You can visit his home several times without getting services. A good example was the researcher himself, he was forced to visit Sheha four times just to get stamp for his application form for conducting this research.

Corruption was the third impact mentioned by respondents that few citizens were forced to bribe Sheha before receiving services from them. A good example reported was when they need recommendation to get passport or employment.

All respondents claim that corruption was immoral. Shehas were accused of were practicing that together with nepotism and favourism which were regarded as negative aspects. On the other hand few respondents argued that corruption was caused by people who want quick service; they explained that if we deny paying small bribes to Sheha and every one follows rule and regulations there will be no more corruption.

A poor service was another impact of Sheha problem to citizen when they need service from Sheha. As Sheha had no budget for important stationary, it was reported that come tomorrow, because I don’t have this was common language used by several Shehas.
The fifth impact was misunderstanding between members of the same community. It was argued that because Shehas were biased in providing their services, they divided their people in two groups; one group opposes all activities supervised by Shehas, while another group supported Shehas even when they did wrong. That was why hatred between members of several families and between citizens and Shehas was reported to be high during election period.

Also it was reported that some citizens missed assistance when they needed it from Shehas. It is common procedure in Zanzibar to report to Sheha when any accident occurred in that Shehia. But Shehas were accused that they put personal or political interest ahead before providing assistance.

A good example was mentioned by Child Protection Officer from Social Welfare Department who said that, she handled the case of a child who was sexually abused. The victim who was under 18 years of age, had misunderstanding in her family and she went to seek assistance from Sheha. The Sheha instead of helping her handed over that girl to Social Police (Polisi Jamii) who unluckily raped her and the case was sent before the court of law where the officer was assisting the victim.

The last question asked to respondents was what should be done to improve or strengthen applicability and practice of rule of law at Shehia administration level. Several recommendations/suggestions were issued by respondents regarding that question.

The first recommendation/suggestions mentioned by all respondents were providing education to both Shehas and their advisory committees. More than 80% of respondents indicated that the main reason for abuse of rule of law at Shehia was ignorance of majority of Shehas. This imply that the level of education set by Regional Administration Act of 1998 which set primary education and to know how to read Kiswahili and English is not enough for the time being. Capacity building to Shehas was frequently needed particularly on laws and regulations which involved them in their operations.
Public education to citizens on their basic rights and on how those laws guide them to demand their right is highly in need. It was reported that in several occasions the conflicts between Sheha and their citizens were caused by lack of civic education for majority of citizens. Public education through public meeting and mass media like Radio and Television were proposed as one means to reduce the degree of abuse.

The third recommendation was to review the Regional Administration Authority Act No. 7 of 1998 in order to put more qualifications for Shehas. It was reported that the level of education for majority of Shehas were very low whereby some of them could not write anything without assistant. It was argued that working by depending on wisdom only was not enough in this time of science and technology with so many challenges.

On top that it was recommended that Sheha should be chosen by citizens and be accountable to them instead of the existing procedures of appointment of Regional Commissioner after consultation with District Commissioner. This goes against Article 21 (1) of URT (1977) which state that:

“Every citizen of Tanzania is entitled to take part in matters pertaining to the governance of the country either directly or through representatives of freely elected by people in conformity with procedure laid down by or in accordance with law”.

Also it is against Good Governance Policy of 2011 of RGoZ which states that the local governments have role of ensuring that transparency, accountability and people’s participation is enhanced in the management of the councils and strengthening the influence of citizen through their elected leaders and civil society.

The fourth recommendation issued was introduction of special projects which will make sure that all Shehia have modern offices according to demands and the area the Shehia is situated. As it was reported, Shehas were using their homes as offices and had no working hours mentioned.
The introductions of regulated and monitored fees were fifth recommendation issued by respondents. There should be known fees and official receipts should be given to those who pay. It was suggested that some amount of money can be used by Shehia administration and the remaining must go to Central Government or District Council.

Scheme of service for Shehas was another important recommendation mentioned by respondents, it was argued that because Shehas were given a huge burden of responsibilities every day it will be not bad if the post of assistant development officer would be introduced at Shehia level, which will assist and advise Sheha in daily administrative activities.

Also the budget of District Commissioner Office should include the budget of Shehia Administration instead of existing system where Shehas were paid just salaries which were not enough and all other running cost of offices depended on fees charged to citizens who need services from Shehas. The bad thing is that those fees were not regulated.

The tenure of service for Shehas was recommended to be established by law instead of what was happening at the time being where several Sheha had been serving for more than ten years, but few of them after five years or before were forced to retire and their tenure depend on the will of the District Commissioner.

4.2. Discussion and interpretation of the finding
Introduction:
In the first part of this chapter (four), findings and analysis of data have been presented considering the objectives set in chapter one. This part provides discussion, and interpretation of the finding.

Discussion of findings:
This part discusses the findings of the study as set out in its objectives and the research questions that were supposed to be answered.
4.2.1. The extent of Rule of Law at Shehia:
In the beginning of chapter four, majority of respondents (60%) indicated that Shehas abuse Rule of Law in executing their duties. The most common problems of Shehas were biasness in providing of services, ignorance of laws, perform duties which were not in their mandate, doing jobs by depending on order from above instead of laws, Corruption, old age of majority of Shehas, low level of education.

It was observed that the denial of ZAN-ID was widespread in most parts of Zanzibar. This was done by Shehas because of political affiliation. It was reported that Shehas received orders from District and Regional leaders to favour members of the ruling party. But that is against the third principles of rule of law which is equality before the law. Chris (1997) argued that:

“In democratic society which is governed by the Rule of Law, it is required that all people regardless of their political stands, religious affiliations, status, color or gender should be treated equally before the law”.

Providing services according to who you know and not to what you know has big effect in development of any country, first it may create it enemity within society. This was experienced openly once after introduction of multiparty in Tanzania in 1992 especial in Pemba where there were allegations that some people were victimized because of their political stand.
Second effect of nepotism can reduce moral in their work for those who are favoured because they believe that there is no one who can make them accountable. May be it is because of this reason the President of Zanzibar, Hon. Ali Mohd Shein has been calling public servants to stop doing duties as `Business as Usual`.
Third effect of favoured one group of people in society can lead the possibility of employing in the different institutions. For example the possession of ZAN ID as precondition of being employed Zanzibar Government can deny qualified and hard working people chance of employment and favoured less qualified or immoral people just because they have ZAN ID.
Fourth effect of favourism of one group of people can cause educated people who are denied some of basic rights to move to other countries or quit from public service and joined private sector. The consequences of effects can lower the speed of development of any country.

It was also observed that at Shehia level there was no separation of power. At national level Zanzibar has clear separation of power between three organs of the state where legislature enact laws, judiciary interprets them and executive implements them. It was argued that for Shehas to mediate cases like raping was abusing the rule of law because that action was supposed to be done by the judiciary.

The tendency of all three arms of the state to channel their activities through Sheha and lack of mandate to make them accountable was a way of investing too much power on one institution, and that will be liability of abusing it. A good example reported was conflict between ZEC and Sheha in 2005 election as shown in chapter two.

Also Philips (2001) argued that:

“But constant experience shows that every man invested with power is liable to abuse it, and to carry his authority as far as it will go…To prevent this abuse, it is necessary from the nature of things that one power should be a check on another….. When the legislative and executive power is united in the same person or body ...there can no liberties .... Again there is no liberty if the judiciary power is not separated from legislative and executive”.

From that point for Sheha to work as executive but also to represent judiciary and legislature at grassroots level open the door for Sheha to abuse the rule of law.

Importance of education especially laws was mentioned by a number of respondents as a source of Shehas to abuse Rule of Law. It has been observed that Shehas were given a lot of responsibilities where in some cases Shehas did not know law and procedures of handling those duties. In chapter two it was reported that all Shehas of Chakechake District denied the citizens the application form for ZAN-IDs and when they were asked by CHRAGG officers in 2010 what next action they took after denying them
those forms, they did not know while the law provides the room for appeal but because of ignorance of law, Shehas denied their citizens their right to appeal. In chapter two also it was reported by officers from Social Welfare that some Shehas were untrainable because they don’t cope with training due to lack of basic education.

4.2.2. The Gaps of legislations: The question on the extent of gaps provided by legislations provided that 73% of respondents agreed that the current legislations provide gaps for Shehas to abuse rule of law. It was observed that the Regional Administration Authority Act No. 1 of 1998 as the main source of all contradictions of appointment, power and responsibility of Sheha. It was argued that the powers given to Shehas are huge and affect every day life of citizens but it is Regional and District Commissioner only who can make them accountable. This was mentioned as one of the gaps of law which provides room for Shehas to abuse rule of law.

The section 17 of RGoZ (1998) which provides the responsibilities of Sheha was explained so vague that some Shehas use it to abuse rule of law. The acts of Shehas to reconcile criminal cases, ordering people from Mainland to leave Zanzibar and denying political parties permits to make public meetings in their areas and charging citizens different fees without issuing receipts was possible because of the gaps provided by laws.

Lack of mandate of Zanzibar Election Commission and Office of Registration of Zanzibaris Residents to make Sheha accountable was explained as a big mess of laws. Both offices were forced by law to work together with Sheha but both have no chance to punish Shehas even if it was found that Shehas break the law purposely. That gap was realized by ZEC and it came up with a new bill which will give registration officers the power to remove the Shehas from registration centers if it will be found that Shehas are obstacle of smooth running of registration process of voters.

Check and balance as important pillar of rule of law, legislation must provide proper channel for leaders of different institutions which are represented by Shehas at grass
Good news is that in 2011 government came up with Good Governance Policy whereby different oversight institutions have been introduced/established; some of them are: Controller and Auditor General (CAG). Its role is to ensure that financial discipline and accountability in government spending are observed in order to enhance transparency and accountability in the collection and utilization of public resources. Public Service Commission tasked to oversee the public service on all human resources management issues.

Anti-Corruption and Promotion of Ethics Authorities will play role in preventing corruption in both public and private sectors and media tasked with assessing the performance of the Government and report on any confirmed instances of mismanagement, breach of duty, corruption or other forms of bad governance (Good Governance Policy 2011).

4.2.3. Problems faced by Citizens:
The finding of this study indicated that the citizens were facing with a lot of problems when they need services from Shehas including denial of basic rights, poor services, corruption, delaying in getting service and hatred between members of society and their leaders. According to respondents, the denial of basic rights especially ZAN-ID was very critical to citizens as most of other services from government and private institutions depended on ZAN-ID. As reported before, several services depended on holding of ZAN-ID, example you cannot vote, having passport, driving license, employment, even opening an account in bank without ZAN-ID or a letter from Sheha. This problem was against the Zanzibar Constitution of 1984 which states that:

“All people are equal before the law and have right, without any discrimination, to be protected by law and shall be given a fair hearing and equal right before the law…… No person shall be treated in discriminatory manner by law in the performance of the function of any public office or any other authority of the party and its organs”.

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Also according to Public Service Act of 2011, unless you are a Zanzibari with ZAN-ID you cannot be employed as Permanent Public Servant in Zanzibar Government, those who were denied ZAN-ID miss the right for employment which is guaranteed in Universal Declaration of Human Rights of 1948 in Article 23 (1) which states that:

“Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment”.

Poor services provided by Shehas offices were caused by a number of factors including the low level of education of majority of Sheha, lack of offices, low budget which lead to shortage of important stationary.

Lack of privacy is another problem especially when there was conciliation meeting which touch sensitive family issues as reported the same sitting room which are used by members of Shehs`s family is used for official meeting of Sheha. That is why it is believed some people are not going to Sheha to find the solutions of their problems especial family matters because they believe that there is secrecy at Sheha`s office.

Corruption was reported especially when someone has no ZAN-ID but needs services from other institutions which need introduction letter from Sheha. In most cases like that those citizens, were forced to prepare big envelop for Sheha in order to get services. On another hand delaying in getting those services is another problem. As reported earlier you can go to Sheha house for a week but you do not see him due to a lot of responsibilities they have but also they do not have proper working hours. It is just try and error, resulting in delaying in getting other services.

Hatred between members of society was reported as having a big effect on development and Welfare of the Society concerned. Respondents mentioned low level of development and poor social services of some Shehias were caused by biasness of Shehas in providing services because majority of people do not participate in any project which involves Shehas. Land disputes had been widely reported and that Shehas were among sources of those disputes; either they sell the land or favour one
side when there is dispute. Different National Campaigns for development received low response due to consequences of activities of Shehas.

Shehia Administration as an institution cannot do its work in isolation. Its operations and operations of other organizations such as Ministries, Department, Agencies, Private Sectors, NGO’s and Individuals depend on each other.

Delaying or denying providing services on time at Shehia level had been reported to have effect on performance of other institutions. Example, ZEC was forced to stop the process of upgrading of Voters Registration Book in Pemba in 2010 due to huge number of citizens who had rights to vote but did not poses ZAN-IDs and the office responsible for issuing those IDs could not issue them without application forms from Shehas. The act of Shehas denying their people those forms forced those offices especially ZEC to postpone its activities and that had big effects on budget and performance of conducting free and fair election. On top of that, it tarnished good image of Zanzibar, if you read all report of internal and international observers since introduction of multiparty 1995 you can observe negative comments on the performance of Shehia Administration as shown in chapter two and the first part of chapter four.

Another problem noted by respondents was lack of power of citizens to make Sheha accountable. In this study, it was found that in some Shehia majority of citizens were not happy with performance of their Sheha but they did not have means to make them accountable. That was why they suggested that if it will be possible Shehas should be voted like members of parliament or councilors. The RGo Z (1998) stated that Sheha can be removed from his office by Regional Commissioner, but they work for several institutions which have no mandate to make them accountable.

The applicability and practice of rule of law at Shehia administration is facing great challenge because laws and regulations provide room for Sheha to abuse law. Max Weber in the study of Bureaucracy mentioned impersonality as important principle of good Bureaucracy. But the practice shows that the procedure of recruitment of Sheha
composes elements of personality between Regional commissioners at and Shehas hence raise a concern of nepotism, religionism or partisanship as Schultz (2004) called a spoiled system doling out government jobs as a reward to individuals on the basics of political party membership, campaign support or political contributions to elected candidate at the national level context.

It should be noted that according to RGoZ (1992) every Sheha holds the office at the pleasure of Regional Commissioner not according to performance appraisal which measure efficiency and effectiveness of Sheha.

The separation of power does not exist; practice shows that the Sheha who is close to as government lowest administration office is the main point of reference in case of legal problems and apply their wisdom to adjudicate cases at their respective localities. Sometimes cases of allegations of rape are settled at Shehas office and the culprits pay about 100,000/= as compensation and leaves with impunity. This is a serious setback to the rule of law as one of the basic constitutional principles.

There should be separation of public and private properties. The public interest should not be contracted to private interests. It is emphasized that the use of public resources such as time, people and any public office utility must be for the benefits of and the public interest. In Zanzibar, there is high deviation of public resource to the individual gain, for this case as implicated in the previous chapters, because they have used their house as their offices, also they use them for personal interests.

Historical elections of Zanzibar have been high competition between political parties always the winner comes up with small margin of votes. It is argued that although ZAN-ID has many uses but because it is pre-determinant during registration of voters Shehas are accused that they deny supporters of opposition parties because they want to reduce their votes during election. The same applied during recruiting process that is why there are conflicts between the political parties due to competition of scarce resources.
CHAPTER FIVE
CONCLUSION AND RECOMMENDATIONS

5.1 Conclusion
The findings and analysis made have led the researcher to conclude that the applicability and practice of Rule of Law at Shehia Administration faces various problems and challenges. Types of misconduct of Shehas reported by respondents supports the argument of providing services depending on personal interest or political affiliation, ignorance of laws, performing duties which are not under their mandate, charging different fees for same services and denying some people their basic rights indicate that some Shehas do not practice rule of law in executing their public duties. Even though 40% of respondents who argued that Shehas observed the rule of law but they pointed out the same misconduct which several times are done purposively.

The Regional Administration Authority Act No. 1 of 1998 had given Shehas a lot of powers where in some cases were (misused) used negatively. Section 19 of the Act states that Sheha can order the arrest of any person suspected for committing an offence and surrender to the nearby police station or he may order that person to be kept in custody until such convenient time when he shall be surrendered to the police. This is a big gap of legislation which gives room for Sheha to abuse the rule of law. It was reported that several citizens were kept in custody during registration for election when they tried to argue with Sheha on their right to vote.

In Zanzibar even Ministers, Principal Secretaries or Directors do not possess that power. The same Act gives the power to summon any body and if he fails to show up before the Sheha without sufficient excuses commits an offence and on conviction can be liable to a fine not exceeding ten thousand shillings. This is also a big gap of legislation for a leader at grassroots with low level of education and ignorant of laws and who work under the orders of the political leaders to possess and or be able to exercise such powers.

The encouraging news is that government has started reforming the local government authority’s administration including Sheha. The government has done consultations
and it is expected it will come up with new form of local government which will tackle most of problems which face citizens from Shehias and other institutions which are under local government authority.

The Registration of Zanzibaris Resident Act No. 7 of 2005 and Zanzibar Election Act of 1984 are forcing those institutions (offices) to work together with Sheha but they had no mandate of taking any legal action against Sheha even if it will be found that Shehas do misconduct purposively. It was reported that Shehas during General Election used their power arbitrarily and when ZEC tried to control that power their efforts ended in vain. The Director of Registration of ZAN-ID in several occasions was accused of denying citizens right of ZAN-ID and in all cases he blamed Shehas that they don’t give their people application forms or forms of appeal, but the director has no mandate to make Shehas accountable for their misconduct. Those are the gaps of legislations which Shehas in several times use them to abuse the rule of law in their duties.

5.2 Recommendation:
It is recommended for the government to provide education to both Shehas and their advisory committees. More than 80% of respondents indicated that the main reason for abuse of rule of law at Shehia was ignorance of majority of Shehas. Capacity building to Shehas is highly needed particularly on laws and regulations related to their day to day activities.

There is a need for public education on the basic rights of the citizens. It was reported that in several occasions the conflicts between Sheha and their citizens were caused by lack of civic education for majority of citizens. Public education through public meetings and mass media like Radio and Television were proposed as one means to reduce the degree of abuse.

The government should review the Regional Administration Authority Act No. 7 of 1998 in order to put more qualifications for Shehas as it was reported that the level of education of majority of Sheha were very low where some of them could not write anything without assistance. It was argued that working by depending on wisdom is not enough during this time of science and technology with so many challenges. Basic knowledge of law should be included in the list of qualification of Shehas.
On top that it was recommended that Shehas should be chosen by citizens and be accountable to them instead of the existing procedures of appointment by Regional Commissioner after consultation with District Commissioner. That will make Shehas to change their mind that they hold office at the pleasure of Regional Commissioner.

Also it was advised that the age must be considered due to the fact that some of Shehas are very old compared to the responsibilities and activities involved them.

The government should introduce special project which will make sure that all Shehia have modern offices according to demands and area the Shehia’s situated, as it was reported Shehas were using their homes as offices and had no working hours mentioned. The project will increase the accountability and efficiency of performance of Sheha by separating the private and official duties and responsibilities.

There should be known fees and official receipts should be given to those who pay. Some amount of money can be used by Shehia administration and the remaining may go to Central Government or District Council.

It is advised for the government to introduce job description and scheme of service for Shehas that will reduce the possibility for Sheha to abuse their power by putting demarcation between executive and judiciary functions. Also it was argued that because Shehas were given huge burden of responsibilities every day it will be not bad if the post of assistant development officer will be introduced at Shehia level, who will assist and advise Sheha in everyday activities.

The budget of the District Commissioner’s Office should include the budget of Shehia Administration instead of the existing system whereby Shehas are paid just salaries which are not enough and all other running costs of offices depend on fees charged to citizens who need services from Shehas. The bad thing those fees are not proper regulated.
It is advised that the tenure of service for Shehas should be established by law instead of what is happening at the time being where several Sheha have been serving for more than ten years, but few of them after five years or before are forced to retire and their tenure depends on the will of the District Commissioner and Regional Commissioner.

The government should include basic legal knowledge as among qualification of Sheha because among the statutory functions of Sheha according to RGoZ (1998), Sheha is responsible of implementing all Government Laws, orders, and policies directives. Also he is responsible for the settlement of all social and family disputes arising in that area in accordance with customary law of that area.

There is a need for the government to conduct public education on human rights and duties, responsibilities and mandate of Shehas through meetings and media so that acts of violation of human rights and abuse of administrative justice can be minimized.

5.3 Areas for further studies:
It has been shown in the early chapters that few studies have been undertaken on the effectiveness and efficiency of Shehia Administration. This study was specifically intended to investigate the applicability and practice of rule of law at Shehia Administration. However, it is suggested that other studies in the following areas need to be conducted at Shehia level. This includes effectiveness and efficiency of Shehia administration.

Another area for further studies is why there are a lot of complaints against the performance of Shehas and find out the best way of making Shehas accountable to people and all heads of departments who their functions are represented by Shehas at grassroots level.
Appendix 1
Interview Guide

RESEARCH TOPIC

THE PRACTICE OF RULE OF LAW AT SHEHIA LEVEL IN ZANZIBAR
We are interested in finding out the applicability and practice of rule of law at Shehia level in Zanzibar. The researcher is a student of Master of Public Administration (MPA) at Mzumbe University, so a study is carried out as a partial fulfillments of the requirements of the mentioned above degree. The findings of this study will lead to a clear understanding of the applicability and practice of rule of law at Shehia level and come of up with recommendations which will improve or strengthen the rule of law in Zanzibar.

Please assist by answering the following questions as honestly as possible. The information you will give will be treated confidentially and used solely for the purpose of this study.

General information
1. Sex ..................
2. Age .................
3. Level of Education ......................
4. Department ..............................
5. Position .................................
6. Working Experience .................

Specific information
7. Could you explain anything about the Rule of Law?
8. What are the characteristics of Rule of Law?

9. What is the applicability of rule of law in Zanzibar?

10. Which administrative areas do not observe and respect rule of law?

11. Do Shehas practice rule of law in executing their duties?

12. To what extent do legislations provide gaps for Sheha to abuse rule of law?

13. What are the problems associated with practice of rule of law to Sheha?

14. What is the impact of those problems to the citizens?

15. What should be done to improve and or strengthen applicability and practice of rule of law at Shehia administration level?

Thank you very much for your time and cooperation. I greatly appreciate your contribution in this study.
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