



CENTER for
**STRATEGIC
LITIGATION**

ZANZIBAR UNIVERSITY



جامعة زنجبار



Women's focus group, Mkele, Unguja



Men's Focus Group, Kivunge, Kaskazini A, Unguja



Interview with sheha, Kojani, Kaskazini, Pemba

ALTERNATIVE DISPUTE RESOLUTION IN ZANZIBAR

September 2022

Acknowledgements

This report is the culmination of the considerable effort undertaken over the course of six months as part of the collaboration between the Center for Strategic Litigation and the Faculty of Law and Sharia at the Zanzibar University. It would not have materialised without the dedication and commitment of both organisations who devoted a considerable amount of time from the design to the execution of the project.

Gratitude is owed to Dr Sikujua Omar who ably shepherded the implementation of this one-of-a-kind report. Her rich insight of the subject matter, extensive network of key contacts throughout Zanzibar and sheer will to get this report done were central to its completion. We are grateful to the entire leadership of the Faculty of Law and Sharia led by Dr. Yahya Khamis and the Vice Chancellor of the University who oversaw the entering of the agreement for the subsequent collaboration between CSL and the university.

The report benefitted from the substantial albeit remote contribution from Dr. Brian Cooksey whose rich insight and experience we may not have been able to afford. His willingness to go beyond his call of duty to volunteer towards making this research project a success did not go unnoticed. CSL Staff led by Ms. Aziza El-Maamry contributed notably in coordination the joint effort and ensuring there was seamless flow of information across the two collaborating agencies.

The fieldworkers deployed in the 45 Shehias were the foot-soldiers of this path-breaking assignment. Their hard work and commitment which saw them sometimes work late into the night and over the weekends ensure that this report is completed within reasonable time. The open mindedness, indomitable will and passion for this assignment was demonstrable from start to finish.

The office of the Second Vice President's Office was instrumental in providing the research permit but also in liaising with the relevant local government authorities to allow us to carry on with this important tasks. We are grateful for all the cooperation and support accorded by the Revolutionary Government of Zanzibar led by the office of the Second Vice President as well as the 45 Shehas and the District Commissioner.

Finally, the research and publication of this report has been made possible through the generous support of the Swiss Development Cooperation as part of the *Strengthening the Rule of Law Through Research and Monitoring* project. Additional support to the project came via CSL's core funding donors, the *Wellspring Philanthropic Fund* and the *Ford Foundation*. We appreciate their generosity and confidence in ensuring that this research was completed successfully

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SUMMARY

In November 2021, the Centre for Strategic Litigation (CSL, Zanzibar) and Zanzibar University (ZU) signed a Memorandum of Understanding (MOU) to undertake research on the rule of law in Zanzibar, to be conducted jointly by CSL and ZU's Faculty of Law and Shariah. The first project under the MOU was initially conceived as a Rule of Law Survey (ROLS), based on a household questionnaire, but following further research, analysis and discussions, it was decided to change both the focus and the methodology so that ROLS became a study of Alternative Dispute Resolution (ADR), based on Focus Groups (FG) held throughout the isles rather than on a questionnaire-based survey. During June and July 2022, over 1,500 men, women and youth participated in FG discussions throughout Unguja and Pemba.

The project addresses three main research questions:

- On what issues do Zanzibaris individually or collectively seek to resolve disputes outside the court system?
- What mechanisms are employed to resolve different types of disputes?
- How effective are their efforts in achieving timely and just dispute resolution?

Most Zanzibaris attempt to solve their personal, family and community problems through largely informal processes, termed Alternative Dispute Resolution Mechanisms (ADRM)s. The problems addressed include family and domestic issues--in particular divorce, maintenance, physical and sexual violence--and, in rural areas, disputes over farm boundaries and ownership, confrontations between farmers and livestock owners, and the theft of crops and livestock. Community concerns include government failure to provide adequate social services--water in particular, but also education, healthcare and roads--the widespread use of drugs (particularly marijuana) by young men, and conflicts with outside investors and the government.



Women's focus group, Chonga Chake Chake, Pemba

Zanzibaris attempt to resolve conflicts and disputes by recourse to various ADRMs. Non-violent family matters are addressed mainly through family or community gatherings, violence against the person is reported to the police, while the theft of foodstuffs or livestock is typically reported first to the sheha, then to the police. Other ADRMs mentioned less frequently include: higher levels of government (district, region), religious and political leaders, the local *mganga* (traditional healer), kadhis courts, local militias, school committees, the water authority and other parastatals.

The effectiveness of these mechanisms varies widely. Issues dealt with through family and community gatherings have a much higher reported success rate than issues taken to the sheha, while the police were said to be largely ineffective in handling disputes. A partial exception is cases of GBV brought to the police gender desk (dawati), which were said to have been resolved more effectively than other issues reported to the police.

The types of disputes and their reported successful resolution rates differed in significant respects between Unguja and Pemba. While residents of Pemba spend more time addressing land ownership issues and the theft of crops and livestock, on Unguja people were more focussed on domestic issues, including GBV. One exception is inheritance, which preoccupied Pemba respondents more than those from Unguja.

Before the FGs took place, fieldworkers administered a relatively brief questionnaire to shehas in the 45 sample shehias to record his (or her) views on the main issues and conflicts that the local population sought to resolve through ARDM. This gave fieldworkers an idea of what types of issues should be covered in the following day's FGs. In addition, it allowed for subsequent comparison between what shehas and FG participants considered to be the main issues. There turned out to be significant differences in what issues the two groups prioritised.

Fieldwork generated 129 FG reports. Summarising this mass of data on the wide range of issues discussed in FGs posed a major challenge. To facilitate analysis, FG reports were structured so as to highlight key issues and attempts to resolve them (see Appendix 1). This also allowed for some basic quantifications of key issues, ADRMs employed and their outcomes.

Though the present report paints the 'big picture' of Zanzibar ADR practices, contextual insights and the details of individual cases are inevitably missing. The rich data base resulting from interviews and FGs merits further in-depth analysis by interested researchers.



Male FG, Fumba, Magharibi B, Unguja

ALTERNATIVE DISPUTE RESOLUTION (ADR) IN ZANZIBAR

PART 1

1.1 Overview and background

In November 2021, the Centre for Strategic Litigation (CSL) and Zanzibar University's Faculty of Law and Shariah initiated a joint research programme on the rule of law in Zanzibar. This report presents the findings from the first project initiated under this programme, addressing Alternative Dispute Resolution (ADR) practices on Unguja and Pemba. The project was financed by the Government of Switzerland as well as CSL's core funding donors including the Ford Foundation and Wellspring Philanthropic Fund.

ADR is generally understood to mean a process in which a mediator or arbitrator helps parties involved in a dispute come to an agreement without resorting to courts of law.

This is not the meaning used in this report. For the purposes of this study, ADR refers to *all formal and informal processes that individual citizens and groups employ to resolve conflicts of all kinds without recourse to the civil or criminal justice systems. This definition includes informal family and community meetings, the sheha, his assistant and committees, and the police in their informal role of vetting and trying to resolve cases without detailed investigations and court procedures. All these are informal in the sense that there are no payments made for services rendered and the proceedings are not recorded or reported to higher authority.*

1.2 Research questions

Most research on ADR is concerned with commercial, investment and labour disputes. This research considers ADR from the perspective of ordinary citizens, and focuses on individual, family and communal issues that may be resolved informally. It builds on the World Justice Project's (WJP) Rule of Law Index (ROLI) which scores and ranks 139 countries, including Tanzania, on eight ROL-related 'factors.' The ninth factor is ADR, but this is not included in the index since many of the countries in the ROLI do not have alternatives to the 'formal' legal system. Research on ADR proposed by WJP should attempt 'to measure the accessibility, impartiality, and effectiveness of alternative dispute resolution mechanisms.' This is the focus of the research.

This project addresses three main research questions:

- Which disputes do Zanzibaris seek to resolve outside the judicial system?
- What mechanisms are employed to resolve different types of disputes?
- How effective are their efforts in achieving timely and just dispute resolution?

1.3 Literature review

The core literature on ADRs concerns the resolution of investment and commercial disputes through national or international mediation and arbitration. Research interest in ADR in Africa closely follows this pattern. There is very little written about non-commercial

and work-related ADR. Basic research on the types of disputes that individuals, families and communities try to resolve outside the formal legal system appears to be totally lacking. To the authors' knowledge, the research reported below is a first attempt to describe non-commercial ADR in a sub-Saharan African country on the basis of an in-depth empirical study. Attempts to unburden formal justice systems by referring cases to mediation and arbitration are widespread in Africa. According to Muigua, in Kenya: '... most of the disputes reaching the courts can be resolved without resort to court if members of the public are involved in decision-making and resolution of their own disputes using ADR and traditional conflict resolution mechanisms.'

ADR was introduced in Tanzania in 1994, and, according to Mashamba (2014), has become 'an inherent component of the country's legal system.' But the ADR mechanisms of interest to lawyers and government concern commercial arbitration, primarily investment disputes, where 'traditional conflict resolution mechanisms' play no part.

'Traditional' dispute resolution in Africa aimed to achieve reconciliation between opposing individuals and groups through collective procedures. To varying degrees, the established modes of local conflict-resolution during pre-colonial times became codified into 'customary law' under colonial rule. At independence, a number of countries, including Tanzania, attempted to create a national body of traditional law. This was always inherently challenging, given the range of customary laws and practices and their likely inapplicability across different communities and local political systems. What are termed 'customary' land laws are largely ineffective in protecting farmers against compulsory purchase by the state or protecting livestock-keepers against forced removal from their pastures. While there are fewer and fewer traces of 'traditional' conflict resolution mechanisms operating in the modern world, it is quite legitimate to ask how religious and cultural values and practices inform contemporary modes of conflict resolution.

2.0 Zanzibar: Economy and society

Most Zanzibari households pursue informal livelihoods in agriculture, fisheries, livestock raising, trade and small business. Zanzibar's GDP is said to have reached TShs 4.2tr in 2020, or about USD1.8bn. Officially, 'services' (including tourism) accounted for 53 percent of GDP in 2020; agriculture, forestry and fishing for 25 percent, and industry for 22 percent. According to the Planning Commission, 'Despite strong overall economic growth, the rapid population rise [2.8% pa] has lowered effective per capita income growth.' Moreover, 'growth has been erratic and neither robust nor inclusive enough.' From 1967 to date, the population of Zanzibar has quintupled. By regional standards, Zanzibar is densely populated and highly urbanised, with about 40 percent of the population living in three contiguous districts, namely Mjini (which includes Stone Town) and Magharibi A and B. About two-thirds of Zanzibaris live on Unguja, a third on Pemba.

Poverty in Zanzibar is concentrated in rural areas, particularly in southern Pemba. The rapidly growing gap in poverty levels between the two islands is remarkable. According to the World Bank:

On ... Unguja, poverty levels declined ... from 26 percent in 2010 to 18 percent in 2015. Conversely, poverty dramatically increased on ... Pemba, rising from 48 percent in 2010 to 55 percent in 2015. The increase was particularly striking in South Pemba. The

same patterns were observed with regard to extreme poverty, which significantly deteriorated in Pemba, particularly in the northern part, while it improved in Unguja, essentially in the urban western part.

The most recent Household Budget Survey (2019/20), found that a quarter of Zanzibaris (25.7 percent) lived below the 'basic needs' poverty line. According to UNICEF, a third (35 percent) of under 18s experience basic needs poverty, and 13 percent food poverty. Two out of three under 18s experience multi-dimensional poverty, defined as deprivation in three or more dimensions of: health, nutrition, water, sanitation, protection, housing, information and education, and three in ten live in both basic needs poverty and multidimensional poverty.

Social services in Zanzibar are under-resourced and of poor quality. Domestic water supply shortages, for example, are critical in some parts of the Islands as a result of population growth, changing weather patterns, growing competition between villages, hotels and housing projects, and an underperforming water utility (ZAWA).

Rapid population growth and high levels of under- and unemployment among young people are growing concerns for policymakers, requiring rapid and inclusive economic growth and/or outmigration in the short- to medium-terms. Unemployment and poverty exacerbate political divisions in Zanzibar. According to Jay (2020): 'Many youth who are part of the opposition or are from ... Pemba repeatedly complain that there is systemic discrimination in the employment system.' Unemployment and poverty also provide rich potential for recruiting support for radical Islamic groups.

2.1 Culture, religion and the supernatural

It is important to understand the cultural, socio-economic, and environmental context of the research. Most Zanzibaris practice Islam, and the majority also believe in spirits and witchcraft. Both Islam and witchcraft beliefs are relevant for this study. For some disputes, the local *mganga* is the main potential resolver. The ambiguities between Islamic law (sharia) and the secular legal system in relation to marriage practices and inheritance also feature in the study. Lees and Devries (2018) found: '... that religious and cultural practices, which form the foundation of Swahili culture in Zanzibar, provide a moral frame for childhood development, but structural factors make children vulnerable to sexual violence. Both boys and girls are vulnerable to sexual violence in the home, neighbourhood, at school and, in particular, at madrasa or Qur'anic schools.' ADR initiatives related to physical and sexual violence are discussed below.

2.2 Zanzibar's legal system

Zanzibar's criminal justice system consists of courts on both sides of the Zanzibar Channel. Criminal law is administered through primary and magistrates' courts on both islands and the high court on Unguja, while the Court of Appeal is located on the mainland. ZAECA prosecutes corruption and money laundering cases with authorisation

from the Director of Public Prosecutions. Many Tanzanians, including Zanzibaris, believe that legal systems in place, including the criminal justice system, do not deliver justice. The 2021 Human Rights Report claimed that two-thirds of 'Zanzibaris (66 per cent)

consider corruption as the leading barrier to access to justice'. Only seven per cent of the respondents claimed that 'they did not know any common barriers to access to justice.' Other studies reveal declining levels of trust in police, magistrates and judges based on perceptions of corruption.

Mistrust may discourage Zanzibaris from approaching the judicial system, but there are other reasons why most disputes are resolved informally, through ADRMs. The human and material resources required for the efficient dispensation of justice are a fraction of the potential demand. Moreover, services are unevenly distributed and favour urban over rural citizens and communities and privilege the wealthy and the well-connected. Though there are no figures, the police can only investigate a fraction of the cases reported to them, and very, very few cases are brought to court. Low integrity, limited operational capacity and unequal access to services help explain why the vast majority of disputes, both civil and criminal, are resolved informally. However, this does not mean that ADRMs necessarily provide timely and fair justice, one of the key issues discussed below.

2.3 Alternative dispute resolution in Zanzibar

The Zanzibar state has taken a number of steps to improve access for citizens to the legal system and to justice. As on the mainland, paralegals are deployed to provide free legal aid to poor and disadvantaged groups. A Zanzibar Legal Aid Policy was promulgated in 2017 followed by a Legal Aid Act a year later. There are said to be nearly 4,000 'active' paralegals in Tanzania, including Zanzibar. In addition to legal aid, paralegals also provide legal education. A number of NGOs provide legal aid. Cases dealt with by paralegals include land disputes, matrimonial and criminal cases, child maintenance and gender-based violence.

A number of ministries have initiated ADR mechanisms. For example, there is a Dispute Handling Unit (DHU) dealing with labour disputes in the President's Office and a Legal Aid Department in the Ministry of Constitution and Legal Affairs. There is also a Reconciliation Board in the Ministry of Social Welfare, Elderly, Gender and Children. Assistance from aid agencies and NGOs is potentially relevant to this study as a significant number of the issues discussed are the objects of donor assistance for government and civil society. The Dar-based Foundation for Civil Society (FCS) works with 16-20 Zanzibar CSOs and in recent years has made grants worth Shs4bn to 73 organizations advocating on women's land rights, GBV, livelihoods, youth employment, citizens' participation in development, peace building and conflict resolution. In addition to local NGOs/CBOs (TAWLA-Z, TAMWA-Z), UN agencies (UNICEF), and INGOs (Save the Children) provide services and lobby government on these and other key social issues. Zanzibari NGOs provide legal aid, including court representation. According to the 2021 Human Rights Report:

'... ZLSC, ZAFELA, and ZAFAYCO, also played their part in improving access to justice to the people of Zanzibar, including through provision of legal aid and court representation. This was especially done for the marginalized groups in the society, including women and children. Awareness-raising, including on legal and human rights issues, was an important part of the programmes of these organizations in 2021, contributing to enhance access to justice in Zanzibar.

There were no references to NGOs or CSOs as ADRMs recorded in FGs.

Despite formal legal structures and efforts to make justice available to the poor, most Zanzibaris are unlikely to have any voluntary dealings with the formal legal system during their lifetime. So what alternatives do they turn to when attempting to resolve disputes? This is the subject of this report.

In this research project, Alternative Dispute Resolution is defined as the processes which individuals and groups employ to address conflicts without recourse to the formal civil and criminal legal system. This definition includes highly informal processes like family and community meetings, and more formal entities such as the sheha, most of whose activities go unrecorded. The police are obviously part of the formal legal system, but their first contact with the public is largely informal and unrecorded. It is legitimate to consider the initial reporting of alleged crimes to the police and the police response as 'informal.' For Zanzibaris, the initial contact is critical, since the police investigate only a small fraction of the cases brought to them by the public, and prosecute a smaller number still.

The sheha and the police are the main instances identified in FGs for reporting civil and criminal conflicts respectively. Though it is legitimate to challenge the 'alternative' description to police activities, it is equally legitimate to record the interface between the public and the police and the views of the former on the performance of the latter. What this means in practice is explored below.

It is important to have a clear idea of what can legitimately be termed 'Alternative Dispute Resolution' when such a diverse range of 'issues' is involved. Table 1 presents a typology.

Table 1: Types and examples of disputes and ADRMs employed

Disputes	Examples	Comments
Domestic, interpersonal	Desertion, Divorce	The sheha and numerous other local options may be employed.
Family, children	Maintenance	As above.
	Rape, Gender-based violence	The 'dawati' may be able to resolve some cases, but prosecutions are the responsibility of the criminal justice system.
Community	Drug use	Handled largely by sheha and police.
	Theft of crops and livestock	Attempts at resolution are mostly through the sheha.
Politics/officials	Social services Land appropriation	Basic social services are lobbied for at the sheha and service provider levels, land with the appropriator.
Outsiders	Hotel & housing development	Negotiations for compensation or 'easements' with the investor, ZIPA.

ADR is normally understood to refer to the resolution of commercial disputes without resorting to the law courts. This is not the meaning used here. The focus of this study is on the issues raised by FG participants and the mechanisms employed to address them. The sheha, his deputy and committees can arbitrate disputes but have no powers of enforcement. The police, on the other hand, are part of the criminal justice system, with enforcement powers, and as such *do not constitute an ADRM*. But the majority of punishable offences reported to the police are not investigated, and those that are, rarely result in prosecutions. Thus, the police are included in this study mainly in their 'informal' capacity rather than as potential investigators and prosecutors of criminal offences.

The use of the term 'alternative' can be misleading in that it suggests a conscious effort by the initiators of ADR to bypass or avoid recourse to the official justice system, as with commercial arbitration. This is generally not the case, and most ADRMs are largely informal and unregulated by the state. Examples mentioned in FGs include family and community gatherings, *waganga* and religious leaders.

Though the majority of issues raised in FGs are taken to ADRMs for resolution, issues that cannot be resolved in this way have not been analysed in detail. Thus, the universal concern with the lack of employment opportunities for young people (young men in particular) was noted, but not investigated since there is no obvious ADR solution.

Some notes follow on the main ADRMs. ADR facilities that exist but are not referred to by FG participants are mentioned in passing, but not addressed in detail in the study.

2.3.1 Sheha

Unlike Tanzania mainland, there are no popularly elected councils in Zanzibar below the district level. Under the Regional Administration Authority Act No. 1 of 1998, the sheha is appointed by the Regional Commissioner upon advice from the District Commissioner. The sheha's responsibilities include: 'to solve and resolve all problems that arise in society using the wisdom, customs, and traditions of the local people.' Though not employed as a civil servant, the sheha receives a monthly allowance ('posho') of Shs 300,000 (US\$130). At the time of writing, a law is in parliament to make the sheha a civil servant, so that his (or her) current allowance becomes a salary, and he enjoys security of tenure and pension rights.

However, in 2014, Zanzibar enacted the Local Government Authority Act no.7 to provide for the establishment of local governments, their functions, powers and duties, their structures, composition, finances and related matters. Consequently, since the 2015 general election, Zanzibaris have elected an official to serve as councillor on the local government. The law is yet to be fully implemented, thus creating a legal conundrum as most of the functions of the councillors are in fact taken up by the Sheha.

The sheha has an assistant, a 'mjumbe wa sheha', who is a salaried civil servant, and generally a woman. In carrying out his (or her) duties, a sheha is (in theory) assisted by a Sheha Advisory Council, composed of a minimum of 12 members, mostly mature men, appointed by the Sheha in consultation with the District Commissioner. Various sheha committees exist: fieldworkers came across a 'Kamati yu kushugulikia utoro mashuleni' (truancy committee) in Kisiwa Panza and a 'Kamati ya ulinzi' (security committee) in Mtamwe, both in Pemba.

The sheha is the most frequently mentioned recourse for ADR. Domestic disputes that are not resolved through family or community mechanisms are frequently taken to the sheha.

2.3.2 Police

As mentioned above, the police have been included in the list of important ADR mechanisms although they are part of the formal criminal justice system in Zanzibar. Their ADR function is to try to resolve contested issues without initiating criminal proceedings against suspects. It is common for under-resourced police forces to discourage the public from pressing charges in a wide range of cases, most of which could not be promptly and properly investigated even if genuine and serious enough to merit investigation. Only a few of the cases reported to the police result in investigations and prosecutions. In 2015, the Zanzibari police introduced a gender and children desk ('dawati') in police stations 'manned' mostly by trained female officers to deal with cases of GBV. The dawati was designed to improve the performance of the police in dealing with GBV, but its effectiveness in prosecuting cases is undermined by its lack of independence from the formal criminal justice system. If cases are not dealt with promptly, they are returned to the criminal justice system, where the same constraints that led to the introduction of the dawati in the first place, including the involvement of the DPP's office, 'losing' files, tampering with evidence, and threatening witnesses, make prompt justice for victims and punishment of offenders most unlikely.

2.3.3 Kadhis' courts

Kadhis' courts are formal bodies that deal with divorce and inheritance, based on Islamic law. Kadhis' courts are staffed by a Chief Kadhi and one or more kadhis and several clerks. The Chief Kadhi and Deputy Chief Kadhi determine appeals from the 11 District Kadhis courts. Though Zanzibar is a secular state, Kadhis' courts are financed by state funds, meaning that they are '... for all intents and purposes, a state institution...'. But Kadhis' courts are 'seriously underfunded.' Since there is only one Kadhis' court per district, it is unlikely that they can handle more than a fraction of the potential cases falling under their remit.

Arguably, this constraint also holds for the 'Baraza la Usuluhishi' (Arbitration Council), which attempts to resolve cases prior to taking them to the Kadhis' court for formal hearing. Kadhis' courts are discussed in the text.

2.3.4 Land tribunal

Land and labour disputes can be arbitrated in tribunals. The Land Tribunal Act of 1994 established the Land Tribunal of Zanzibar. In Zanzibar: 'Conflicts over land are very common and occur at all levels, ... the main ones include ... between members of a household, or different families or local elites trying to unjustly claim common areas as their own private land; disputes over boundary (sic) and inheritance; and land conflict between investor and community.'

Staff shortages at the Land Tribunal mean that staff 'are overwhelmed.' No details are available on the Tribunal's caseload management and outcomes. References to the Land Tribunal are discussed below.

As mentioned above, Zanzibar also boasts a labour tribunal, but it was not mentioned in FGs.

2.3.5 Street justice, witch killings

Street justice for petty crime and murdering witches should be considered as negative ADRs. According to LHRC (2020: xvii), incidents of mob violence and killing [on the mainland] fell from 2015 onwards, but the rate is still high. ‘... police data [from January to] June 2018 shows that a total of 385 incidents were reported, [or] 76 people killed [per] month.’ A frequently repeated reason given for the practice of street justice is that delivering thieves to the police rarely leads to prosecution or justice being seen to be done. Examples of violence against suspected thieves are reported below. No witch killings were reported.

2.3.6 Mganga

Zanzibaris resort to the mganga (traditional healer) as a potential ADR. Though deemed to have supernatural powers (exorcism, removal of spells) the mganga is not considered a malevolent witch (*mchawi*, pl. *wachawi*).

2.3.7 Waqf

Waqf (or Waqfu), an ancient Islamic legal institution, is a trust that owns and manages properties of deceased Muslims. Zanzibar’s Waqf and Trust Commission (ZWTC) was established in 2007. Its core functions are to administer Waqf properties, Trust properties and the estates of ... deceased Muslims.’ The ZWTC admits to suffering from numerous basic weaknesses, including: ‘inadequate education, awareness and skilled human resources; lack of involvement, support and participation of the concerned Muslim stakeholders; inadequate record management system; lack of sufficient accountability and transparency and low public awareness on commission’s responsibilities.’ Waqf as an ADRM was not mentioned by FG participants.

Potential ADRMs infrequently mentioned by FG participants include religious leaders, elected members of parliament and local government councilors.

3.0 Key ADR issues

Different types of disputes involve different types of attempted resolution. The main issues and attempts at their resolution are summarised below. These and many other issues are discussed at length in sections 5.0 and 6.0 below.

3.1 Child rights and violence against children

Everyday life in Zanzibar is structured by a legal pluralism that combines common law, Sharia law, and other social norms...

Different sources claim that violence against children has been increasing in recent years. According to TAMWA, most cases of violence against children are not reported

because they take place within the family. Children, both boys and girls, are vulnerable to physical and sexual violence at home, in school and in the community. Both government and non-state actors are concerned to minimise the incidence of VAC through policy, awareness-raising and advocacy. According to the Union government's Deputy Minister for Home Affairs Khamis Chilo 'a total of 6,168 children in Tanzania faced various forms of abuse between January and September 2021.' Of these, 5,287 were girls and 881 boys. Mr Chilo said about 3,800 suspects have been arrested and 2,368 cases are underway in various courts across the country while 88 have been given judgment.

Koranic schools ('madrassa') are mostly privately run institutions teaching the Quran to children. They are dependent on parental contributions and charity, meaning that madrassa 'teachers are poorly paid.' There are contrasting views on the extent to which madrassas are a key locus of sexual abuse.

Child rights are a complex issue in Zanzibar as a result of the coexistence of Islamic and secular legal systems. Tanzania is a signatory to the United Nations Convention on the Rights of the Child (1990) and child rights are protected under the Child Act of 2009 (mainland) and the Children's Act of 2011 (Zanzibar).

Children's welfare and protection initiatives on the Isles involving donors, INGOs and local activists reflect the 'universalized rights frameworks' of the Convention and legislation and tend to ignore 'the complex legal system that defines the Zanzibari situation.' In other words, Islamic and common law are in some respects contradictory and conflictual. The key issues are the legal age of marriage for girls and the definition of what constitutes 'violence' against children. Should girls be considered marriageable as soon as they reach puberty? Should parents and teachers be allowed to practice corporal punishment on children? Some religious leaders have opposed child protection legislation 'because they felt Islamic regulations would be compromised by universalized rights approaches.'

The Children's Act of 2011 was designed to 'decrease violence against children.' Numerous sources attest to the prevalence of physical and sexual violence in Zanzibar. In a telephone survey, Unicef (2021) found that respondents 'identified violence against children as a common problem in their communities. Sexual violence is reported as the most common type of violence and communities are said to demonstrate a good understanding of where sexual violence against children occurs and by whom it is perpetrated.' Experiences of violence by boys and girls is reported in Table 2.

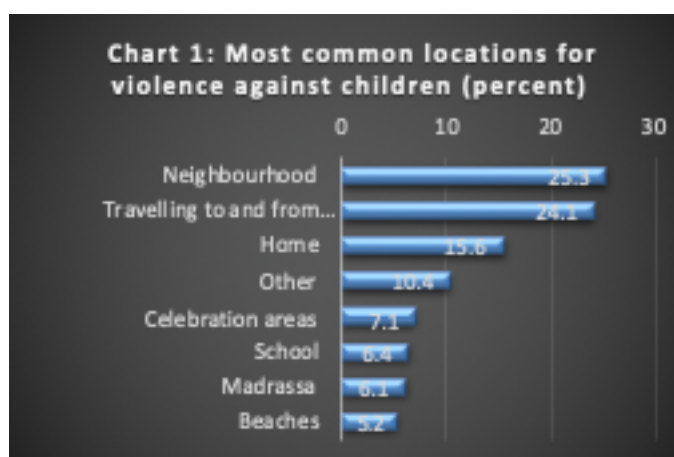
Table 2: Sexual violence experienced by adolescents and young people 13–24 years

	Boys (percent)	Girls (percent)
Reported experiencing sexual violence before the age of 18	9.3	6.2
Proportion of those who experienced sexual violence in childhood who told someone about it	<50	<50
Proportion of those who experienced childhood sexual violence who received services	5.5	12.7
Reported experiences of emotional violence before the age of 18	20	14

While more boys than girls claim to have experienced sexual violence before the age of 18, more girls received services than boys.

A joint study by the RGoZ and Unicef found that ‘A greater percentage of respondents in Unguja identified violence against children as being a problem in their community compared to Pemba.’⁷⁴ In Pemba Kusini and Kaskazini respectively 49.3 and 53.1 percent of respondents agreed that violence against children was a problem, while on Unguja the comparable figures were: Mjini Magharibi 50.4, Kusini 69.4, and Kaskazini 70.9 percent, suggesting higher rates of violence against children in rural areas.⁷⁵ Sexual violence was reported to be the most common form of violence against children by 64.5 per cent of respondents, followed by physical violence (11.7 percent) and emotional violence (5.5 percent).⁷⁶

It is important to distinguish between corporal punishment-- considered by many as ‘a necessary child-rearing practice’⁷⁷ - and violence against children.⁷⁸ Almost all (99 percent) of respondents were concerned about children in their families and communities being at risk of experiencing violence. But although ‘Communities (sic) are willing to intervene in cases of sexual violence against children in their communities, ... the majority of cases are not reported to official authorities and are dealt with privately.’⁷⁹



While it is common to argue that much or most violence against children takes place in the home, respondents to the survey questionnaire thought otherwise, identifying the neighbourhood as the most common location, followed by travelling to and from school and madrassa, and the home a distant third (Chart 1).⁸⁰

According to the Office of the Chief Government Statistician (OCGS), between 2016 and 2019, 4,069 cases of child sexual abuse were reported on the Isles. A total of 1,154 cases of violence against children were reported in 2019 compared to 910 the previous year.⁸¹ Urban districts reported the most cases.⁸² Between January and August 2021, 838 incidents of child abuse were reported to the police, 86 percent of which were girls who were ‘raped, defiled or abducted for sexual purposes.’ Official statistics for June 2022 claim that over three-quarters of cases of *gender-based violence* (76 percent) take place within the home, which challenges the findings reported above.

Speaking at a meeting to celebrate the International Day of the Girl Child (IDGC), Dr Sikujua Omar Hamdani of Zanzibar University said ‘Zanzibar needed ‘one inclusive law covering abuse against children, girls and women.’⁸⁴

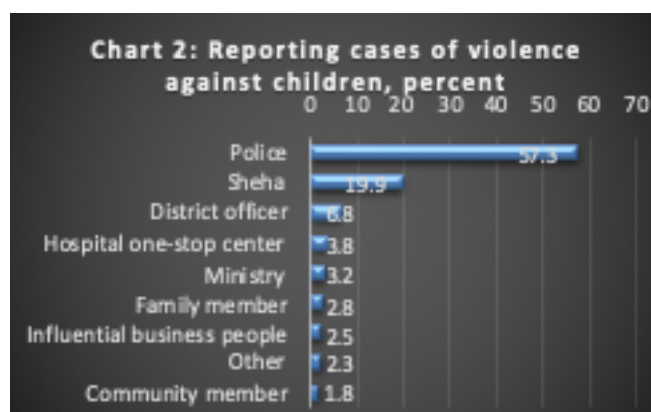
At the extreme, violence leads to permanent injury or the death of victims.⁸⁵ Reacting to the deaths of two women and a child in August 2021, Tanzania Media Women’s Association (TAMWA) Zanzibar demanded that the police ensure that suspects are ‘arrested and brought before the court.’ TAMWA Zanzibar Director Dr Mzuri Issa said: “It is unfortunate that most of the assaults and killings of women and children end without legal actions...”⁸⁶ TAMWA said that only two out of 19 ‘murder cases of children and women recorded between 2016 and 2021 were ... heard in court, while the rest ended silently.’⁸⁷

The RGoZ and Unicef study asked where respondents would report cases of violence against children. Chart 2 summarises the responses.⁸⁸

The police and shehas account for over three-quarters (77.2 percent) of first choices for reporting violence against children.

Lees and Devries (2017: 12) claim that ‘the perpetrators of sexual violence are mostly men in positions of authority.’ These authors single out Madrasas as a particular site of sexual VAC, which challenges the findings reported in Chart 1 above.

How violence against children is defined⁹⁰ and dealt with outside the criminal justice system is described in PART II of this study.



3.2 Violence against women (VAW)

A 2012 report by Action Aid International Tanzania concluded that:

‘A culture of shame and silence surrounds VAW in communities in North Unguja and North Pemba. This makes it extremely difficult to determine the prevalence of VAW and also leads to a problem of under-reporting. The vast majority of abused women do not seek help from the police or other support services meaning data from formal institutions and service-based surveys is likely to be a severe underestimate of the real extent of the problem.’⁹¹

Is this an accurate picture of current attitudes towards VAW? The findings reported below provide evidence on the extent to which domestic VAW is made known publicly and dealt with through ADR mechanisms.

3.3 Land disputes

Land disputes are common on both Unguja and Pemba. The main land conflicts are said to be between communities, government and investors.⁹² As on mainland Tanzania, there is no ‘radical title’ (freehold) in land. This, together with the poor quality of plot demarcation (surveying) and competition for the remaining unallocated land available for tourism, housing development and commercial agriculture, creates a fertile environment for land conflicts to flourish.

Sustained community mobilisation against a proposed investment is rare, and local residents losing land use rights and rights of way are obliged to settle for compensation and relocation.⁹³ Cases taken to court are plagued by bribery and tampering with documents.⁹⁴ One critic deplored ‘the lack of integrity among executives entrusted with the task of resolving such [land] cases.’⁹⁵ Resettlement and compensation are major areas of conflict. Shehas, district and higher officials figure in many disputes, including attempts by officials and businessmen to ‘privatise’ public land. Investment promotion agency ZIPA, the Ministry of Lands, and regional commissioners are often involved in land disputes.⁹⁶

The rapid growth of tourism in recent years has triggered a spate of land conflicts, particularly in Unguja, to a much lesser extent in Pemba.⁹⁷ In 2009, ‘Members of the House of Representatives ... accused the top government officials of being the main source of conflict in the islands, including land disputes that occur frequently in various villages...’⁹⁸

Land disputes are the most common non-domestic issue raised by FG participants for which ADRs are sought, as detailed in Part II of this report.

3.4 Domestic disputes

While land disputes are in part the result of the state’s inability to survey land, allocate titles and regulate land issues effectively, domestic disputes are more culturally determined and require a different role from the state. The widespread belief that marriage breakdowns

and divorce are increasingly frequent in modern Zanzibar is examined in the empirical analysis below.

3.5 Inheritance

Inheritance issues are a frequent source of conflict in Zanzibar. Most Zanzibaris do not leave wills, and family members often argue over the distribution of property.

Under Islamic law, wives and daughters have unequal inheritance rights compared to male heirs. Shariff and Ali (n.d.) state that: 'Gender rights activists claim that inheritance under Islamic law discriminates against women, while those defending Islamic inheritance law claim it is based on the Koran and can thus not be challenged.'⁹⁹

3.6 Social services

Complaints concerning poor state services and failure to deliver on promised improvements were common on both Islands. A dated report flagged the main constraints on local government effectiveness in service delivery in Zanzibar as: overlapping, inconsistent and uncoordinated administrative arrangements; lack of local downward accountability; insufficient local financing, equipment and human resources; and general lack of awareness of 'basic laws and regulations' governing the local government system.



School toilet: Banda Kuu, Chake Chake, Pemba

There appears to be no recent study on which to base an assessment of changes in the structure and performance of LG in the last two decades.¹⁰⁰ On both islands, attempts to remedy social service shortcomings, especially water supply but also staff shortages in schools and hospitals, were judged as failures by FG members, as shown in Part II of this report.

4.0 Methodology

This research project was designed to combine quantitative and qualitative analysis without prioritising either one. The data collected from the field are largely qualitative, with a relatively brief questionnaire completed by shehas and a summary of fieldwork findings providing the basis for simple quantifications. This procedure allowed for the identification of priority areas for ADR and mechanisms to resolve them.

4.1 Limits of the methodology

The representativeness of the sample of shehas and of FG participants has significant implications for the validity and reliability of findings from the field.

4.1.1 Selection of FG participants

The average sheha has a population of nearly 4,400, or less than a thousand households. Still, there are likely to be significant geographic selection biases in FG composition. The sheha is likely to select participants from close by, rather than further afield, introducing an obvious bias. It is likely that the findings reported below do not adequately reflect the ADR practices of the more remote citizens of Zanzibar. Since distances between communities are small on the Isles, the error thus introduced is likely to be relatively small, however.



Womens' FG, Kiponda, Mjini, Unguja

A more serious sampling error results from the likelihood that the sheha would select those close to him (or her), not only geographically, but socially and politically. In Kiponda, the sheha selected four police officers to participate in the women's FG, two of whom are pictured above.¹⁰¹ In addition, the payment of 'posho' introduced an element of patronage.¹⁰² Feedback from fieldworkers confirmed that this selection bias influenced FG discussions to a greater or lesser extent across sample shehias. At one extreme, the selection of FG participants was so biased as to give little credibility to key parts of the discussions. At the other extreme, participants were not selected by the sheha and freely expressed opinions on 'sensitive' issues. Irrespective of the degree of bias in the selection process, most FGs still produced valuable information on key topics. The most likely distortion is in the reporting of conflicts involving politicians and officials, in which the sheha may be implicated.¹⁰³ It is likely that the abuse of authority by politicians and officials is significantly more widespread than reported in this study.

4.1.2 Validity of responses

How valid and reliable are the shehas' responses to questions on the frequency of ADR issues and procedures in his (or her) shehia? Could the sheha underplay 'sensitive' issues such as land grabbing, poor service provision and rent-seeking by officials?

Do FG participants tell the whole ADR story or are some issues intentionally ignored? For example, would FG participants reveal the extent of physical and sexual abuse perpetrated within the family or neighbourhood and the culturally accepted but generally unfair practice of *muhali* as a means of redress? Are witchcraft beliefs and practices discussed openly? Do participants self-censor when it comes to criticising the agents of state power, independent of the selection bias just mentioned? Are the smokers of marijuana likely to recount their experiences?¹⁰⁴

Likely selection bias in FG composition and underreporting of certain issues need to be taken into account when interpreting empirical findings.

On the other hand, could certain issues be ‘over-reported’? Are people’s perceptions of trends in, for instance, drug use ‘accurate’ or distorted? Perceptions of trends need not represent ‘actual’ trends, though data are lacking to quantify the latter. Fieldworkers were instructed to probe FG participants’ stories, but the risk remains of taking only one side’s view of events and culpabilities.

While the FGs yielded insights into ADRMs at the shehia level, the research team attempted a basic quantification of results from the shehas’ questionnaire and from the summary reports of the FG data. Though sample sizes are too small to attempt in-depth analysis, they provide a valuable guide to the analysis of the FG findings. Synthesising and summarising the results of the mass of data collected in 129 FGs of an average two hours in length is a formidable challenge.

Both the shehas’ questionnaire and report summaries helped establish priority themes—first, domestic issues including divorce, maintenance, physical and sexual violence; and second, land disputes, conflicts between farmers and livestock owners, theft of crops and livestock—that account for the two main sets of topics discussed.

Finally, the report is largely descriptive. Although some attempts have been made to interpret results, the data are neither comprehensive nor robust enough to venture into detailed causal analysis.¹⁰⁵ The authors have concentrated on summarising the mass of findings from the field in order to describe the key areas of ADR, the main solutions sought, and their effectiveness. Inevitably, by being neither totally ‘quantitative’ nor totally ‘qualitative’, the report loses some of the strengths of both techniques. But it is quite unlikely that a questionnaire-based study would have yielded more insights and depth of analysis than the ‘hybrid’ methodology that was employed.

Deeper understanding of ADRM in Zanzibar will require further research and reflection, involving communities, the government, civil society and other stakeholders. The findings of this project should be seen as a starting point for further policy debate, research and analysis aimed at improving ADRM for Zanzibaris in the interest of furthering the rule of law for ordinary people.



Women's focus group, Bumbwisudi, Magharibi A, Unguja

PART II: FINDINGS

The main data sources for the proposed research were FGDs and interviews with shehas. A total of 132 FGs were held in 44 shehias, 29 in Unguja and 15 on Pemba. Details of the sampling procedure can be found in Appendix 1.

Zanzibaris seek informal solutions to various types of disputes. Civil disputes are generally taken to shehas or family gatherings for resolution while potentially criminal cases are taken to the police, sometimes after passing through the sheha. Petty theft of crops and livestock are common in rural areas, and do not end up in court. An unknown proportion of cases of physical and sexual violence are dealt with through the formal criminal justice system; most are resolved informally. These and other themes are discussed in detail below.

5.0 Overview of main findings

This section attempts to prioritise the various issues on which ADRMs are employed and the 'success rate' of each. The remainder of the report examines specific types of ADR and their practical outcomes in terms of alternative justice provision for families and communities.

The two sources of information on the prevalence of different ADR mechanisms are the shehas' questionnaire and the FG results, which were summarised in a short report. Shehas were given advanced notice of the ADR fieldwork and were expecting fieldworkers when they arrived. Interviews with shehas generally took place the day before the FGs assembled. Taken together, the two sets of results allow for the identification of key issues and ADRMs that merit more in-depth analysis, while less frequently-mentioned issues and attempted solutions merit less attention.¹⁰⁶

5.1 Shehas' views on ADR priorities

A formal interview with Shehas focused on identifying the types of issues he (or she)¹⁰⁷ considered more or less prevalent in the shehia. They were asked to rate a list of nearly 40 issues according to whether each was: 'common' or 'very common'; 'not very common'; or did not feature at all among family or community issues.

The following table presents issues that shehas' considered 'quite' or 'very' common in their shehias.

Table 3: ADR issues rated by shehas as ‘quite common’ and ‘very common’, number and percent

Issues	Number of mentions			
	Unguja	Pemba	Zanzibar	%
Land disputes, farmers versus livestock keepers	35	4	39	14
Divorce	18	6	24	8
Maintenance after divorce	16	7	23	8
Theft of crops and livestock	15	8	23	8
Marital conflicts, jealousy, lack of sex	18	5	23	8
Availability and quality of social services	16	4	20	7
Child maintenance	13	5	18	6
Inheritance	5	10	15	5
Physical violence	14	1	15	5
Non-payment of debts	11	3	14	5
Witchcraft accusations	7	6	13	5
Conflicts with leaders and government	8	2	10	4
Child pregnancy	7	2	9	3
Sexual violence, rape, incest	6	2	8	3
Family interference in marriage	6	0	6	2
Stepchildren's vulnerability	6	0	6	2
Discrimination	4	1	5	2
Misuse of power and authority	3	2	5	2
Theft, conflicts over property	4	1	5	2
Forced marriage	4	0	4	1
Other	2	0	2	0.5
All	218	69	287	100.5

N (interviews) =44

According to Shehas:

- Domestic issues accounted for just over half of all mentions on both islands (52 and 55 percent for Unguja and Pemba respectively).
- Among the numerous domestic issues mentioned, divorce and its consequences in terms of maintenance of ex-wives and children accounted for 42 percent of all ‘domestic’ issues in the Unguja sample and 47 percent in Pemba.
- Issues concerning land conflicts, disputes between farmers and livestock keepers and the theft of crops and livestock accounted for over a fifth (22 percent) of all mentions, more in Unguja (23%) than in Pemba (17%).

- Fourteen percent of Pemba mentions concerned inheritance, but only two percent in Unguja.

Which ADRMs were chosen and with what success are discussed further below.

Shehas' views can be compared with those of FG participants

5.2 FGs' identification of key issues

On the basis of FG discussions, fieldworkers listed the three most important issues raised for which ADR solutions were sought. The three mentions were summed to create the figures cited in the table, giving a general idea of the kinds of issues for which individuals, families and communities seek ADRM. The categories for potential ADRMs differ slightly from those reported above since the sheha questionnaire was based on a priori deliberations and a short pre-test in two shehias, whereas the FG categories are based on fieldwork results.

The serious lack of employment opportunities for young people was an issue raised in almost all youth and many adult focus groups. While young men and women and their elders stress the lack of job opportunities, very few see ADRM solutions. Jobs cannot be created or self-employment projects launched through ADR procedures. This means that, despite its critical importance, unemployment is not a focus of the analysis.

Table 4 ranks all issues mentioned during FGs, with the exception of unemployment.

Table 4: ADR issues mentioned in FGs, Unguja and Pemba, N and percent

Issues by order of importance						ZANZIBAR		
UNGUJA	N=	%	PEMBA	N=	%	N	%	
Marriage, divorce	76	11	Marriage, divorce	42	9	118	10	1
Land	59	8	Land	42	9	101	9	2
Defilement	56	8	Defilement	30	6	86	7	3
Theft of crops and live-stock	49	7	Conflicts between farmers & herders	30	6	79	7	4
Poor social services	34	5	Poor social services	37	8	71	6	5
Issues with government leaders	40	6	Issues with government leaders	27	5	67	6	6
Drug abuse	35	5	Drug abuse	28	6	63	5	7
Child maintenance	34	5	Child maintenance	24	5	58	5	8
Farmers & herders	31	4	Inflation, prices	23	5	54	5	9
Environment	31	4		0	0	31	3	10
Top ten issues	445	63%	Top nine issues	283	58%	728	62%	
Truancy	19	3	Truancy	17	4	36	3	11
Politics	18	3	Politics	21	4	39	3	12
Witchcraft	18	3	Witchcraft	10	2	28	2	13
'Morality'	18	3	Inheritance	13	3	31	2	14
	73	10%		61	13%	134	11%	
Top 14 issues	518	73%	Top 13 issues		71%	862	73%	
Other issues (n=50)	187	27%	Other issues (n=53)	143	29%	320	27%	
N= all issues	705	100	T=	478	100	1183	100	

Source: Calculations from FG summaries.

Priority issues raised in Unguja and Pemba are broadly similar.

- In both islands the three most frequently mentioned issues concerned marriage disputes and divorce, land conflicts, and sexual violence.
- Domestic issues, including divorce and maintenance and sexual violence accounted for 24 percent of the top ten mentions in Unguja and 20 percent of the top nine in Pemba.
- Land disputes, theft of crops and livestock and conflicts between farmers and herders accounted for 20 percent of all cases mentioned in Unguja and 15 percent in Pemba.
- Next in importance were issues related to poor social services--water the main complaint, but health and education services also—particularly in Pemba (eight percent of mentions, Unguja 5%).

- Conflicts involving shehas, councilors, MPs and other government official and drug abuse among the youth accounted for 5-6 percent each of all mentions on both islands.
- Issues accounting for 2-4 percent of mentions on both islands included politics, truancy and witchcraft.

The aggregate differences between the response patterns of youth, men and women are discussed below.

Contrasts between shehas' and FG views on ADR can be summarised thus.¹⁰⁸

- For Zanzibar as a whole, *shehas* tended to mention issues concerning household and family matters much more frequently than they mentioned land, agriculture and livestock issues.
- *FGs* showed a contrasting pattern, stressing land, agriculture and livestock more than domestic issues.
- These contrasting patterns are more pronounced in Pemba than Unguja.
- *FGs* ranked defilement (rape) much higher than shehas
- *FGs* mentioned social service deficiencies much more frequently than shehas.

The above comparison reminds us that there is no 'objective ADRM truth' that can be grasped by careful investigation. The shehas' perception of ADRM priorities is not the same as the perceptions of FG participants. A third group with a distinct perspective on ADRMs is the researchers themselves, including fieldworkers, data analysts and report writers, who are all vulnerable to their own subjectivities. While these are constraints, they do not invalidate the findings of a careful and detailed investigation using multiple perspectives ('triangulation').

Table 5 summarises FG findings concerning the types of ADR solutions sought by Zanzibaris and their approximate success rate.¹⁰⁹

Table 5: Ranking of ADR mechanisms sought and success rates, Unguja and Pemba, number and percent

ADRM	Unguja			Pemba			Zanzibar			% all cases
	Cases	Success	%	Cases	Success	%	Cases	Success	%	
Shehas	83	30	36.1	38	20	47.3	121	50	41.3	33
Police	56	14	25.0	32	3	9.4	88	17	19.3	24
Family	44	36	81.8	8	3	37.5	52	39	75.0	14
LG, regional govt, DC., diwani, MP, 'leaders'...	34	2	6.5	14	1	7.1	48	3	6.3	13
Community	7	3	42.9	5	3	60.0	12	6	50.0	3
Gender & children's desk	8	6	75.0	0	-	-	8	6	75.0	2
Single cases ¹¹⁰	2	0	0	5	2	40	7	2	28.6	2
Land tribunal	4	0	0	2	0	0	6	0	0	2
School committee	2	0	0	4	1	25	6	1	16.7	2
Local militia	6	1	16.7	0	-	-	6	1	16.7	2
Religious leaders	3	3	100	2	0	0	5	3	60	1
ZAWA	4	0	0	0	-	-	4	0	0	1
Kadhis Court	2	2	100	1	1	100	3	3	100	1
Forestry committee	2	0	0	0	0	0	2	0	0	0.5
Person-to-person	2	0	0	0	-	-	2	0	0	0.5
All	259	97	37.5	111	34	30.6	370	131	34.2	101

Source: FG summary reports

- Shehas and the police accounted for over half (54 percent) of ADR initiatives on Unguja and 63 percent on Pemba.
- Family gatherings and lobbying local government and politicians account for an additional 30 and 20 percent in Unguja and Pemba respectively.
- These four entities accounted for 84 and 83 percent of all ADR initiatives in Unguja and Pemba.
- The remaining 16-17 percent of cases were split between ten AD options, the most important on Unguja being the police gender desk, community meetings and local militias ('askari jamii'), and on Pemba community meetings.

FGs investigated the effectiveness of ADR mechanisms. On both islands, more cases were taken to shehas than to the police, and in both cases shehas were more successful in resolving disputes. But though the success rate of cases reported to the Unguja police was only one-in-four, in Pemba it was *less than one-in-ten*.

FGs frequently complained that they brought suspected criminals to police stations only to see them subsequently freed without charges. For example, male FG participants in Bububu, Magharibi A, Unguja, accused police officers of extorting money from suspects to be released from custody.

'Wanajamii wa Bububu wamesema tumekuwa na kilio kikubwa juu ya kuwepo kwa tuhuma za rushwa katika kituo cha Polisi cha Bububu ambapo baadhi ya askari wapopelekewa kesi hufanya kuwa ndio kula yao, na kumdai mtuhumiwa na kumuacha bila ya kuchukuwa hatua ya kisheria.'¹¹¹

Members of the Kidongo Chekundu community (Mjini, Unguja) explained that when they bring cases of drug use or theft cases to the police, the accused is almost invariably released within a day. Accusations of widespread police corruption were flagged in the literature review.

Family-based ADRMs were the third most frequently sought on Unguja and the fourth on Pemba and were far more successful on Unguja.

5.3 Summary of findings on disputes, ADRMs, and success rates

- Two-thirds of conflicts that were referred to DRMs failed to deliver prompt and fair results, more in Pemba than Unguja;
- 'Success rates' varied significantly between different ADRMs;
- Overall, family-based ADRM were the most successful, followed by shehas, while the police were seen to be largely unsuccessful;
- In Pemba, however, shehas were more successful than family mechanisms.



Focus group under a mango tree, Matemwe, Kusini, Unguja

6.0 Detailed analysis of fieldwork findings

The fieldwork revealed a broad range of disputes for which Zanzibaris seek non-formal solutions. The main forms of disputes and attempted ADR solutions are discussed below in order of frequency. This does not mean that one set of issues is 'more important' than another just because it is mentioned more frequently, since all issues are *sui generis*, and not strictly comparable. It would be quite uncontroversial to argue that issues of physical and sexual violence, particularly against girls and boys, should be paid particular attention, and the RGoZ has taken numerous measures to address both, with support from UN agencies, bilateral donors, INGOs and advocacy groups. The dawati (see above) was mentioned as a first-stop ADRM in a number of FGs, generally with positive results, as discussed further below.

The following section summarises the main findings from the 43 sampled shehas on the two islands, and the 129 FGDs held with youth, and adult women and men.¹¹²

The section is ordered as follows. The general theme representing the 'big picture' for each topic is followed by illustrative examples from FGs, citing field reports, including quotations, in Kiswahili. The age/gender composition, location and date of the FG are footnoted.

6.1 Land issues, farmers and herders

Land conflicts of all types accounted for 14 percent of shehas' responses and 15 percent of the main cases reported in FGs.¹¹³ Land is a major source of conflict in Zanzibar, pitting villagers against each other,¹¹⁴ one community against another, and 'locals' against 'outsiders', including the government and local and foreign investors. The government usually promotes and protects private investments and ignores local efforts to find redress for loss of land, property, and access to farms and the sea. This does not mean that government agencies are unconditionally 'investor-friendly', however.¹¹⁵

Issues relating to land disputes, farmer-livestock conflicts and theft of farm produce and livestock are dealt with below.¹¹⁶

6.1.1 Land Disputes

On both Islands, small farm households come into conflict with fellow-villagers or adjacent communities over land ownership and user rights.¹¹⁷ The absence of well-defined boundaries and clear land titles makes such conflicts inevitable (Youth FGs Mtende, Donge Pwani). Cases are taken to the sheha, the district and regional commissioners, but many cases remain unresolved (Male FG Matemwe Kusini).

Many cases occur after the death of a local land-owner and involve his heirs and other claimants for usufruct rights on land that the late owner had allowed them to farm on condition of not building houses or planting perennial crops. For example, "there was a young man farming on our fields, and we told him at first not to grow perennial crops, so in the event we need the land, it would not cause a problem. The man farmed for years and years and when we finally demanded the land, he claimed it to be his and he has already cultivated a lot of grain." The case was taken to the Land Tribunal and is yet to be resolved largely because of difficulty in producing documentary evidence over ownership and inheritance.¹¹

Inatokea sana katika baadhi ya shehia za Pemba na hii husababishwa na pale wazee wanapofariki kugombaniana (mirathi) jamii moja huzidisha mipaka katika mashamba mengine na kila mmoja huseema “hapa pangu”. Kwa mfano ilinukuuliwa mwanajamii akisema: “kulikuwa na kijana aliyekua akilima kwenye mashamba yetu, na tulimwambia mwanzonii asilime mazao ya kudumu, ili tukihitaji shamba letu isije ikawa tatizo. Yule mtu akalima miaka nenda miaka rudi sasa tulipokuja kuhitaji kiwanja chetu anasema ni chake na tayari amelima mivinje mingi sana.” Tayari kesi imepelekwa kwa sheha na mahakama ya ardhi lakini bado haijapatiwa ufumbuzi, kutokana na kutokuwepo kwa vielelezo, wazee wanapofariki hawaachi ushahidi huwa tumemilikishana maneno.”¹²⁰

If negotiations between the conflicting parties fail, the issue is taken to the sheha, and possibly to the district and regional authorities.

Hutumia mazungumzo kati ya mtu na mtu ambapo mara nyingi haipati suluhu. Ikishindikana huenda kwa sheha, mkuu wa Wilaya na hadi mkuu wa Mkoa. Bado migogoro mingi haina suluhu.¹²¹

6.1.2 Farmer-livestock conflicts

Conflicts are said to be increasing between farmers and livestock owners, the former accusing the latter of invading their fields and destroying their crops. Livestock-keepers routinely allow their flocks (mostly goats) into farmers' shambas where they cause crop damage.¹²² Such events are reported to the sheha, and (ideally) compensation for crop damage is paid.¹²³ For their part, livestock owners complain that there is less open pasture available to feed cows and goats. One female FG participant from Mwambe, Pemba, said there was inadequate pasture to graze cows.

Alisema mwanamke mtu mzima “hatuna maeneo ya kuchungia wanyama, tunachunga wanyama majumbani, twenda Bopwe kutafuta majani kwa ajili ya ngombe wetu.”¹²⁴

Are cows or goats the bigger problem from a farmers' perspective? Which is more significant: larger herds or shrinking pastures? Though the problem is chronic, and likely to continue, there were at least examples of shehas negotiating compensation payments from livestock keepers to farmers.

6.1.3 Crop and livestock theft

Petty theft of crops and livestock is common. For example, an FG in Mfikiwa (Pemba) reported the theft of over 60 goats in the previous two months.¹²⁵ In Mbuguani, FG participants pointed out that “the theft of crops and livestock has been very severe ..., as well as the theft of cloves during the clove-harvesting season.”¹²⁶

Wizi wa mazao na mifugo

Wizi mdogo mdogo wa mazao ni jambo la kawaida, hasa katika maeneo ya vijijini. Kwa mfano, mshiriki wa FG wa Mfikiwa (mwanaume FG, Chake Chake, Pemba) aliripoti wizi wa mbuzi 61 katika kipindi cha miezi miwili iliyopita na wengine waliripoti wizi wa mbuzi mmoja au wawili hivi karibuni. Imeripotiwa kua wakulima na wafugaji wanathirika sana kwa wizi wa mazao na mifugo. Imeelezwa kua wizi wa mazao ni suala ambalo linarejesha nyuma juhudi za wakulima kwa kiasi kikubwa. Sambamba na hilo wafugaji huingiza mifugo yao ndani ya maeneo ya wakulima na kusababisha uharibifu wa mazao. Mfano wananchi wa Mbuguani wameeleza kua “wizi wa mazao na mifugo umekuwa mkubwa sana katika shehia ya Mbuguani, pamoja na wizi wa karafuu wakati wa msimu wa kuchuma karafuu.”¹²⁷

A women’s FG in Mtambwe (Pemba) reported that gangs of young men are involved in the theft of crops, livestock and household goods.

Mbali na migogoro hio, uporaji wizi wa mazao na mifugo umezungumzwa kwa kina katika shehia tofauti. Migogoro ya wizi wa mazao, mifugo na mali imekua ikirudisha nyuma juhudi za maendeleo ya taifa kwa ujumla. Vijana wadogo wengi wamejiingiza katika kundi la wizi. Vijana hao huiba hadi mashelisheli, radio, nazi n.k. kuna baadhi ya nyumba huporwa kila kitu mfano katika shehia ya Maziwa ngombe wizi huu upo kwa kiasi. Katika mahojiano ya vikundi vya wanawake ilielezwa kua matumizi ya madawa ya kulevya yanashika hatamu katika jamii nyingi za wanzanibari. Huu ni mgogoro mkubwa unaoathiri vijana wa maeneo mengi ya Zanzibar.¹²⁸

In Kojani (Wete, Pemba) a male FG participant said that cases of theft of crops and livestock that could not be solved by the sheha were sent to the police, who were also ineffective.¹²⁹

Katika shehia ya Kojani (Wete, Pemba) mshiriki alisema “ Kesi za wizi wa mazao na mifugo isipotatuliwa kwa sheha hupelekwa Polisi ambapo huwa hawafanikiwi kupata suluhu.”

Theft cases were described as chronic, since shehas and police may resolve one case only for the same perpetrators to repeat the theft. “It’s like there’s no solution.”

Njia inayotumika kusuluhisha tatizo la wizi wa mazao, mifugo na mali ni kupeleka mzozo huo kwa Sheha na Polisi kwa imani kuwa huko ndiko suluhu itapatikana. Washiriki walisema njia hii huweza kuleta suluhu kwa mara ya kwanza tu, lakini baada ya hapo matukio yanayoendelea pengine inawezekana kua ni yule yule mwizi wa mwanzo anaendelea kuiba ili kufidia mali aliyolipishwa awali. Kwa kiasi kikubwa mizozo hii hua haina suluhu.¹³⁰

6.2 Marital disputes, divorce, desertion

Domestic disputes are common in Zanzibar.¹³¹ In the worst cases, men leave their wives and children for extended periods, or permanently, to survive as best they can. Some women with abusive partners suffer the abuse in silence, while others appeal to family and neighbours for help, or leave their husbands for fear of further abuse. Not surprisingly, divorce and maintenance are among the main issues brought to the shehas for resolution. Some FG participants claimed that divorce was increasingly common.

“Kwa jamii yetu kwa sasa talaka ni jambo la kawaida tofauti na zamani. Talaka zinatolewa kama njugu”.¹

Mgogoro wa ndoa na talaka, wanawake wa baadhi ya shehia za Zanzibar hupatwa na matatizo kukimbiwa na waume zao au kutoweka kabisa kwenye majumba yako bila kujali ulezi wa watoto. Wanawake wamekuwa wakinyanyasika na kuaachiwa majukumu makubwa ya kuendesha familia zao. Imeripotiwa kwamba wanawake hupigwa na muda mwengine watoto wakiwa wanashuhudia kupigwa huko kwa mama zao. Watoto wengine hushindwa kuvumilia na kuwaita majirani. Lakini kwa hofu walionayo baadhi ya wanawake wakienda majirani kwa ajili ya kutoa msaada wanawake hao hukataa kua wamepigwa na waume zao. Mgogoro huu katika shehia nyingine husababishwa na sababu kama vile simu pamoja na kutokuaminiana baina ya wanandoa, mwanamke kutopelekewa huduma za lazima na watoto. Kutelekezwa kwa wanawake baada ya mume kuongeza mke wa pili au watatu. Imeripotiwa kua migogoro ya ndoa na talaka inachangia kwa kiasi kikubwa mgogoro wa watoto kukosa matunzo. Imeelezwa kua “wanaume huondoka kwenda dagoni wasiache chochote na inaweza kufika hata miezi mitatu au minne hawajuwi hata watoto wanakula nini. Watoto hawapati huduma zote muhimu kutokana na malezi ya upande mmoja”.¹³⁶

An example was quoted in a women’s FG of a mother who abandoned her seven children in the incapable hands of her husband following persistent abuse. More common was the husband abandoning wife and children. One participant declared that her daughter’s three children “have never seen clothes or food from their father] We have taken various steps to seek the rights of my grandchildren but have not succeeded.”

Talaka, kuachwa, matunzo

Mwaka 2006 iliripotiwa kuwa: ‘Kwa mujibu wa Wizara ya Vijana, Maendeleo ya Wanawake na Watoto visiwani humo viwango vya talaka Zanzibar vinaongezeka.’ Imezoeleka kua wanawake wakipewa talaka hukosa matunzo yao binafsi baada ya talaka, vile vile hukosa matunzo ya watoto baada ya talaka. Watoto wengi wamekuwa wakizurura ovyo kutokana na kukosa matunzo ya wazazi wawili baada ya talaka. Mfano bibi mmoja mtu mzima alielezea kwamba: “ana jirani yake yeye aliachwa akiwa na watoto saba, akakunja mizigo yake aakamuacha mume na watoto wake. Baada ya masiku kupita wale watoto wamekuwa wazururaji kwa sababu wanaume hawana malezi”. Imeelezwa katika shehia nyengine kua “mimi nina mwanangu kaachwa na watoto mwaka wa tatu tena huu, watoto hao hawajawahi kuiona nguo wala chakula kutoka kwa baba yao. Tumeshachukua hatua mbali mbali kutafuta haki za wajukuu zangu lakini hatujafanikiwa”. Mama mwengine aliongezea “mimi nimeachwa na watoto sita, wala siwawezi washanishinda maana ata skuli hawaendi, miye niko peke yangu sina baba sina mama sina mume, watoto siwawezi kwa kweli washanishinda ila ndio sina vya kufanya.”

In Kinuni, a woman explained the difficulties involved in getting justice from the kadhi court. A man abandoned his wife and children without maintenance and his wife took the issue to the kadhi court, which was slow in dealing with it. Eventually, the husband agreed to return to his family and the court ordered him to provide childcare. The kadhi court was not mentioned frequently in FGs as a source of dispute resolution, however. Since there is only one such court per

district, potential complainants will often be discouraged by the time and effort required to initiate and follow up on cases.

Mgogoro wa talaka na matunzo kwa watoto baada ya Talaka

Katika Shehia ya kinuni wanawake wameelezea jinsi ya ugumu wa kuifikia mahakama ya kadhi licha ya kuwa mwisho wanapata haki, “kuna mwanamke aliachwa talaka moja na mumewe lakini mume baada ya talaka aliwatelekeza watoto na hakutoa huduma kwa watoto wake, mwanamke huyo baada ya kwenda mahakama ya kadhi alikwenda na kurudi wakaitwa pande zote na kupangiwa siku, alikwenda kufuatilia kesi hio muda mrefu kidogo lakini mwisho wa kesi mume aliamua kumreja na mahakama ya kadhi ikatoa uamuzo wa kukaa nae na kutoa huduma kwa watoto.”¹³⁷

6.3 Violence, rape

Violence against children was the third most mentioned issue raised in FGs, accounting for 7 percent of all mentions. Most sexual and physical violence against women and children takes place within the family. Stepfathers are often mentioned as potential abusers of their stepchildren, but brothers, uncles and other relatives are also mentioned. One male FG member related how his daughter remarried after the death of her husband and that her children were abused by the stepfather while the mother was absent. Her 11-year-old son was seen to be in severe pain and was found on examination to have been raped.

Udhalilishaji, ubakaji

Unyanyasaji wa kimwili na kingono dhidi ya watoto ulijadiliwa kwa kina. Mfano; Baba wa kambo kuwanyanyasa watoto.” Hali hii hutokea baada ya baba kukaa kwa muda mrefu ambapo jamii huwajengea imani kwa kuona ni baba zao sawa na wao wazazi, ila wao ndio hujitoa imani na wakajivisha sura ya shetani na kuwafanyia vitendo hivyo viovu, watendaji hawa husubiri aidha mama watoto katoka na pirika zake ndio yeye hupata nafasi ya kutenda uovu huo, kwa masikitiko mzee alieleza; “mimi binafsi baada ya mwanangu kufariki, kaacha mke na watoto, hivyo mke kapata mume kaolewa ilibidi achukue na wanawe huko anakoenda, na kwa kua baba mzazi wa watoto kaacha mali ilibidi tumrithishe mume yule alamuoa ili apate kuwahudumia watoto tukidhani kua ni mlezi mzuri, baada ya siku kadhaa kupita ilibainika kua mume yule huwafanyia udhalilishaji wa kingono watoto wale wakati ambapo mama yao katoka, hili lilibainika baada ya mmoja kati ya hao mwenye umri wa miaka 11 kuonekana na maumivu yasiyoisha ndipo alihojiwa akaeleza kuwa baba yao wa kambo huwa anamuingilia baada ya mama yake kutoka, na baada ya kupelekwa hospitali akagundulika kua kweli ameshaharibiwa.”¹³⁸

Cases are also reported where teenage schoolboys are having sex with younger boys, though it is difficult to assess the frequency or degree of intimidation or violence involved. Similarly, reports of older boys in coastal communities seducing younger children in the sea are difficult to evaluate.

Rape is a criminal offence handled by the police. One Pemba FG reported that a rape case was reported to the police, who said they could not investigate the case since their car had no fuel. Inadequate personnel and lack of working capital are major constraints on police performance.

“Matukio ya udhalilishaji yanatokea hapa ingawa sio sana lakini polisi wanafanya dharau kubwa katika kufuatilia, mara moja mtoto alibakwa na tukenda kupeleka taarifa Polisi lakini wakatwambia gari yao haina mafuta.”¹³⁹

A serious issue reported in FGs was the reluctance of some women to report rape cases involving family members. One case was reported where neighbours took a girl and her stepfather to the police, accusing him of rape. Finally, known cases of sexual violence can continue without being reported. In Chumbuni, an eight-year-old boy had been abused for some time before the case was reported to the police.

Vilevile kuna suala la udhalilishaji katika shehia nyingi za Unguja na Pemba na inaonesha imekuwa ngumukupatasuluhu. Mfano, Kijana wami akanane aligundulika kuwa amekuwa akilawitiwa kwa muda mrefu na amekuwa akichukuwa na wenzake wakati wa kwenda kwa muhusika wa tendo hilo, ila bado suluhu haijapatikana na wakati tayari lishawasilishwa polisi.¹⁴⁰

6.4 Conflicts with outsiders: investors

‘Outsiders’ include local and foreign investors in tourism, urban development and agriculture. The army, anti-smuggling unit (KMKM), and the Ministry of Lands can also be considered ‘outsiders’ from a local perspective. Local and foreign private investors require formal state approval of their proposed projects, and may require state support to enforce their ‘land rights’ once projects take off. While private investors are legally obliged to provide compensation, the government regularly appropriates land deemed ‘public’ or ‘unoccupied’, whatever the reality on the ground, without compensation.

Foreign investors in tourism range from small single lodges to the ‘high-end’ investment in five-star hotels and large beach frontages. For relatively small developments on family-owned land, the investor negotiates a



purchase with the family head and then proceeds to apply for title to the district government. Large investments pass through ZIPA and the Ministry of Lands and generally involve the appropriation of the land in question, deemed 'public land', without compensation to local residents.

FG participants in coastal tourism areas of both islands complained of conflicts over compensation and access to beaches and fisheries. Investors in hotels, lodges and housing estates along beach fronts routinely come into conflict with local populations over compensation for forced eviction, rights of way, and access to beaches and fisheries. For example, in Makangale, Micheweni, Pemba villagers complained that they had lost access to the beach, seaweed 'farms', and 'shambas' as a result of the construction of Pemba Paradise Resort (pictured).¹⁴¹ Some FG participants on Pemba declared themselves hostile to further hotel developments on the island.



Paradise Beach Resort, Micheweni, Pemba

Mgogoro kati ya jamii na wawekezaji

Wanajamii wa Makangale walilalamikia juu ya kuwepo muwekezaji aliyejenga hoteli ya Pemba Paradise Beach Resort ambaye aliwafungia njia wananchi ambayo walikua wakitumia kuelekea baharini na mashambani katika kujitaftia kipato chao.

Fumba, Unguja, has been the site of numerous land disputes, some dating back years, and pitting local communities against government and investors, both local and foreign.

Fumba Town¹⁴³ is a large development endorsed by the investment promotion agency ZIPA and consisting of apartments to be rented or sold to investors for residential purposes. Local residents were told to stop building on the site a decade ago.



Hotel Verde, Azam Luxury Resort and Spa, another Bakhresa

Mfano mwingine ni wanajamii wa Fumba walisema kua; “Wanajamii wamekua hawasilizwi. Wakati mwingi kipaumbele kinakua kwa wawekezaji kuliko wananchi wenyewe.¹⁴⁴ Mgogoro mwingine wa wawekezaji ni mgogoro kati ya ZIPA na wananchi: Kwenye suala ya uwekezaji wa Fumba Town wananchi wamelalamika kuwa maeneo yao yamekua yakichukuliwa ambayo hapo zamani serikali iliwapa (maeneo huru kwa ajili ya makaazi). Wananchi wamezuiwa kuendelea kujenga takriban miaka kumi sasa.¹⁴⁵

Another major developer of luxury hotels and residential properties in Fumba is Zanzibar businessman Said Salim Bakhresa. The largest is the 106-room five-star Hotel Verde, (pictured above). FG members complained that the development blocked their access to the beach.

Mgogoro wa Ardhi: ambapo serikali imezuiwa kujenga katika maeneo yote yaliyopimwa kuwa ni ya uwekezaji hili limefanya jamii hii kulalamika kukosa sehemu ya kulima, kuzibwa kwa njia (kwenye kuta za pembezoni njia ya kwenda kwenye mradi wa Bakhresa). Hivyo jamii imeeleza;

- Hawajui mipaka ya maeneo ya uwekezaji na wananchi
- Hawaruhusiwi kujenga wala kutumia maeneo hayo kwa kilimo
- Hakuna ushirikishwaji wa wananchi hawa kwenye maamuzi.¹⁴⁶

In all the cases listed and in another mentioned below, local residents were not forewarned of the proposed developments, and did not receive compensation for loss of access to land and sea, since the land involved was ‘public’.

6.5 Conflicts with government

Over a decade ago, the Regional Commissioner of Magharibi B declared that a large area of land in Fumba had been taken over by the government for development by the Siti binti Saad Foundation,¹⁴⁷ and that local residents should not use it for economic or residential purposes.¹⁴⁸ Beacons were put in place, which residents vandalised (see photo). The Regional Commissioner failed to resolve the case, but further development was stopped. The locals took the case to the Land Tribunal, where it remains unresolved to date.



Katika shehia ya Fumba, Migogoro ya ardhi imekithiri na wananchi wanadai kuwa eneo lote limechukuliwa na Serikali. Na hata kwenye Mahakama ya Ardhi hawana suluhu yeyote wanayoipata.¹⁴⁹ Mkuu wa Mkoa alitoa ardhi kuwapa Nyundo (beacon) Taasisi ya Siti binti Sadi, bila ya kuwashirikisha wananchi amabo walipanda vipando vyao kwenye ardhi hiyo.¹⁵⁰

Other FGs related instances where government projects had negative consequences for local populations. For example, in 2017 people were moved to make way for the expansion of Pemba airport, but this has not happened to date. The people who were forced to move said they received no compensation.¹⁵¹

In Makangale, Pemba, the Ministry of Tourism decided to turn a local cave into a tourist attraction, and proceeded to move residents from the area without compensation.

Mgogoro wa ardhi unaohusisha serekali na wanajamii katika shehia ya Makangale, imeelezwa kua kunasehemu ambayo wanajamii wanaimiliki na wanatumia kwa harakati zao za maisha lakini serikali imechukuwa eneo hilo la pango kama ni kivutio cha watalii na kuwahamisha wakaazi bila fidia wala malipo.¹⁵²

There were numerous reports of the government taking over land in various shehias for road construction without compensation, for example, the Ole to Kengeja road in Pemba. In Mfikiwa, a female FG participant said: "We have been stripped of our lands for more than three years now and we have not been compensated..."

Vile vile mgogoro baina ya serikali na wanashehia ni mgogoro unaohusiana na ardhi, serikali imekuwa ikichukua maeneo ya mashamba na makaazi ya wanashehia hio na kufanyia shughuli za kiserikali bila ya wananchi kupewa fidia. Mgogoro huu wa ardhi baina ya serikali na jamii husababishwa na sababu kama vile; mipango miji. Serikali imechukua maeneo ya wananchi hususan kwa ajili ya kulima, kutengeneza mji mpya wenye majumba ya kisasa. Wananchi walidai kua tathmini zimeshafanywa watu washazuiliwa kuendesha shughuli zao katika maeneo hayo, wala hakuna shughuli yeyote iliofanyika. Kupanua uwanja wa ndege ujenzi wa barabara ya Ole Kengeja. Pia katika kuboresha miundo mbinu ya barabara wananchi hao waliathirika kwa kuchukuliwa maeneo yao bila ya kulipwa fidia. Wananchi walisema kua: "Tumepokonywa ardhi zetu zaidi ya miaka mitatu sasa hatujalipwa fidia, kila skiu tuna hakikiwa na kufanyiwa tathmini bila mafanikio yoyote."¹⁵³

The army. In 2019, an army unit summarily fenced-off and occupied a large piece of land in Ubago shehia and proceeded to harass the local population, including beating people for ‘trespassing’.¹⁵⁴ Attempts by the District Commissioner to resolve the issue failed and soldiers, led by their commander, continued to harass residents and ignore court orders, until president Mwinyi was forced to intervene to order that the harassment cease. A petition signed by aggrieved parties to repossess the land is still in court.

Pia kuna mfano mwingine kutoka Ubago Kusini Unguja, ambao mkuu wa Kikosi cha Jeshi alisema: “ardhi yote ya Ubago ni mali ya Jeshi”. Ilielezwa kua; “Inajulikana kuwa wanajeshi hao ni wahamiaji tu sio wazaliwa wa ubago”¹⁵⁵

The KMKM (anti-smuggling unit). Kisiwapanza youths explained that they had received fibreglass boats and outboard motors from the government for transport and fishing, but that these were confiscated by the anti-smuggling unit (KMKM), who accused the youth of smuggling. The Fisheries Committee, District and Regional Offices and the Police have failed to resolve the issue.

Mgogoro kati ya Jamii na KMKM

Vijana wa Kisiwapanza wanaeleza kuwa waliletewa Faiba na Gwanda kwa ajili ya usafiri na uvuvi, wanajamii wanaeleza kuwa walitokea watendaji wa KMKM na baadhi ya maofisa kutoka wilayani, walikuja kuchukuwa faiba hizo ila hadi sasa hawajuwi zimepelekwa wapi maana mpaka hivi sasa hawajazona. Kwahiyo inaonesha ni rahisi kuwafikia Kamati ya Uvuvi, Ofisi za Wilaya na Mkoa Pamoja na Polisi lakini hazitoi haki kwa wanajamii.

6.6 Fishing rights and maritime boundaries

Conflicts are common between coastal communities over fishing rights and between the state and fishers over illegal fishing in protected areas. Some communities have been incorporated into marine conservation projects that are not recognised by their neighbours.

Wananchi wameelezea kua kuna migogoro inayojitokeza baina ya viongozi wa jimbo na jamii. Baadhi ya masheha hukataa mashirikiano na wanajamii katika masuala mbali mbali. Baadhi ya masheha hua na upendeleo kwa baadhi ya wananchi na kubagua baadhi ya wanajamii.

Suala la uvuvi haramu na mipaka ya baharini, mgogoro huu umekua kikwazo kikubwa zaidi katika maeneo ya mwambao (ukanda wa baharini) ambapo jamii moja hutatizana na jamii nyengine kwa sababu ya kuzuia mipaka au kujihusisha na uvuvi haramu, na wakati mwengine mgogoro huu huzikumba zaidi jamii zilizoingia katika mfumo wa uhifadhi samaki, ikitokea jamii jirani kuvua katika maeneo hayo ndio migogoro hujitokeza na kukosa kufahamiana.

Fishers in Uroa in south Unguja have been coming to blows with their neighbours from the Marumbi community over their common fishing boundary. The conflict includes physical violence and destroying each other's boats ('mashua'). Marumbi fishers also have a similar problem with their other neighbours in Chwaka. In 2020, the District Commissioner was called in to resolve the conflict. This kind of conflict was mentioned in a number of other coastal communities.¹⁵⁷

Wanajamii wa Uroa huzuiliwa shughuli zao za uvuvi na wana jamii wa Marumbi kwa kuidai kuwa eneo wanaloenda kuvua watu wa Uroa ni eneo la Marumbi. Wananchi wa Uroa wanadai kua ni eneo lao, mgogoro huu umekua ukiendelea kila baada ya kipindi cha mvua ambapo wananchi hukimbilia maeneo hayo kwa ajili ya kuvua, kwakua wanahisi ni maeneo yao ya uvuvi, lakini wakikutana huko ndio ugomvi huendelea na imeshawahi kutokea kupigana siku kadhaa.¹⁵⁸

In Makangale, Pemba, women seaweed farmers clashed with fishers, who were damaging their farms with their nets. When the women's requests to leave their farms failed, they set fire to some nets and presented them to the sheha. The fishers admitted their trespass and agreed to pay compensation to the aggrieved women.

Katika shehia ya Makangale wanawake wanajishughulisha na Ukulima wa mwani baharini na wanaume wanavua samaki. Imekuwa kawaida wanaume kuvua kwa kutumia nyavu na mara moja walikuja kutuma nyavu zao katika sehemu ambayo akina mama wanalima mwani, na kusababisha uharibifu mkubwa na jambo ambalo lilipelekea mgogoro kati yao, wanawake waliamua kuzizuia nyavu za wanaume hao hadi kwa sheha na kutafuta suluhu kwa sheha, sheha aliwaita pande zote mbili na walipokubali kuwa walifanya makosa sheha aliwataka wanaume kulipa fidia kwa uharibifu walioufanya na wanaume walilipa fidia hio na pande zote mbili ziliridhika. Wanajamii waliweza kumfikia sheha kwa urahisi kwa ajili ya suluhu na haki ilipatikana kwa urahisi.¹⁵⁹

6.7 Healthcare, water, education

Complaints of poor or non-existent public services were common across the two islands, accounting for six percent of all FG mentions. The most frequently mentioned service delivery shortfalls in FGs were water shortages, poor quality education and teacher shortages, unpassable rural roads and distant, under-resourced healthcare facilities. Complaints were channeled to the local councilor, district commissioner and member of parliament, and school issues, including truancy, were discussed at parent-teachers' meetings. Given the centralised nature of resource allocation for social services, it is not surprising that the reported success rate for efforts to address service shortfalls was virtually zero.



Water delivery services ancient and modern, Fumba, Magharibi B, Unguja

Complaints concerning domestic water supply were reported from Mbuguani, Panza Island, Mwambe Ole, Utaani, Mwambe, Mwambe, Bububu, Fumba (see above), and Chumbuni. It appears that in some areas, shallow wells and boreholes are drying up as the water-table falls, forcing women and children to walk long distances to collect water.

FGs claimed that maternity services sometimes lacked for women. On Kojani island, for example, the government provided a ferry service to take pregnant women to Wete hospital, but the service broke down. "Mothers don't get to the hospitals, they give birth along the way." When a hospital was built on Kojani, there were no doctors to run maternity services. Inter-island ferry services have been lacking in almost all areas of Pemba and some parts of Unguja.

Huduma za afya, maji, elimu

Malalamiko ya huduma duni za umma au kutokuwepo kwa huduma za kutosha kwa jamii yalielezwa katika visiwa hivyo viwili. Wanajamii wengi hulalamikia huduma za afya, mfano wa kisiwa cha Kojani hapo awali serikali iliweka kivuko ambacho kilikua na malengo ya kuwasaidia akina mama wajawazito, lakini ikawa hakiwezi kuwafikia watu kwa wakati na hatimae ikawa wazazi wamo hatarini. Baada ya muda hospitali ilijengwa ingawa tatizo halikutatuka kwani hakukua na madaktari wa uzalishaji.

Suala la ukosefu wa huduma za kijamii kama vile maji barabara ni masuala ambayo yamekua yakichukua nafasi kubwa kwa jamii ya wazanzibari, huduma ya maji imekua ikikosekana kwa mda mrefu katika maeneo takriban yote ya Pemba na baadhi ya maeneo ya Unguja. Mfano wa malamiko ya suala ya huduma ya maji safi yalijitokeza katika shehia za Mbuguani, Kisiwa Panza, Mwambe Ole, Utaani, Bububu, Fumba, Chumbuni n.k. Kwa upande wa barabara wilaya ya kusini Pemba imekua ikilalamikiwa kwa kutokuwepo na huduma rafiki ya barabara. Jambo ambalo linasababisha kero kubwa kwa wananchi. Wananchi wa shehia ya Mwambe wamelalamikia kwa kiasi kikubwa tatizo la miundo mbinu ya barabara.

Ufinyu wa upatikanaji wa huduma za jamii, (umeme). Katika shehia ya Kinuni umeme ni mgogoro mkubwa unazimwa kila siku “vitoeo vinaharibika” umeme unatuzidishia ile hali mbaya ya kiuchumi kwa sababu bidhaa zetu zinatuharibikia kutokana na kukosekana kwa umeme. “Ikifika kipindi cha sikukuu umeme siku tatu hatuupati katika shehia ya Kinuni”.

Uchache wa vituo vya afya, ukosefu wa vituo vya afya mfano katika shehia ya Kinuni, Kojani n.k ililalamikiwa ambapo wananchi walisema hulazimika kutumia kituo cha afya cha magogoni ambacho kiko mbali zaidi na shehia hiyo. Hali hii hupelekea wazazi kujifungulia njiani. “Kina mama hawafiki hospitali wanajifungulia njiani.”¹⁶⁰

FGs reported that roads are in a terrible state in southern Pemba, including Mwambe. Local transport is more expensive in Pemba than Unguja, and some rural roads are impassible, both factors frustrating farmers’ attempts to bring their crops to market.

Most of the population of Pemba does not have access to electricity and the supply is erratic for those that do. “When it comes to the electricity supply, three days we don’t get power.”¹⁶¹

The 2003 study by Othman et al cited in the literature review noted that: ‘local governments are without sufficient revenue to provide basic services. This is mainly due to the overall institutional arrangements, but also due to poor capacity for actual revenue collection and financial administration.’¹⁶² If, as seems likely,¹⁶³ these and other weaknesses reported above are still chronic, it is unlikely that ‘ADR’ through lobbying at different administrative levels will have positive results.

Mfano katika majadiliano wanawake wa shehia ya Mtambwe wamesema kua; 'Mtambwe hasa hapa Uondwe, watoto wadogo wa miaka 13 wanajiingiza katika kuvuta bangi na kutumia madawa ya kulevya, na mara nyingi wanafuatana na vijana wa rika zao kutoka mbali wanakuja hapa na kuvuta bangi, na sababu yake hasa ni kile kipindi cha karafuu watu kutoka sehemu mbali mbali wanakuja na kuuza madawa ya kulevya kwa watoto wetu'.¹⁶⁴

6.8 Drug abuse

In Zanzibar, as on the mainland, marijuana is considered a dangerous narcotic, in the same category as opiates and cocaine.¹⁶⁵ There are two Zanzibari drug stories that need to be distinguished. In the first, Zanzibar is a hub for international drug smuggling from Asia and Latin America and some of the drugs in transit have stimulated addiction among young, urban males.¹⁶⁶

The second story is the widespread production and use of marijuana ('bhang') in Tanzania. In the popular consciousness, marijuana-smoking is associated with delinquency and crime. Rural adults associate the spread of marijuana smoking with young people coming from outside bringing 'bad habits' to corrupt the youth, including 13-year-olds. Examples include Uondwe, Pemba, during the clove harvesting season.

Suala la uvutaji wa bangi na madawa ya kulevya mitaani husababishwa na vijana wanaotoka jamii za nje kuja kupata dawa za mental, kisha wanazagaa mitaani nakufanya mambo machafu. "Tatizo bado lipo na linatuathiri sana tunavutiwa bangi chini ya madirisha, sisi wenyewe tunaelewa, vilikuja vikosi vya polisi vikawaondoa, kisha wakaikatisha ile operesheni."¹⁶⁷

6.9 Politics and conflicts with local leaders

Since before independence, political conflicts have been a divisive factor in Zanzibar society, involving recurrent clashes and state repression, particularly during and immediately after elections. Even during normal times, long-standing 'hatred and animosity' may influence community life and the kinds of conflicts that people report. In Utaani, a woman related how the sheha refused to register the birth of her child because she supported the main opposition party.

Siasa: kupitia mgogoro huu wa kisiasa, washiriki walieleza kuwa ni mgogoro mkubwa ambao huzikumba jamii zao, ingawa ni mgogoro ambao hutokea zaidi katika kipindi cha uchaguzi, na baada ya kumaliza uchaguzi huendelea chuki na uhasama ambao wanajamii huekeana kwa muda mrefu pamoja na kulipiza visasi kwa wale waliofanyiwa matatizo wakati wa kampeni na uchaguzi. Katika shehia ya Utaani wanajamii wameeleza, mzee mmoja alisema mimi harusi yangu ilifanyika ndani ya nyumba yake lakini baada ya kupata mtoto nilienda kwa sheha ilikofanya usajili wa mtoto, sheha kanambia hanijui, kwa sababu mimi nipo katika upande wa chama cha upinzani, na kwa hio nimeshashindwa kupata tarjisi ya mtoto hadi leo, vilevile Bwana Ali aliondoka katika majadiliano hayo yakiwa yanaendelea baada ya kufika sheha na kupata taarifa kuwa kikao kimeitishwa na sheha.¹⁶⁸

In Tumbatu Jongowe before the last elections, ruling party-opposition rivalries led to mutual boycotts of shops and places of worship. Community and religious leaders are resorted to in order to keep the peace.

7.0 Rough justice

Do Zanzibaris ‘take the law into their own hands?’ A particularly horrendous example of street justice (not reported in an FG) occurred in Mongani (Magharibi B) in 2021, when two cows were stolen and loaded on a pick-up, but the thieves were intercepted and the vehicle torched by angry villagers. Two of the three died on the spot while the third fled. No-one was charged with the murders. Examples of suspected thieves being severely beaten before being taken to the police were reported in FGs in Mtambwe (Wete, Pemba) and Mwanakwerekwe (Magharibi B, Unguja).

Je, Wazanzibari ‘wanajichukulia sheria mkononi?’ Mifano ya watu wanaosadikiwa kuwa ni wezi kupigwa viboko vikali kabla ya kufikishwa polisi iliripotiwa katika FGs za Mtambwe (Wete, Pemba) na Mwanakwerekwe (Magharibi B, Unguja).¹⁶⁹

8.0 Other issues

A number of less frequently mentioned issues can be briefly reviewed.

8.1 'Environmental' issues

According to Ali and Sulaiman (2006), the largely unplanned development of informal settlements, particularly in Magharibi A and B Districts to the East of Stone Town, has led to 'pollution, deforestation, flooding, waste of agricultural lands and the like.'¹⁷⁰

A variety of issues concerning the natural environment were raised across FGs. Issues relating to land, livestock, fishing rights and conservation are discussed at length above. Other concerns include forests, sand and coral stone mining, and the non-collection of refuse. A Mwanyanya FG complained about anti-social neighbours littering the streets and poor disposal of waste water, though lack of public services could also be blamed for these hazards. In Chumbuni, an urban area, (pictured) waste water collected in an abandoned sand mine overflowed into the neighbourhood during the rainy season.¹⁷¹



Maji taka, Chunguni, Magharibi A, Unguja

Aina hii ya mgogoro wa mazingira hutokea kwa jirani kuelekana michirizi ya maji machafu, na kuelekana takataka nje ya nyumba, chanzo cha mgogoro huu ni hutokana na kukosekana kwa sehemu maalumu ya kuhifadhi takataka na mashimo ya maji machafu (karo).¹⁷²

8.2 Witchcraft accusations

Witchcraft beliefs are common in Zanzibar and misfortune, ill-health and death frequently give rise to accusations of witches in the community.

Wananchi wameripoti kua katika shehia zao kuna tuhuma za uchawi. Baadhi ya maeneo watu hutuhumiana uchawi na kufika kuhasimiana. Vile vile imeripotiwa kwa baadhi ya shehia kua kuna ubaguzi kwa watu wenye ulemavu. Baadhi wa watu bado hawajajua maana ya usawa na haki kwa watu wote. Migogoro wa kufanyiana uchawi imeripotiwa pia kwa baadhi ya wanashehia. Mfano wanajamii wanadai kuwa wanga wamejaa katika shehia zao, watu wanafanya ubaya au uchawi kwa watoto wa wenzao au wanamfanyia mtu hapati maendeleo. Kibaya zaidi ni kumpa maradhi mwenzio na kumueka kitandani.

8.3 Indebtedness

Debts reported in FGs are of two kinds: those contracted between two individuals and compensation owed to individuals by government and investors related to displacement and loss of livelihoods. Unpaid debts owed to businessmen and retailers lead to conflict. In one instance, the non-repayment of a 200,000/- debt led the creditor to file a civil suit with the police, who ordered the debtor to pay 80,000/- but required their cut (30,000/-). To date the balance of 120,000/- remains outstanding.

In Chake Chake (Pemba) the government promised compensation to locals whose houses were demolished for a road project. No compensation was paid.

Kumejitokeza pia mgogoro wa madeni kwa baadhi ya wanajamii katika shehia mbalimbali. Huu ni miongoni mwa migogoro mikubwa kwetu iliyopo katika shehia mbali mbali za Unguja na Pemba. Mgogoro huu unasababishwa na ugumu wa maisha uliopo, hivyo kupelekea watu kukopa na kukopesha ili maisha yende. Mgogoro huu husababisha watu kupigana na kununiana kwa sababu ya madeni na kuingia katika ugomvi mkubwa sio kwa wafanya biashara tu bali hata wanajamii wa kipato cha chini.

Kumejitokeza pia mgogoro wa madeni kwa baadhi ya wanajamii katika shehia mbalimbali. Huu ni miongoni mwa migogoro mikubwa kwetu iliyopo katika shehia mbali mbali za Unguja na Pemba. Mfano: iliripotiwa kwamba 'hapa karibuni mmoja alimkopesha mwenziwe 200,000 na lakini ikapita muda wa kulipa hajalipa kila akidaiwa hataki kulipa, mdai akaamua kwenda polisi na kufungua kesi ya madai, mdaiwa polisi walimpiga faini na kutaka kwanza alipe 80,000 na wao wakatakiwa kulipwa 30,000 na hadi leo pesa zilizobakia hajalipa 120,000 imebidi mdai asamehe tuu maana hakuna njia ya kuzipata'.

Serikali haijalipa fidia kwa wananchi wa Mfikiwa (Chake Chake, Pemba). Jumuiya inadaiwa na serikali wakati wanapita barabara nyumba ziliharibiwa. Hakuna fidia iliyolipwa. Ila wananchi hawakuweza kuanisha ni kiasi gani cha madeni yanayodaiwa, namna ya pili ni kati ya watu binafsi kama mtu anadaiwa deni si kulipa kile anachodaiwa. Ilizungumzwa kua hali hii ni ya kawaida katika shehia nyingi k.m. Mwambe (Mkoani, Pemba). Mara nyingi watu binafsi kwa ajili ya kutumikia maisha yao.¹⁷³

8.4 Moral ‘turmoil’ (Mmongonyoko wa Maadili)

Generational conflicts are the norm in fast changing societies, and Zanzibar is no exception. In recent years ‘kamati ya maadili’ (‘ethics committees’) have been established throughout the isles, especially on Pemba, to handle such conflicts. The sheha convenes and chairs committee meetings. The representatives of conservative Islamic society feel threatened by the forces of modernity that accompany mass tourism and new technologies, including the motor cycle and mobile phone. Love-based rather than arranged marriages are one bone of contention. Both cultural change and the effects of poor child rearing resulting from broken marriages influence the kinds of issues dealt with by these committees. Children from eight to fifteen years old are the main targets for discipline, termed ‘advice’, with more boys than girls. The objective is bringing ‘offenders’ back in line, not negotiating compromises. Truancy, indiscipline and petty theft are common reasons for punishment, which may include public beatings by the police.

Aidha iliripotiwa kua kuna mgogoro wa malezi mabaya ya watoto. Kwa kiasi kikubwa watoto wameharibika kutokana na malezi mabaya. Watoto wa siku hizi wanaridhiwa na wazee wao kupita kiasi imesemwa; “sasa hivi mtoto wa kike ana kuletea mwanaume, eti mama huyu mchumba wangu, zamani hatukuthubutu kuyafanya haya”. Pia imeelezwa kua kutokana na kutelekezwa na baba zao na maisha kuwa magumu majumbani, watoto wengi wamejiingiza katika ajira za kubanja kokoto, na ukulima wa mwani.¹⁷⁴

8.5 The practice of muhali

Muhali is the practice of paying compensation for forced or voluntary sex with underage boys and girls, violence against women and child marriage. Over half (58 percent) of shehas interviewed reported that muhali was practiced ‘somewhat’ or ‘a lot’ in their shehias. Table 6 lists the shehas involved.

Table 6: Shehas’ views on the frequency of *muhali*

Unguja		Pemba	
‘Somewhat’	‘A lot’	‘Somewhat’	‘A lot’
Chumbuni	Bumbisudi	Wambaa	Chonga
Mwanyanya	Mtopepo	Ole	Mfikiwa
Magogoni	Mwera	Maziwangombe	Fundo
Kinuni	Mwana Kwerekwe	Makangale	Kojani
Uroa	Nyamanzi		Mtambwe
Ubago	Fumba		
Mtende	Bumbwini		
Kivunge	Matembwe		
	Tumbatu		
57% of sample shehias		60% of sample shehias	

Source: Sheha questionnaire

According to FGs, child abuse cases reported to the police are relatively few. Since most cases of child abuse are covered up by the families of the victims, the few cases that are brought to public attention must be in some way atypical, as discussed in the text.¹⁷⁵

Muhali is criticised for allowing perpetrators to get away with criminal behaviour that should be punished. In addition, compensation is paid to the victim's family, not the victim.



Women's focus group, Kiponda, Stone Town, Mjini, Unguja

9.0 Main conclusions on ADR and ADRMs

9.1 Land disputes

Disputes over land ownership and user rights involve communities, government agencies and investors in tourism and luxury housing developments. At the shehia level, many disputes occurred after the death of a land owner and involved family members and others allowed usufruct¹⁷⁶ rights over an extended period. Government acquired farm and other land for commercial purposes, including sand-mining and developing tourist attractions. Villagers complained over the loss of farm land, pasture and property, for which they are generally not compensated. While disputes between local farmers and communities stand a good chance of settlement through family and community processes and the sheha, there is little or no chance of redress when the government is involved.

9.2 Family affairs

- The incidence of divorce is said to be increasing and consequently the issue of family maintenance by fathers has become more common;
- Step-fathers are widely thought to be the main perpetrators of forced (rape) or consensual sex with their adopted children, though brothers, step-brothers, fathers, schoolmates, teachers, businessmen and others could also be implicated;
- The 'justice' meted out by ADRMs generally favours older men, including those accused of forcing underage children into sex, with most of the relatively few cases that are reported dismissed due to 'lack of evidence';
- Evidence of sexual abuse of girls and (especially) boys is suppressed by adult family members, both male and female, to protect the guilty;
- Most shehas and their assistants keep no records of the cases they deal with.

9.3 Community issues

The main, and very depressing, conclusion to be drawn from this in-depth study is that harmonious and peaceful communities in which interpersonal trust prevails, the young generation respect their elders, marriage constitutes an enduring bond, children are protected against physical and sexual violence, land boundaries and individual property are respected, government-provided services are widely available and appreciated, conflicts are resolved promptly and fairly, and employment opportunities are plentiful, *do not exist in Unguja or Pemba*.

This gloomy conclusion challenges the official discourse that portrays steady social and economic progress brought about by a competent and public-spirited government.

9.4 Politics and government

Zanzibari politics have been marred by recurrent violence and state repression, particularly during and immediately after elections. The two attempts at 'mwafaka' coalition governments in Zanzibar can be seen as extended exercises in dispute resolution, ultimately designed to control political violence.¹⁷⁷ FGs on both islands cited examples of political rivalries causing conflict and preventing its resolution. MPs were rarely mentioned as actors on the ADR stage. Many people from Pemba blame CCM for the lack of development on the island.

On both islands, FGs identified the state as the main source of land disputes. The government acquires land for road construction and commercial purposes, including sand mining and tourism promotion, but FGs reported that compensation is not paid. This particularly affected peri-urban areas. The army was noted as a particularly aggressive offender. FGs' main complaint with government concerned the poor quality or lack of passable roads and basic social services. MPs, local councillors and service providers were said to be ineffectual as ADRMs.

9.5 'Outsiders'

Local and foreign investors are major sources of disputes involving local communities in Zanzibar, particularly in Unguja coastal areas. In some cases, investors buy out local residents with title deeds as a precursor to registering their investment with the local and national authorities. In other cases, land is declared 'public' or unoccupied and residents are removed without compensation. In the worst cases, residents lose property, and access to farmland and fisheries. ADRMs are generally unsuccessful as means of achieving redress.

The following sections summarise the importance and effectiveness of the main ADRMs discussed in this report.

9.6 The sheha

The sheha and his deputy are the first port of call for all complaints in a third of all shehias, in particular over domestic disputes including divorce and maintenance. Their success rate was 36 percent in Unguja and 47 percent in Pemba. On many issues, the sheha simply refers the complainant to another actor, including the police, service providers, and others. Not much is known about the recruitment and activities of the sheha's deputy, but she is clearly an important addition to local mediation capacity. To the sheha and the sheha's deputy may be added local militias ('wagambo').

9.7 The police

Although the police are the second-most frequently contacted DRM on both islands, their relations with the public are strained. Two sets of issues emerged

strongly from the fieldwork. First, alleged criminal cases, including drugs and theft, are widely reported to the police. The ‘success rate’ in such cases is reported to be low or very low, as described above. Second, GBV issues are reported to the gender and children’s desk (‘dawati’). Here, success rates are much more positive, though of course we do not know how many cases of GBV are actually reported in the first place. But most attempts to punish alleged rapists are unsuccessful, for reasons described in the text.

9.8 Family solutions

Family solutions are by far the most successful of the main types of ADRM employed on Unguja, but much less so on Pemba (82 versus 38 percent). Meetings of elders and face- to-face discussions between contending parties (fishers, farmers and livestock owners) complement family meetings as key DRMs addressing specific community-level issues.

9.9 Other

Apart from the three main ADRMs listed above, a large number of other mechanisms were invoked to solve specific disputes. In decreasing order of frequency, these included local government councils and councilors (‘diwani’), district commissioners, MPs, the land tribunal (an official body), school committees, religious leaders, Kadhis’ Courts, the water authority ZAWA, and investment promoter ZIPA, the forestry committee, and wakf (see literature review).

The likelihood of successful resolution of conflicts in Zanzibar is highly variable, depending on the nature of the issue and the relative power and influence of the contending parties involved. It is easier to shame an unfaithful husband or solve a case of livestock encroachment than to prosecute an alleged rapist or prevent a big hotel development from appropriating villagers’ land or beach frontage. Where power and money are involved, it is the strong and wealthy who invariably prevail. When confronted by state power and private money, the most local communities can hope for is financial compensation. In most cases, they receive none.

9.10 Gender and ADR

Separate FGs for adult men and women were designed to give equal voice to men and women, since mixed groups can privilege the male voice. Many women’s FGs were extremely dismissive of men in general, accusing them of not taking their family responsibilities seriously. Some declared that they had completely given up expecting their husbands to look after their families, and struggled to feed, clothe and educate their children.

It is noteworthy that male FGs were much less disposed than female and youth groups to raise GBV, child abuse and maintenance as issues requiring ADR.

9.11 Generational issues

Separate youth FGs allowed young people to express their views freely. In Zanzibar, intergenerational conflicts have been fuelled in recent years by the rapid expansion of the tourist industry and exposure to multiple cultural influences. The widespread introduction of ethics committees ('kamati ya maadili') at the community level in recent years is striking proof of the concern of the older generation that the 'youth' are abandoning traditional and Islamic values under the influence of materialist and individualistic modernity, including choosing marriage partners.¹⁷⁸ Committees deliberate on issues ranging from truancy ('utoro') to drug use, generally involving 8–15-year-olds, a majority of whom are boys. The aim of the committees is punishment, including public beatings, rather than counselling or conciliation.

But although there were frequent references to marijuana smoking and youth immodesty in adult FGs, youth participants did not often identify intergenerational conflicts as issues important enough to require external mediation. Neither were *kamati ya maadili* mentioned frequently in FGs. Physical and sexual violence against children can be framed, at least in part, as a generational issue, since adult and older men are widely seen to be among the main abusers. Shame and fear of retribution may have inhibited the discussion of child sexuality and abuse in youth FGs.

9.12 Unguja versus Pemba

The report highlights numerous important differences in terms of basic characteristics between the two islands and the pattern of ADR strategies employed. This is hardly surprising, given the significant differences between the two islands in terms of economic development and poverty levels discussed in the literature review. People on Pemba are on average poorer than those from Unguja and have a strong sense of being ignored by the RGoZ in terms of service provision and roads.

9.13 Trends in ADR

Which issues requiring resolution are becoming more prevalent, and which less? Which ADRMs are increasing in importance and which declining? Fieldworkers and supervisors agreed that certain disputes were increasing in frequency (Table 6). (Unemployment – a non-ADR issue – was also seen to be a growing problem among the youth).

Table 7: Broad trends in disputes and most difficult disputes to resolve.

Disputes	Increasing in frequency	Most difficult to resolve
Divorce and maintenance	✓	
Crop and livestock theft	✓	
Sexual abuse	✓	✓
Drug use	✓	✓
Land and boundary disputes	✓	
Moral decay (mporomoko wa maadili)	✓	✓
Poor social services	✓	✓
Disputes with investors		✓
Politics		✓
Farmers versus herders	✓	✓
Child maintenance		✓

Disputes said to be declining were: inheritance, truancy from school and madrasa, early pregnancy, and conflicts between farmers and livestock keepers.

ARDMs that were increasing in importance were thought to be the sheha, police, family gatherings, religious leaders and village elders.

10.0 Lessons learned and recommendations

10.1 Do ADRMs deliver justice?

ADRM are no magic solution to the problems the majority poor attempt to solve outside formal legal structures. In an unequal world, the rights of the poor are routinely overridden by power and money in both formal *and* alternative justice systems. According to the International Development Law Organisation:

‘While CIJ [customary and informal justice] systems offer affordable, timely, flexible and culturally relevant means for resolving disputes and protecting legal rights, evidence shows that in some contexts, these systems perpetrate structural discrimination, unequal power relations or harmful practices.’¹⁷⁹

As with formal justice systems, ADRMs favour the rich and powerful over the poor and weak. Zanzibar’s small size and attraction to investors render many Zanzibaris vulnerable to losing land use and livelihoods. In addition, structural discrimination tilts the scales of justice in favour of men over women and the older over the younger generation.

10.2 Keeping records

The processes and outcomes described in FGs cannot be crosschecked with reference to official documents produced by shehas, the police, or other bodies, since ADRM and outcomes are not recorded or reported to higher levels. Few shehas or their deputies keep any systematic records. It is tempting but unrealistic to recommend that shehas should keep basic records of cases dealt with and outcomes. For this to be a realistic initiative would require trainers and training, budgetary allocations and reporting system and other pre-conditions that simply do not exist.

10.3 Further research on ADRMs

Legal research on ADR focuses on commercial, investment and labour disputes and is promoted by aid-recipient governments and aid agencies as a means of 'decongesting' overstretched legal systems with faster and less costly procedures. Projects provide support for arbitration procedures, such as court brokers. 'Paralegals' are promoted by governments and donors as a means of providing cheap legal aid to litigants within the formal legal system.

There is no literature on ADR, as defined in this research project, in Africa.¹⁸⁰ This is quite remarkable, given that formal civil law systems serve only a very small proportion of the total population, especially in poor countries like Zanzibar.¹⁸¹

The present study could serve as a pilot for further ADR research in Tanzania and elsewhere, but for this to happen, governments, aid agencies, legal practitioners and INGOs would have to agree that the ways in which ordinary people attempt to solve their civil and criminal disputes are important research and policy issues.

However, the importance of ADR as a research field is not self-evident. Focusing on dispute *resolution* rather than *prevention* means looking at issues *after the damage has been done*. Preventing physical and sexual violence against children, for example, is surely more important than punishing the violators, however justified this is.

Moreover, prevention also needs to be contextualised. For a young Zanzibari, the statistical risk of being the victim of physical or sexual violence is very low compared with the risks related to: hunger and malnutrition, infectious and environmental diseases, joblessness ... in a word – poverty. It was shown above that poverty levels in Zanzibar are high, particularly in rural areas and on Pemba. Seen from a poverty analysis perspective, vulnerability to sexual violence is just one of a set of *multiple vulnerabilities*. By definition, focusing on single issues means ignoring the 'big picture'.¹⁸²

A key research question that emerges from this discussion is: how can the types of conflicts that have been identified in FGs be avoided or reduced significantly? Action research and analysis on these issues are arguably more pressing priorities than further research on ADRMs per se. Further research on ADRMs in the region following the objectives and methodology of the present study should be seen in this perspective.



Future FG participant? Bumbwisudi, Magharibi A, Unguja

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APPENDIX 1: DETAILED METHODOLOGY

The ADR fieldwork consisted of focus groups (FGs) in 43183 shehias and a questionnaire administered to Shehas. The sheha questionnaire is appended below.

Sampling was based on population per district extrapolated from the 2012 census (Table A1.1).¹⁸⁴

Table A1.1: Population distribution, number of shehias, Unguja and Pemba, 2012, 2022 (estimate)

District	2012 population	Shehias 2012	2022 population projection	Population distribution 2022	Shehias 2022	Shehias sampled
UNGUJA						
Magharibi	370,645	39				
Mjini	223,033	45	291,481	17	56	(7) 6
Magharibi B			265,846	15	34	(7) 6
Mahgaribi A			208,359	12	31	6
Kazkazini A	84,127	36	136,410	8	44	4
Kazkazini B	81,675	29	105,904	6	31	3
Kati	76,346	40	93,966	5	42	2
Kusini	39,242	21	48,969	3	21	1
			Sub-total Unguja	65%	259	28
PEMBA						
Wete	107,916	32	162,112	9	36	4
Micheweni	103,816	27	156,102	9	25	3
Mkoani	97,867	33	147,169	8	36	4
Chake Chake	97,249	29	146,671	8	32	4
			Sub-total Pemba	35%	129	15
Totals	1,281,916	331	1,762,989	100	388	43

The shehias were sampled in proportion to district populations, though this exercise could not yield very accurate results.¹⁸⁵

From 2012 to date, the total number of shehias increased from 331 to 388. The sample of 43 shehias represents about 11 percent of the Zanzibar total.

Approximately two-thirds of the Isles' population live on Unguja and a third on Pemba. The total sample of 43 shehias is divided accordingly (i.e., 28 Unguja and 15 Pemba).¹⁸⁶

In each sampled shehia separate FGs were organised for young people, women and men, giving a total of 129 FGs (45x3).

Table A1.2 lists the sampled shehias on the two islands.

Table A1.2: Sample shehias

	UNGUJA		
No.	DISTRICT	CONSTITUENCY	SHEHIAS SAMPLED
1	MJINI	MALINDI	KIPONDA
2		KIKWAJUNI	MIEMBENI*
3		AMANI	KWAWAZEE
4		KWAHANI	MIKUNGUNI
5		SHAURIMOYO	MKELE
6		CHUMBUNI	CHUMBUNI
7		JANG'OMBE	KIDONGOCHEKUNDU
8	MAGHARIBI A	MTONI	MWANYANYA
9		BUBUBU	BUBUBU
10		MFENESINI	MFENESINI
11		MFENESINI	BUMBWISUDI
12		WELEZO	MTOPEPO
13		MWERA	MWERA
14	MAGHARIBI B	FUONI	FUONI MAMBOSASA
15		KIEMBESAMAKI	KIEMBESAMAKI
16		MWANAKWEREKWE	MWANAKWEREKWE
17		MWANAKWEREKWE	MAGOGONI*
18		PANGAWE	KINUNI
19		DIMANI	NYAMANZI
20		DIMANI	FUMBA
21	KATI	CHWAKA	UROA
22		TUNGUU	UBAGO
23	KUSINI	MAKUNDUCHI	MTENDE
24	KASKAZINI 'B'	BUMBWINI	MAKOBA
25		MAHONDA	KITOPE
26		DONGE	DONGE KARANGE
27	KASKAZINI 'A'	KIJINI	KIVUNGE
28		MKWAJUNI	MATEMWE KUSINI
29		TUMBATU	JONGOWE
30		NUNGWI	BANDAKUU

* FGs not completed

	PEMBA		
S/N	DISTRICT	CONSTITUENCY	SHEHIA
1	MKOANI	MKOANI	MBUGUWANI
2		MTAMBILE	KISIWA PANZA
3		KIWANI	MWAMBE
4		CHAMBANI	WAMBAA
5	CHAKE CHAKE	CHAKE CHAKE	KICHUNGWANI
6		CHONGA	CHONGA
7		CHONGA	MFIKIWA
8		OLE	OLE
9	WETE	WETE	UTAANI
10		KOJANI	KOJANI
11		GANDO	FUNDO
12		MTAMBWE	MTAMBWE KASKAZINI
13	MICHEWENI	MICHEWENI	MAZIWA NG'OMBE
14		TUMBE	SHUMBA VIAMBONI
15		KONDE	MAKANGALE

The basic sampling unit was the district (Table A1.3). Shehias were sampled in proportion to district populations. Districts are divided into constituencies. Within districts, shehias were sampled randomly. Where possible, only one shehia was sampled per constituency.¹⁸⁷

Table A1.3: Constituencies and shehias sampled

DISTRICT	CONSTITUENCIES per DISTRICT n=	SHEHIAS SAMPLED
MJINI	9	6
MAGHARIBI A	5	6
MAGHARIBI B	5	6
KATI	3	2
KUSINI	2	1
KASKAZINI 'B'	3	3
KASKAZINI 'A'	5	4
MKOANI	4	4
CHAKE CHAKE	5	4
WETE	5	4
MICHEWENI	4	3
TOTAL	50	43

Source: Documentation

Sample geography

The sample distinguished between urban, peri-urban and rural locations. The sample breakdown is summarised in Table A1.4

Table A1.4: Breakdown of sample shehias by location

	Urban	Peri-urban	Rural	All
Unguja	8	9	11	28
Pemba	2	3	10	15
Zanzibar	10	12	21	43
Percent	23	28	49	100

Source: Fieldwork

The categories are only approximate. Space limitations preclude a detailed breakdown of response patterns by geographical location, though doubtless such an analysis could yield valuable insights. Clearly, rural citizens are more preoccupied with agriculture, livestock and land issues, with the theft of crops and livestock seen as chronic issues, discussed in the text. Coastal, rural communities express concerns with disputes over fishing rights and conflicts with investors over rights of way and access to the sea.¹⁸⁸

In the last twenty years, Magharibi A and Magharibi B districts, where most of the peri-urban¹⁸⁹ sample shehias are located, have seen the rapid growth of informal settlements. In informal (unplanned) peri-urban settlements, residents' have no formal land rights, making disputes with government over the acquisition of 'public' land a constant source of conflict, as documented in the report. Myers (2010), in a study of peri-urban settlements in Magharibi District, noted 'a lack of participation, transparency, or democracy in the land sector.'¹⁹⁰

Class analysis

It is common to analyse field results of this kind using socio-economic class, occupation and education as explanatory variables. Data on these variables was not collected. The large majority of FG participants were poor, from semi-subsistence agricultural or fishing households, or working in the 'informal' sector. The analysis focuses on the community rather than the individual since FGs were relatively homogenous.

Research permission

Research permission was obtained from the Second Vice President's Office.

Selection, training and deployment of fieldworkers

Most of the fieldworkers were selected from current and past students at the Faculty of Law and Shariah at Zanzibar University. Table A1.3 provides the list.

They were given two weeks training built around the ADR research concept; a week of training in participatory research techniques, including numerous practical exercises, and a further week that included pilot FGs in two separate locations. Both training sessions were facilitated by HerDignity Consult.¹⁹¹

Fieldworkers were divided into six groups of two. In each group of three, one researcher acted as team leader, and was responsible for managing logistics, interviewing shehas, and editing FG reports (see Appendix 1.3 below).

The sheha oversees a shehia, of which there are 388 on the Islands.¹⁹² Shehas in sample shehias were informed of the fieldwork exercise by the Second Vice President's Office and requested to cooperate with the team leaders.

Interviewing shehas and selection of FG participants

Shehas were expecting the fieldworkers when they arrived and knew what the fieldwork entailed. In general, shehas were cooperative,¹⁹³ responded to the questionnaire and helping to select FG members. The latter was sometimes problematic, since shehas would naturally look to fill the FGs with their supporters, and this could sometimes take a political dimension.¹⁹⁴ The field teams usually managed to be involved in the selection process.

The biases in research findings resulting from the shehas' key role in selecting FG members (discussed in the text) are difficult to assess. For the most part, participants spoke openly, and there were occasional disputes as different party allegiances came into play. But this was the exception, and it is likely that the selection process biased discussions. This would likely affect discussions, for example, of land acquisition issues in which shehas often play a facilitating role for higher level officials.



Discussion with sheha, Bandu Kuu, Nungwi, Kaskazini A, Unguja

One conclusion that can be drawn from this discussion is that the picture portrayed of Zanzibaris' existential reality probably underestimates the multiple vulnerabilities that they face in daily life. It is challenging to reflect that things could actually be worse in terms of the abuse of individual and collective rights than they are portrayed in the report.

A target of 10-12 participants per FG was chosen, with the following results for the two islands.

Table A1.5: Focus group targets and actuals by island

	Unguja			Pemba			Zanzibar		
Sex/age	Target	Actual	A/T %	Target	Actual	A/T %	Target	Actual	A/T %
Male	360	322	89	180	176	98	540	498	92
Female	360	334	93	180	174	97	540	508	94
Youth (all)	360	320	89	180	176	98	540	496	92
All	1080	976	90	540	524	97	1620	1502	93

Source: Fieldwork records

The problem of participant selection bias was less pronounced in Pemba, where FG participants were usually more than happy to relate their ADR issues to fieldworkers, as explained in the text.

Data analysis

The outputs of the fieldwork include:

- Sheha questionnaire (x43)
- Short summary of issues, ADR mechanisms used and success rates
- Full report of issues, ADR mechanisms used and success rates

Photographs

Five reports were drafted on the basis of the large amounts of data collected during the fieldwork on the two islands. Separate summary reports were drafted in Kiswahili by groups of fieldworkers on youth, women and men, as well as an overview report summarizing these three. The present report drew on these four reports, with numeric materials derived from manual computations of the shehas' questionnaire and the short and long version of the FG reports.

Fieldworkers identified the main types of disputes and the main types of ADR mechanisms employed in the five categories of ADR issues (spouses, children, community, leaders, and outsiders). The types of disputes and their resolution were discussed in rank order.



Interview with the sheha (foreground), Tumbatu, Kaskazini A, Unguja

UTAFITI KUHUSU MBINU MBADALA ZA KUSULUHISHA MIGOGORO

SIFA ZA JAMII

DODOSO YA SHEHA

Waraka huu utawezesha kupata taarifa za usuli kuhusu jamii mnamoendesha Mjadala wa Vikundi (MV)

SEHEMU 1 inalenga kupata taarifa juu ya jamii husika kwa ujumla sana. Pitia na kuangalia eneo lile kwa umakini na uliza maswali kabla ya kujaza sehemu hii.

SEHEMU II. Utaanza utafiti wako kwa kumhoji sheha. Hii itakupa pia taarifa ya jumla kuhusu maoni yake juu ya aina kuu za migogoro katika jamii ile. Hii itakusaidia kujikita kwenye masuala makuu wakati wa MV.

TANBIHI: Maoni ya Sheha si mwisho wa utafiti. Ni mwanzo tu maana si lazima maoni yake yanakubaliana na maoni ya makundi katika jamii ile!

SEHEMU III inakuelekeza jinsi ya kutumia matokeo ya SEHEMU II.

I: USULI

Maelekezo: Ingiza namba kwenye safu ya kulia kwa ajili ya kila swali (CODE). Tumia nafasi iliyopo kuongeza taarifa kuhusu masuala mahsusi.

Timu NO.	TAREHE	SHEHIA	CODE
WILAYA	MJINI 1; MAGHARIBI A 2; MAGHARIBI B 3; KAZKAZINI A 4; KAZKAZINI B 5; KATI 6; KUSINI 7; WETE 8; MICHEWENI 9; MKOANI 10; CHAKE CHAKE 11		
MKOA	MJINI MAGHARIBI 1; UNGUJA KAZKAZINI 2; UNGUJA KUSINI 3; PEMBA KAZKAZINI 4; PEMBA KUSINI 5		
KISIWA	UNGUJA 1; PEMBA 2		
MBINU ZA KUJIKIMU KATIKA JAMII Zipi ni njia kuu za kujikimu <i>katika jamii</i> hii? Taja tatu			
YA KWANZA	KILIMO 1; UVUVI 2; BIASHARA 3; KUAJIRIWA 4; NYINGINE 5: (Taja)		
YA PILI	KILIMO 1; UVUVI 2; BIASHARA 3; KUAJIRIWA 4; NYINGINE 5: (Taja)		
YA TATU	KILIMO 1; UVUVI 2; BIASHARA 3; KUAJIRIWA 4; NYINGINE 5: (Taja)		

SIFA ZA JAMII (chagua jibu moja kati ya 4)		
Hali ya jamii ya mjini, ardhi, viwanja, mali ya pamoja, fedha taslim n.k.	<ol style="list-style-type: none"> NZURI: Barabara ziko katika hali nzuri, nyumba za kisasa, maduka mazuri na nadhifu, umeme, maji ya bomba, mazingira safi, watoto wanavaa vizuri, sehemu kadhaa imtengwa kwa wanaotembea kwa mguu: WASTANI: Hali ya barabara inaridhisha, nyumba kadhaa za kisasa, maji ya bomba na mabomba ya jamii, maduka 'ya kisasa' machache, mazingira safi kiasi: SI NZURI: Barabara zisizotengenezwa, takataka isiyokusanywa, mfumo mbovu wa utoaji majitaka, hakuna sehemu za kutembea kwa mguu, maduka mbovu, watoto wanaovaa vibaya, magari mbovu yanayokaa mbele ya nyumba HAIHUSIKI (kwa sababu ni eneo la vijijini). 	
Hali ya jamii ya vijijini	<ol style="list-style-type: none"> NZURI: Nyumba za kisasa zilizo nyingi, umeme, maji ya bomba, pikipiki, mazao ya biashara, ofisi za serikali: WASTANI: Nyumbazakisasa kadhaa, ukulima hasa wakujikimu, huduma kadhaa lakini nyingine hazifanyi kazi vizuri, hakuna ofisi za serikali: SI NZURI: Nyumba nyingi za matope na makuti, nguo mbovumbovu, hakuna umeme, hakuna ofisi za serikali, dalili za utapiamlo: HAIHUSIKI (kwa sababu ni eneo la mjini) 	
Viwango vya tofauti za kipato kati ya kaya na kaya	<ol style="list-style-type: none"> Tofauti ndogo: Wanajamii wanaonekana kuwa na hali inayofanana upande wa kipato na umiliki wa mali: Tofauti za wastani: Dalili za tofauti katika kipato na umiliki wa mali: Tofauti kubwa: Tofauti kubwa kati ya wanajamii wenye uwezo na wasio na uwezo (ardhi, nyumba): Ushuhuda/mifano/ulichoona: 	
Tathmini ya kiwango cha umaskini	<ol style="list-style-type: none"> Kidogo: Kwa ujumla watu kwenye jamii wanaonekana wanakula na kuvaa vizuri na wana kiwango cha maisha kinachokubalika: Wastani: Kwa ujumla wanajamii wanaonekana hawali na kuvaa vizuri sana na huishi maisha ya kadiri: Kikubwa: Kuna dalili za kutotosheleza kwa chakula kwa kiasi kikubwa na afya isiyo nzuri, watu wanavaa ovyoovy na kuwa na nyumba mbovumbovu: Ushuhuda/mifano/ulichoona: 	

Vyama vya siasa (Angalia kuona kama kuna ushahidi, k.m. maskani, matawi, na bendera za vyama)	<ol style="list-style-type: none"> 1. Wanajamii wote au walio wengi wanaunga mkono chama tawala. 2. Wanajamii wote au walio wengi wanaunga mkono vyama vya upinzani. 3. Jamii imegawanyika kati ya chama tawala na vyama vya upinzani. 4. Hakuna ushahidi, au ushahidi ni mdogo kwamba jamii inavutiwa au kuhamasishwa na siasa. 	
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SEHEMU II: MASWALI KWA AJILI YA SHEHA

Jina la Sheha		
Umekuwa Sheha wa Shehia hii kwa miaka mingapi?		
<p>LENGO LA UTAFITI HUU: Chuo Kikuu cha Zanzibar kinafanya utafiti kuhusu jinsi Wazanzibari wanavyojitahidi kutatua migogoro na migongano ya aina mbalimbali. Hii ni pamoja na migogoro ndani ya familia, ndani ya jamii na kati ya jamii na watu wa nje ya jamii. Tunataka kujua iwapo na kwa vipi watu wanajitahidi kutatua migogoro, na wanafanikiwa kiasi gani. Hivyo ningependa kujua ndani ya shehia hii masuala yafuatayo hutokea kiasi gani:</p> <p>(Taja kila suala moja baada ya lingine na kila mara uliza kama suala hutokea sana, hutokea kidogo au halitokei katika jamii. Weka nyota kwa masuala ambayo HUTOKEA SANA. Andika maelezo katika nafasi iliyopo).</p>		
Ndani ya familia_		
Masuala yanayowahusisha <i>waume na wake</i>		Code
Migogoro kuhusu mali	<ol style="list-style-type: none"> 1. (Chora mstari chini ya 'kiasi' au 'sana') Hutokea kiasi/sana. 2. (Chora mstari chini ya 'mara mojamoya' au 'mara chache sana') Hutokea mara mojamoya/ mara chache sana 3. Haitokei katika jamii hii 	
Urithi	<ol style="list-style-type: none"> 1. (Kama hapo juu) Hutokea kiasi/sana 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii 	
Ukatili wa kimwili	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii 	
Ukatili wa kingono kwa watoto katika ndoa	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii: 	

Talaka	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana. 2. Hutokea mara mojammoja/mara chache sana 3. Haitokei katika jamii hii: 	
Matunzo	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana. 2. Hutokea mara mojammoja/mara chache sana 3. Haitokei katika jamii hii: 	
Kunyimana ngono ndani ya ndoa	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojammoja/mara chache sana 3. Haitokei katika jamii hii: 	
Usaliti/kuchepuka ndani ya ndoa	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojammoja/mara chache sana 3. Haitokei katika jamii hii 	
Wivu	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojammoja/mara chache sana 3. Haitokei katika jamii hii 	
Ukosefu wa ajira	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojammoja/mara chache sana 3. Haitokei katika jamii hii 	
Unyanyasaji wa akwe na jamaa kuingilia maisha ya wanandoa	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojammoja/mara chache sana 3. Haitokei katika jamii hii 	
MASUALA MENGINE MUHIMU YASIYOTA-JWA HAPO JUU	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojammoja/mara chache sana 3. Haitokei katika jamii hii 	
Masuala yanayowahusisha <i>jamii</i>		
Urithi	<ol style="list-style-type: none"> 1. (Kama hapo juu) Hutokea kiasi/sana 2. Hutokea mara mojammoja/mara chache sana 3. Haitokei katika jamii hii 	
Migogoro ya ardhi	<ol style="list-style-type: none"> 1. (Kama hapo juu) Hutokea kiasi/sana 2. Hutokea mara mojammoja/mara chache sana 3. Haitokei katika jamii hii 	
Matunzo ya watoto	<ol style="list-style-type: none"> 1. (Kama hapo juu) Hutokea kiasi/sana 2. Hutokea mara mojammoja/mara chache sana 3. Haitokei katika jamii hii 	
Migogoro ya ajira	<ol style="list-style-type: none"> 1. (Kama hapo juu) Hutokea kiasi/sana 2. Hutokea mara mojammoja/mara chache sana 3. Haitokei katika jamii hii 	
Migogoro ya ugumu wa kuwafikia viongozi au kamati za uongozi	<ol style="list-style-type: none"> 1. (Kama hapo juu) Hutokea kiasi/sana 2. Hutokea mara mojammoja/mara chache sana 3. Haitokei katika jamii hii 	

Masuala yanayowahusu watoto		
Ndoa za kulazimisha	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii 	
Ukatili wa kimwili	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii 	
Ukatili wa kingono	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii 	
Mimba za utotoni	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii 	
Matunzo baada ya talaka	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii 	
Watoto wa kambo	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii 	
Watoto kunyimwa elimu/kuzuiwa kwenda shule	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii 	
Ubaguzi	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii: 	
MASUALA MENGINE MUHIMU YASİYOTA-JWA HAPO JUU	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii: 	
Masuala kati ya mtu na mtu kwenye jamii		
Umiliki na matumizi ya ardhi, migogoro ya mipaka	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii 	
Kutolipa madeni	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii 	
Tuhuma za uchawi	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii 	

Wizi wa mazao, mifugo	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii 	
Masuala yanayohusu uongozi wa jamii, serikali		
Matumizi mabaya ya madaraka kwa viongozi wa jamii	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii 	
Wizi/ubadhirifu wa mali ya umma	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii 	
Kupora ardhi	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii 	
Wapinzani kulengwa waziwazi na serikali	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii 	
Ukosefu wa upatikanaji na ubora wa huduma za umma (elimu, maji, umeme, barabara, afya, usalama, takataka)	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii <p>Iwapo hutokea sana, toa mifano ya jitihada za kusuluhisha:</p>	
Wakusanya ushuru, maafisa wa serikali wakandamizaji	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii 	
Masuala yanayowahusu jamii na watu wa nje ya jamii		
Kupora ardhi	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii 	
Dini	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii <p>(elezea)</p>	
Wawekezaji (elezea)	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii 	
Migogoro ya mipaka na jamii jirani	<ol style="list-style-type: none"> 1. Hutokea kiasi/sana: 2. Hutokea mara mojamoya/mara chache sana 3. Haitokei katika jamii hii 	

Matumizi ya <i>muhali</i>, Mbinu Mbadala ya Kusuluhisha Migogoro (MMKM)		
Mtindo wa <i>muhali</i> upo katika jamii?	1. Upo kiasi/sana: 2. Mara mojamoya/mara chache sana 3. Hapana Kama upo toa maelezo:	
Mbinu mbadala zipi hutumika kusuluhisha migogoro? WHAT TYPES OF MMKM WERE USED, IF ANY?	Upatanisho kupitia kwa familia, ukoo, majirani; 1. Ndiyo 2. Hapana Maelezo:	
Mbinu mbadala zipi hutumika kusuluhisha migogoro? 2	Upatanisho kupitia kwa baraza la wazee 1. Ndiyo 2. Hapana Maelezo:	
Mbinu mbadala zipi hutumika kusuluhisha migogoro? 3	Mahakama ya Kadhi 1. Ndiyo 2. Hapana Maelezo:	
Mbinu mbadala zipi hutumika kusuluhisha migogoro? 4	Polisi 1. Ndiyo 2. Hapana Maelezo:	
Mbinu mbadala zipi hutumika kusuluhisha migogoro? 5	Nyingine 1. Ndiyo 2. Hapana Maelezo:	

Umshukuru Sheha kwa ushirikiano/muda wake. Labda mpige picha? Usisahau posho!

SEHEMU III: Baada ya kumaliza mahojiano...

Andika masuala ambayo Sheha alijibu 'hutokea kiasi/sana' kwa ajili ya kukusaidia katika MV wako:

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

Haya masuala/migogoro inaweza kuwa msingi wa MV wako.

LAKINI

Masuala mengine yanaweza kuibuka ambayo Sheha hakuyafikiria au aliyapuuza.

MV itajikita katika:

1. Ni masuala/migogoro gani hufanyiwa jitihada za makusudi kuisuluhisha nje ya mfumo rasmi wa mahakama.
2. Ni mbinu gani za MMKM hutumika kwa aina mbalimbali za migogoro.
3. Taratibu zinazotumika ni za haki kiasi gani?
4. Matokeo yakoje upande wa utoaji wa haki kwa wakati?

APPENDIX 3: FDG REPORT

FOMU YA RIPOTI YA MAJADILIANO YA VIKUNDI (IKAMILISHWE KIELEKTRONIKI)

MAELEKEZO: UNAANDIKA RIPOTI FUPI KULINGANA NA MAELEZO ULIYOCHUKUA WAKATI WA FG.

(WEKA MAELEZO YAKO KWA REJEA YA BAADAYE: UNaweza KUULIZWA KWA MAELEZO ZAIDI BAADAYE).

KATIKA RIPOTI HII, WEKA HOJA KUU NA EPUKA MAELEZO YASIYO LAZIMA.

NUKUU KUTOKA KWA WASHIRIKI ZIWE KATIKA “ALAMA ZA KUNUKUU”. NUKUU ZINAPASWA KUONYESHA SUALA MUHIMU LA JUMLA.

TOA MIFANO YA MARA KWA MARA, LAKINI USIINGIE KWA UNDANI WA KESI MAALUM WEKA NAKALA YA KIELELEZO HIKI: UTAITUMIA MARA NYINGI.

TIMU NO.	2	TAREHE		SHEHIA		CODE
AINA YA FG (CHAGUA 1,2 AU 3)		WANAUME WATU WAZIMA 1 KIKE WOTE 2 VIJANA 3				
IDADI YA WASHIRIKI						
WASHIRIKI WALICHAGULIWAJE?		KWA SHEHA PEKE YAKE 1 NA SHEHA NA WATAFITI 2 NA SHEHA NA WENGINE 3 (MJUMBE WA SHEHA) WENGINE 4 (TAJA NA WENGINE.....				
MUDA WA KUANZA FG		MUDA WA KUMALIZA		MUDA ULIOTUMIKA		
WILAYA		MJINI 1; MAGHARIBI A 2; MAGHARIBI B 3; KAZKAZINI A 4; KAZKAZINI B 5; KATI 6; KUSINI 7; WETE 8; MICHEWENI 9; MKOANI 10; CHAKE CHAKE 11				
MKOA		MJINI MAGHARIBI 1; UNGUJA KAZKAZINI 2; UNGUJA KUSINI 3; PEMBA KAZKAZINI 4; PEMBA KUSINI 5				
KISIWA		UNGUJA 1; PEMBA 2				
MAHALI		URBAN 1; PER-URBAN 2; RURAL 3				
MUHTASARI WA MATOKEO MAKUU KUTOKA KWA FG.						
MIGOGORO MUHIMU ILİYOTAJWA NA WASHIRIKI						
AINA ZA MMKM ZILIZOTUMIKA,						
MATOKEO CHANYA NA/AU HASI?						

<p>MASUALA YA FAMILIA 1: WAUME NA WAKE</p> <p>MIGOGORO ILIYOKUWA MUHIMU ZAIDI</p> <p>MMKM ILIYOTUMIKA NA KWA NINI?</p> <p>JE, ZILIFANIKIWA?</p>	
<p>MASUALA YA FAMILIA 2: WATOTO</p> <p>MIGOGORO ILIYOKUWA MUHIMU ZAIDI</p> <p>MMKM ILIYOTUMIKA NA KWA NINI?</p> <p>JE, ZILIFANIKIWA?</p>	
<p>MIGOGORO KATI YA WANA JAMII</p> <p>MIGOGORO ILIYOKUWA MUHIMU ZAIDI</p> <p>MMKM ZILIZOTUMIKA NA KWA NINI?</p> <p>JE, ZILIFANIKIWA?</p>	
<p>MIGOGORO INAYOHUSISHA UONGOZI WA JAMII, SERIKALI</p> <p>MIGOGORO ILIYOKUWA MUHIMU ZAIDI</p> <p>NI MMKM ZILIZOTUMIKA NA KWA NINI?</p> <p>JE, ZILIFANIKIWA?</p>	

<p>MIGOGORO INAYOHUSISHA WATU WA NJE</p> <p>JE, MIGOGORO GANI ILIKUWA MUHIMU ZAIDI?</p> <p>NI MMKM GANI ZILITUMIKA (KAMA ZIPO) NA KWA NINI?</p> <p>JE, ZILIFANIKIWA?</p>	
<p>MIELEKEO KATIKA MMKM KADIRI YA MUDA,</p> <p>JE, MIGOGORO INAONGEZEKA AU INAPUNGUA KADIRI SIKU ZINAVYOKWENDA?</p> <p>JE, UFANISI WA MMKM UNAZIDI AU UNAPUNGUA KATIKA KUTATUA MIGOGORO?</p> <p>JE, NI MIGOGORO GANI INAYOLETA MFARAKANO AU UGOMVI ZAIDI?</p> <p>JE MMKM ZINATOA HAKI?</p> <p>TOA MIFANO.</p>	
<p>PICHA</p>	
<p>TATHMINI FUPI YA FG</p> <p>JE, KULIKUWA NA KUTOKUBALIANA KWA JAMII JUU YA MIGOGORO NA UTATUZI WAKE?</p>	
<p>MBINU ZA MAJADILIANO ZILIZOTUMIKA:</p>	
<p>MAONI MENGINE?</p>	

IMETAYARISHWA NA:

SIGNATURE: _____

DATE:

APPENDIX 4: FIELDWORKERS' PROFILES

	Name	Age	Sex	Qualifications
1.	Twalaa Juma Khamis	25	F	Diploma of Public Relations
2.	Huda Gharib Juma	26	F	BSc IT with Education
3.	Nassor Haji Juma	26	M	Bachelor's degree in Social Work
4.	Sabra Othman Juma	26	F	Diploma in Law
5.	Seif Salum Ali	28	M	Certificate and Diploma in procurement and supply; Bachelor's in Economics of Development
6.	Zuleikha Ayoub Rashid	29	F	Bachelors and Master in Economics
7.	Moza Kassim Mohammed	30	F	Degree in Social Work, Masters in Community Development
8.	Salha Abdulrahman Seif	31	F	Bachelor of Law, continuing student in Masters of Comparative Law ZU
9.	Hafidh Mohamed Juma	31	M	Certificate in Youth Work, Diploma in Social Studies
10.	Saada Ali Mohamed	33	F	Bachelor of Law, Postgraduate Diploma in Legal Practice, continuing student in Masters of Comparative Law ZU
11.	Khamis Ali Omar	44	M	Degree in Economics and Master of Business Administration
	Average age	30		

Note:

Two-thirds of the fieldworkers were female. The twelfth fieldworker was Dr Sikujua Omar Hamdan, the project coordinator, who stood in for a trainee who dropped out after the training.



FG under the trees. Kivunge youth, Kaskazini A, Unguja

APPENDIX 5: SELECTED KISWAHILI VOCABULARY USED IN THE REPORT

Dawati	Desk (refers to the gender desk at police stations)
Kisasa	Modern
Kunyimana	Deprivation
Maadili	Values
Malezi	Upbringing, child raising
Mali	Property, wealth
Mbinu Mbadala ya Kusuluhisha Migogoro	Alternative Methods of Dispute Resolution
Mgogoro	Dispute, conflict
Micheputo	Cynicism
Mifugo	Livestock
Mikoko	Mangroves
Mirathi	Inheritance
Mmonyoko ya Maadili	Erosion of morals
Mratibu	Coordinator
Muhali	Compensation
Suluhu	Solution
Talaka	Divorce
Udhalilishaji	Humiliation, rape
Ukatili	Cruelty
Unyanyasaji	Abuse
Uporoji	Looting, theft
Utelekezaji	Desertion, abandonment
Vikundi	Groups, meetings
Vileo	Alcohol
Wakulima	Farmers
Wawekezaji	Investors
Ukabaji	Vandalism

Endnotes

- 1 These are: constraints on government powers; absence of corruption; open government; fundamental rights; order and security; regulatory enforcement; civil justice and criminal justice. Each factor is further subdivided into a number of sub-factors. See: <https://worldjusticeproject.org/>
- 2 WJP 2020b, op. cit. Emphasis added.
- 3 ADR is widely practiced by private companies, including international arbitration, and trade unions in labour disputes. For an African overview see: Phillips, F. Peter 2012. 'ADR in Africa', Business Conflict Blog, <https://www.mediate.com/articles/PhillipsPbl20120625.cfm>
- 4 Agada John Elachi, no date. 'African Lawyers and Alternative Dispute Resolution', see: <https://lawyersofafrica.org/wp-content/uploads/2019/08/African-Lawyers-and-Alternative-Dispute-Resolution.pdf>.
- 5 Kariuki Muigua (no date). 'Access to Justice: Promoting Court and Alternative Dispute Resolution Strategies': See: https://www.ciarbkenya.org/wp-content/themes/mxp_base_theme/mxp_theme/assets/access-to-justice.pdf.
- 6 Through Government Notice No. 422, which amended the Civil Procedure Code Act of 1966.
- 7 J. Mashamba 2014. Alternative Dispute Resolution in Tanzania: Law and Practice, African Books Collective. See: https://www.researchgate.net/publication/321848277_Alternative_dispute_resolution_in_Tanzania_Law_and_practice.
- 8 Verhelst, Theiry 1968. 'Safeguarding African Customary Law: Judicial and Legislative Processes for its Adaptation and Integration', Occasional Paper No. 7, African Studies Center, University of California, Los Angeles.
- 9 Although some of the alternative dispute resolution mechanisms (ADRM) discussed below have strong historico-cultural origins, to term them 'traditional' is deemed inappropriate. See: https://www.wipo.int/export/sites/www/tk/en/resources/pdf/overview_customary_law.pdf
- 10 See: <https://www.statista.com/statistics/1185182/gdp-at-market-prices-in-zanzibar/>
- 11 Zanzibar Planning Commission 2020. 'Zanzibar Development Vision 2050', October
- 12 The 1967 census counted 350,000 Zanzibaris. Extrapolations from the 2012 census to 2020 give an estimate of nearly 1,7m. See: RGoZ op. cit., p46, plus population estimates for 2022 from the same source.
- 13 Population density was 530 per sq.km in 2012, compared to ... on the mainland.
- 14 Namely, 'Mjini' (Stone Town and environs) and Magharibi A and B.
- 15 World Bank no date. 'Zanzibar Poverty Assessment', pp26-7; <https://documents1.worldbank.org/curated/en/778051509021699937/pdf/120689-WP-P164456-PUBLIC-11-3-17-25-10-2017-20-15-5-ZanzibarPovertyAssessment.pdf>
- 16 RGoZ op. cit., p ix.
- 17 No doubt, disaggregated figures would reveal major differences between the two main islands. Source: Unicef 2021. 'Children of Zanzibar 2020'. Data from 2010-
14. <https://www.unicef.org/tanzania/media/1001/file/2020-Children-of-Zanzibar-Tanzania-Infographic.pdf>
- 18 ZanJournal 2022. 'Water shortages Need Serious Approaches in Zanzibar', 13 September. See: <https://zjcbf.or.tz/2022/01/17/water-shortages-need-serious-approaches-in-zanzibar/>. See also: Francis Tajubi 2022. 'Water scarcity, Zanzibar govt seeks urgent brainstorming', Citizen, 15 September.
- 19 Youth (15-24 years old) unemployment was said to be 27 percent. Ibid.

- 20 In- and out-migration are common. Pemba businessmen are found in Unguja, Dar es Salaam and elsewhere.
- 21 The author is citing Mohamed, B. 2000. 'The Democratization Process in Zanzibar: A Retarded Transition', Humburg-Africa Studies, Umburg University, pp. 154-15. See also recent comments by Ismail Jussa in: Khalifa Said 2021; The Chanzo, 18 September. 'Ismail Jussa: Without Institutional Reforms There Will Be No Real Development in Zanzibar'. See: https://thechanzo-com.translate.goog/2021/09/18/ismail-jussa-bila-ya-mageuzi-ya-kitaasisi-hakutakuwa-na-maendeleo-ya-kweli-zanzibar/?_x_tr_sl=sw&_x_tr_tl=en&_x_tr_hl=en-US&_x_tr_pto=wapp
- 22 According to LEXICO: 'In East Africa: a doctor whose traditional functions include exorcism, prophecy, and the removal of spells.' See: <https://www.lexico.com/en/definition/mganga>.
- 23 Including in one case helping find and punishing a thief. FG, Nyamanzi, Mjini, Unguja.
- 24 Sikujua Omar Hamdan 2019. 'Legal analysis of child protection in family matters in Zanzibar: Challenges and reforms', PhD thesis, International Islamic University, Malaysia. See: https://studentrepo.iium.edu.my/bitstream/123456789/1650/1/t11100410048SikujuaOmarHamdan_SEC_24.pdf
- 25 Shelley Lees and Karen Devries 2018. 'Local narratives of sexual and other violence against children and young people in Zanzibar', Culture, Health & Sexuality, Volume 20, Issue 1. We found no evidence to justify the 'in particular' claim. See Chart 1.
- 26 The survey was undertaken by the Zanzibar Legal Service Centre (ZLSC) and Zanzibar Fighting Against Youth Challenges Organization (ZAFAYCO). See: <http://thechanzo.com/2022/04/12/the-chanzo-morning-briefing-april-12>
- 27 Justice is also undermined 'by the duration or length of proceedings/cases in courts of law (47 per cent); low awareness of laws among citizens (28 per cent); and legal representation costs (21 per cent).
- 28 Chanzo op. cit.
- 29 Studies by Afrobarometer summarised in Centre for Strategic Litigation 2020. 'Rule of Law in Tanzania: A Political Economy Analysis', Centre for Strategic Litigation, Working Paper 2, June.
- 30 The IDLO argues that: '... legal aid has been identified as 'an essential component of a fair and efficient justice system founded on the rule of law ...'. International Development Law Organisation 2021. 'Navigating complex pathways to justice: community paralegals and customary and informal justice', August. p5. See: https://www.idlo.int/sites/default/files/paralegals_and_cij_final.pdf
- 31 See: <https://community.namati.org/t/zanzibar-paralegal-recognition-under-the-law/53017/13>
- 32 Paralegals are said to handle 70,000 cases a year, '... where 60 per cent of ... cases are resolved ... 22 per cent are ongoing ... and 16 per cent are referred to higher authority while two per cent are unresolved ...' There is no way these rather impressive figures can be verified (they are not sourced in the reference). Reporter 2020. 'Tanzania: Zanzibar Paralegals to Promote Legal Aid Provision', Daily News, 2 April. See: <https://allafrica.com/stories/202004020093.html>
- 33 See: Revolutionary Government of Zanzibar 2020. 'Legal aid baseline assessment report', Ministry of Constitution and Legal Affairs. This document notes (p39) that 'Legal aid providers are not active in rural areas', where nearly half the population of Zanzibaris lives.
- 34 Paralegals and legal aid were not mentioned in the fieldwork and are not discussed further in this report.
- 35 President's Office, Labour, Economic Affairs and Investment (Afisi ya Raiis - Kazi, Uchumi na Uwekezaji). See: www.labourcommissionznz.go.tz/DHU.php

- 36 The FCS receives grants from donors. Reporter 2021. 'Mwinyi lauds civil society for supporting GBV fight', Citizen, 9 August
- 37 Human Rights Report for Zanzibar 2021, page 504.
- 38 HerDignity Consult (2022) render ADRM as 'Mbinu Mbadala za Kusuluhisha Migogoro' in Kiswahili, which Google translates as 'Alternative Methods of Conflict Resolution'. The latter (AMCR) is arguably an improvement on ADR and ADRM, and it might be useful to adopt this term to avoid the confusion between the commonly understood meaning of ADR and the definition used here.
- 39 The sheha is not required to report in detail on the 'cases' he deals with to the District Commissioner, to whom he is formally accountable. To the extent that there is no paper trail, these activities can be considered informal.
- 40 Some potentially criminal cases, such as theft of crops and livestock, are reported to the sheha, while GBV is generally reported to the police, including the 'diwati', discussed below.
- 41 With hindsight, it would have been preferable to frame the research project in terms of conflict resolution full-stop, since 'alternative' is an unnecessary qualifier from the point of view of the citizen or community seeking resolution. Since the mechanisms described below constitute the entirety of conflict resolution for the majority of Zanzibaris, it makes little sense to described them as 'alternative.'
- 42 A separate study is required to understand the formal workings of the criminal justice system including its effectiveness, efficiency and fairness in dealing with GBV.
- 43 See: <https://www.lawinsider.com/dictionary/sheha#:~:text=Sheha%20means%20the%20person%20appointed%20pursuant%20to%20Section,Sample%201%20Sample%202%20Based%20on%202%20documents>
- 44 In addition, the sheha is tasked to '(i) implement all laws, policies, orders and directives of the government for ensuring law enforcement and peacekeeping; (ii) keep records regarding the registration of marriages, divorces, births and deaths, dance permits, transport certificates, livestock charcoal and otherwise as directed by the relevant institution; (iii) control the migration of persons in its shehia; (iv) receiving notice of all public meetings in his area; and (v) to do all other lawful things as may be directed by his District Commissioner.' See: <https://turonge.blogspot.com/2011/07/mamlaka-ya-mikoa-kwa-mujibu-wa-sheria.html>
- 45 There are few female shehas.
- 46 The sheha's office is generally in his own house, or in the local CCM office.
- 47 Police forces habitually try to limit the number of cases they investigate through limited resources.
- 48 The 'dawati' were also introduced on mainland Tanzania. News 24 2015. 'Zanzibar police beef up fight against abuse of women', 27 May. See: <https://www.news24.com/News24/Zanzibar-police-beef-up-fight-against-abuse-of-women-20150527>
- 49 The police may lose files, delay their forwarding to the DPP for approval to prosecute, be rejected by the DPP, usually for 'lack of evidence'... Interfering with witnesses, tampering with evidence and systematic corruption further tilt the scales of justice in favour of the guilty.
- 50 Hamudi Majamba 2007. 'Perspectives on the Kadhis' Courts in Zanzibar', University of Dar es Salaam, January. See: <https://www.researchgate.net/publication/306291556>
- 51 The Chief Kadhi is a presidential appointee. Khadis are appointed by the Judicial Service Commission and are supposed to be versed in Islamic law. See: Majamba op. cit.
- 52 Appeals from this court are heard at the Court of Appeal.

- 53 Shariff and Hassan Ali (n.d.) claim that 'there are so many disputes on inheritance whenever people resort to inherit the deceased's estate on traditional basis than through official institutions.'
- 54 Mramba, Sisti J. and Masumbuko R. Lamwai 2017. 'The land dispute settlement in Tanzania mainland and Zanzibar: a comparative analysis', Law Society of Tanzania Law Review, Vol. 2, Issue No. 1 January -June. See: <https://lstjournal.lst.ac.tz/index.php/files/article/view/7/7>
- 55 Staff writer 2021. 'How Zanzibar struggles to resolve land conflicts', Daily News, 7 July.
- 56 Staff writer 2021, op. cit.
- 57 See: <https://zanzibarassembly.go.tz/document/the-land-tribunal-act-no-7/>
- 58 LHRC 2020. 'Human Rights Report 2019', p245.
- 59 See Peter Lienhardt 1996. 'Family waqf in Zanzibar', JASO 27/2 (1996): 95-106
- 60 'It also coordinates Islamic affairs including Hajj (Pilgrimage) activities, Zakkat [giving to the poor] and Charity.' See: The Waqf and Trust Commission www.wakf.go.tz
- 61 See: http://ibtra.com/pdf/journal/v13_n1_article5.pdf.
- 62 Franziska Fay 2021. *Disputing Discipline: Child protection, punishment and piety in Zanzibar schools*, Rutgers University Press, p166.
- 63 TAMWA 2020. 'Violence against children in Zanzibar.'
- 64 Chanzo 15 November. See: https://thechanzo.com/2021/11/15/the-chanzo-morning-briefing-november-15-2021/?utm_source=mailpoet&utm_medium=email&utm_campaign=the-chanzo-morning-briefing-november-15-2021_162
- 65 See Hamdan, Sikujua Omar 2019. 'Legal analysis of child protection in family matters in Zanzibar: Challenges and reforms', PhD thesis, International Islamic University, Malaysia and Fay 2021 (op. cit.) for extended treatments of policy, legal and development aid dimensions of child rights and protection issues.
- 66 See: <https://legal.un.org/avl/ha/crc/crc.html>
- 67 The Act introduced a Child Court to hear cases of violence against children. There is supposed to be a Child Court in every region. Under this legislation the age of consent and minimum age for marriage is 18. See TAMWA 2020. 'Violence against children in Zanzibar.'
- 68 Fay 2021: 166.
- 69 Hamdam op. cit., p148. 70 Fay 2021: 168.
- 71 Hamdam op. cit., p167.
- 72 Unicef 2021. 'Children of Zanzibar 2020'. See: <https://www.unicef.org/tanzania/media/1001/file/2020-Children-of-Zanzibar-Tanzania-Infographic.pdf>
- 73 Source: Unicef 2021. 'Children of Zanzibar 2020'. Data from 2010-14. See: <https://www.unicef.org/tanzania/media/1001/file/2020-Children-of-Zanzibar-Tanzania-Infographic.pdf>
- 74 The study was a telephone survey of 4,073 Zanzibaris. This was the third iteration of the survey. Revolutionary Government of Zanzibar and Unicef 2017. 'T-Watoto survey report on Violence Against Children in Zanzibar'. See: <https://www.unicef.org/tanzania/sites/unicef.org.tanzania/files/2018-10/Tanzania-2017-Report-T-Watoto-Survey-on-Violence-Against-Children-in-Zanzibar.pdf>.
- 75 But see below for contrasting evidence. RGoZ and Unicef 2017 op. cit. p6.
- 76 RGoZ and Unicef 2017 op. cit. p7.
- 77 RGoZ and Unicef 2017 op. cit. p12.
- 78 A small majority of respondents (53.1 percent) opposed the practice of corporal punishment, while 42.9 percent were in favour. The large range of responses across regions makes renders these figures somewhat unreliable. RGoZ and Unicef 2017 op. cit. p12.

- 79 Nearly 60 percent of respondents agreed that cases were not reported because of fear of retribution by the perpetrators and their families. RGoZ and Unicef 2017 op. cit. p17.
- 80 Source: Adapted from RGoZ and Unicef 2017: 8.
- 81 Of the total, 2,052 (50.4 percent) of cases came from Urban West Region, 529 from Pemba South, Unguja South 522, Unguja North 489, and Pemba North 467. Reporter 2020. 'Urban West Region leads in sexual child abuse cases', Zanzibar Mail, August. See: <https://zanzibaryetu.blogspot.com/2020/08/urban-west-region-leads-in-sexual-child.html>
- 82 Namely, Magharibi A 247, Mjini 212, and Magharibi B 180. Reporter op. cit. This contradicts the point made in the text concerning the apparently higher incidence of violence against children in rural areas.
- 83 The OCGS publishes monthly statistics on GBV. In June, 97 cases of violence against women and children were reported, including rape, sodomy and beating. The definition of GBV is not clear if it involves both genders (boy children as well as girls). Sodomy by force is also rape. See: Juma Juma 2022. 'Z'bar records upsurge in GBV cases', Zanzibar Mail, 1-7 August.
- 84 The occasion was organised by the Association of Non-Governmental Organizations Zanzibar (ANGOZA) SOS Children Village, Zanzibar Female Lawyers Association (ZAFELA), Zanzibar Gender Coalition (ZGC), Tanzania Media Women Association (TAMWA), and Association of Women with Disability Zanzibar (JUWAUZA). Reporter. 'Boys, girls not safe as child sexual abuse cases soar', Daily News, 20 October. See: read://<https://dailynews.co.tz/?url=https%3A%2F%2Fdailynews.co.tz%2Fnews%2F2021-10-20616fdee822b24.aspx>
- 85 Reporter 2021. 'Spate of women, children killings rile Zanzibar activists', Daily News, 13 September. See: <https://www.dailynews.co.tz/news/2021-09-13613ef6b3758cc.aspx>
- 86 Reporter op. cit.
- 87 Ibid.
- 88 Source: Adapted from RGoZ and Unicef 2020: 16.
- 89 Shelley Lees & Karen Devries 2017. 'Local narratives of sexual and other violence against children and young people in Zanzibar,' Culture, Health & Sexuality, DOI: 10.1080/13691058.2017.1332390; <http://dx.doi.org/10.1080/13691058.2017.1332390>
- 90 For example, sex between adults and underage children may be defined as 'statutory rape' even though violence need not be involved. It is important to distinguish between forced sex (rape) and consensual sex, even if one or both of the parties is underage. The Islamic attitude to 'child marriage' further complicates the VAC narrative.
- 91 Sharon Smee 2012. 'Wall of Silence: A look at Violence Against Women in Northern Zanzibar', ActionAid International Tanzania, February, page vi.
- 92 Anthony Sarota (no date). 'Baseline and conflict assessment, Jenga Amani Yetu', Search for Common Ground.
- 93 Some say taking cases to court can only 'prolong the conflict, take up valuable time and resources, and deepen hostilities...' Staff Writer 2021. 'How Zanzibar struggles to resolve land disputes', Daily News, 7 July
- 94 Lukelo Francis 2021; The Chanzo. 'Unscrupulous Executives Named to Stimulate Land Disputes in Zanzibar', 1 March. See: https://thechanzo-com.translate.goog/2022/03/01/watendaji-wasio-waadilifu-watajwa-kuchochea-migogoro-ya-ardhi-zanzibar/?_x_tr_sl=sw&_x_tr_tl=en&_x_tr_hl=en-US&_x_tr_pto=wapp

- 95 According to Jamila Mahmoud Juma, Director of the Zanzibar Women Lawyers Association (ZAFELA): "There are a few people in government institutions who ... are quick to take bribes and are willing to change ... documents." Lukelo Francis, op. cit.
- 96 Hikmany, A & Syed Abdul Kader, S & Othman, A. 2015. 'Legal Issues of Land Acquisition in Zanzibar'.
- 97 Zanzibar kwetu 2011.'Land Disputes in Zanzibar are a Problem', 14 March. See: https://zanzibarkwetu-wordpress-com.translate.goog/2011/03/14/migogoro-ya-ardhi-zanzibar-ni-tatizo/?_x_tr_sl=sw&_x_tr_tl=en&_x_tr_hl=en-US&_x_tr_pto=wapp
- 98 Quoting Matemwe MP (CCM), Ame Mati Wadi. Zanzibar kwetu 2009.'SMZ executives are to blame', 24 June. See: https://zanzibarkwetu-wordpress-com.translate.goog/2009/06/24/watendaji-wa-smz-walaumiwa/?_x_tr_sl=sw&_x_tr_tl=en&_x_tr_hl=en-US&_x_tr_pto=wapp
- 99 Isshaq Ismail Shariff and Mohamed Hassan Ali (n.d.) 'Traditional and cultural practices in Zanzibar: Inheritance law', mimeo.
- 100 Othman, Haroub, Rwekaza Mukandala, Robert Makaramba and Per Tidemand 2003. 'Zanzibar Good Governance Strategy', report for the Revolutionary Government of Zanzibar, April. Chapter by Tidemand.
- 101 One of the four tried to prevent the discussion of a certain topic, and was also closely monitoring the youth FG that as taking place nearby. The FG supervisor asked the four to join her for a separate discussion, and the FG proceeded.
- 102 Shs 5,000 (a little over US\$2) was paid to each FG participant. The sheha received Shs10,000 (\$4.30).
- 103 For example, the sheha may be involved in identifying pieces of land for his superiors or other outsiders' acquisition. (Personal communication, key respondent, 05/07/22).
- 104 Fieldworkers encouraged participants to discuss in general rather than personal terms when the topic involved such sensitivities.
- 105 Though computing results with a statistical package would have been quite feasible, the small sample size and questionable validity of some of the findings led the team to avoid this technique. The tables presented in the text were generated manually, and the numbers should be seen as subject to a significant margin of error.
- 106 To repeat: this procedure does not produce an 'objective' list of priorities, since both shehas and FG participants have their own (subjective) perceptions and biases. For example, male FG members stressed family issues much less than female members.
- 107 There were female shehas in Tumbatu and Bumbi Sudi in Unguja and Konde in Pemba.
- 108 The two sources cannot be strictly compared since an important issue—drug use—was not included as an option in the sheha's questionnaire. In spite of this omission, the overall response pattern remains quite clear.
- 109 Approximate given the above comment, and in that it is difficult to give simple 'yes'/'no' answers on the issue of success/failure.
- 110 Pemba: Wakfuu, Wafadhili (successful); jirani, ZIPA, court (unsuccessful). Unguja: discussion with fishers, 'haba ya menai' (unsuccessful).
- 111 Chanzo: Bububu, Wanaume, Magharibi A 14/06/2022
- 112 There is a tension between describing local context and painting the 'big picture.' By citing examples from many FGs, the big picture is more likely to be captured, but at the expense of context and nuance. The greater the level of detail, the longer the report, which makes compromise essential.
- 113 To be clear: the Shehas' questionnaire proposed a detailed list of possible issues for ADR.

- 114 This discussion focuses mainly on rural/agricultural land. For examples of urban land issues involving senior officials see: Centre for Strategic Litigation 2022. 'The political economy of Zanzibar 2022: The endless struggle to control corruption', June 2022.
- 115 The state bureaucracy can be disruptive during the construction phase, though sometimes interventions are to protect community interests, including providing rights of way to farmers and fishers. There are examples of the state taking sides in investment disputes. See: Paul Owere 2022. 'Shock waves hit Zanzibar's nascent real estate industry', Citizen, 17 September. See: <https://www.msn.com/en-xl/africa/other/shock-waves-hit-zanzibars-nascent-real-estate-industry/ar-AA11VM7P>
- 116 Goats and cows are the main offenders. The Zanzibar Zebu, an indigenous species, is found mainly on Pemba. The 2007-8 Agricultural Census reported that a third of sampled rural households in Zanzibar kept ruminants--about 325,000 ducks, 155,000 cattle and 69,000 goats--and over 1 million chickens. See: https://www.academia.edu/75285885/Livestock_in_Zanzibar_What_census_data_says See: <http://dagris.ilri.cgiar.org/node/2376#:~:text=The%20Zanzibar%20Zebu%20is%20thought%20to%20have%20originated,were%20also%20introduced%20recently%20from%20the%20mainland%20Tanzania>
- 117 Conflicts with government and investors are dealt with below.
- 118 Most such disputes involve men, though elite women also get involved in land conflicts, as described in the text.
- 119 The Land Tribunal, which is part of the formal legal system, was rarely mentioned in FGs.
- 120 Chanzo: Majadiliano ya Vikundi, Wanawake, Mfikiwa, Mkoani, Pemba 04/06/2022
- 121 Male FG, Matemwe Kusini, Unguja
- 122 Goats eat grass and weeds but also the green shoots of vegetables (carrots, tomatoes), thus killing the plant.
- 123 In this instance and more generally, records of decisions and payments are rarely kept or collated, so that none of what is being reported can be documented.
- 124 Women FG, Mwambe, Pemba.
- 125 Goats are left to graze largely untended and thefts are only discovered when they are rounded up in the evening.
- 126 Male FG, Mbuguani, Pemba.
- 127 Chanzo: Majadiliano ya Vikundi, Wanaume, Mbuguani, Kusini Pemba, 28/06/22.
- 128 Chanzo: Majadiliano ya Vikundi, Wanawake, Mtambwe, Wete, Kaskazini Pemba, 27/06/22
- 129 "Wizi wa mazao na mifugo isipotatuka kwa sheha hupelekwa Polisi ambapo huwa hawafanikiwi kupata suluhu."
- 130 Chanzo; Male FG, Matemwe Kusini.
- 131 Zanzibaris tend to marry young, and many marriages do not last.
- 132 It is common for fishers to leave on fishing expeditions for months on end.
- 133 Women FG, Kidongo Chekundu, Unguja, no date.
- 134 Majadiliano ya Vikundi, Wanawake, Maziwa Ngombe, Micheweni, Kaskazini Pemba. 4/7/2022
- 135 New Humanitarian 2006. 'Raw deal for women, children as divorce rate rises in Zanzibar', 27 April. See: <https://www.thenewhumanitarian.org/fr/node/226111>
- 136 Chanzo: Majadiliano ya Vikundi, Wanawake, Mfikiwa, ChakeChake, Kusini Pemba, 04/06/2022
- 137 Chanzo: Wanawake, Kinuni, Magharibi B, 20/06/06.
- 138 Chanzo: Wanawake Mfikiwa, Chake Chake Pemba, 04/06/22.
- 139 Chanzo: Wanawake, Mfikiwa, Chake Chake Pemba 140 Chanzo: Vijana, Chumbuni, Unguja 25/05/22.

- 141 Chanzo: Majadiliano ya vikundi, Wanaume, Makangale, micheweni 25/06/2022
- 142 Chanzo: Wanaume, Makangale, Micheweni, Pemba 25/06/22 Photo: <https://www.bing.com/images/search?>
- 143 See: <https://fumba.town/deals/>; <https://www.fumbaupatown.com/>; <https://fumba.town/fumba-times/>
- 144 Chanzo: Mahojiano Fumba, Magharibi B, 06/6/2022
- 145 Chanzo: Majadiliano ya Vikundi, Fumba, Magharibi B, 06/6/2022
- 146 Chanzo, Youth, Fumba, Magharibi B
- 147 See: <https://www.bing.com/search?q=siti+binti+saad+foundation&cvid=e664e1a3aa-ca44e08c89bf423949242c&aqs=edge..69i57.7706j0j1&pglt=43&FORM=ANS-PA1&PC=HCTS>
- 148 As well as fast-crop agriculture, land is used for harvesting firewood, building materials, 'chokaa' (coral limestone), gathering seeds, nuts and medicinal plants...
- 149 Chanzo: Vijana, Magharibi B, 06/06/22.
- 150 Chanzo: Majadiliano: mahojiano ya vikundi. Wanaume, Fumba, Magharibi "B" 06/06/22
- 151 Chanzo: Male FG, Chake Chake, Pemba, 06/22.
- 152 Chanzo: Wanaume, Makangale, Micheweni Pemba 25/06/2022
- 153 Chanzo: Majadiliano ya Vikundi, Wanawake, Mfikiwa, mkoani, kusini pemba 04/06/22
- 154 These were shown on social media.
- 155 Chanzo: Vijana, Ubago, Kati, 16/06/22.
- 156 Chanzo: Vijana, Kisiwapanza, Mkoani, 23/06/22.
- 157 Fishers from Kojani Island (NE Pemba), use illegal fishing methods that destroy coral reefs on protected areas off Unguja. Attempts to put an end to these practices have failed. See: Centre for Strategic Litigation 2022. 'Political Economy of Zanzibar.'
- 158 Chanzo: Wanaume, Uroa, Wilaya ya Kati, Mkoa wa Kusini, Unguja 15/06/2022
- 159 Chanzo: Wanawake, Makangale, Pemba Kaskazini, 20/06/06.
- 160 Source: FGD Kisiwa Panza na Mwambe Kusini Pemba, 2022.
- 161 In 2014/15, 85 percent of households in Mkoani district did not have access to electricity, and in Wete 74 percent. See: <https://www.unicef.org/tanzania/sites/unicef.org.tanzania/files/2018-10/Tanzania-2017-Mkoani-District-Profile.pdf> ; <https://www.unicef.org/tanzania/sites/unicef.org.tanzania/files/2018-10/Tanzania-2017-Wete-District-Profile.pdf>
- 162 Tidemand in Othman et. al. 2003, p13. Shehas are responsible for collecting certain taxes, 'which reportedly are not systematically documented by receipts.' (p13). Is this still the case today?
- 163 Centre for Strategic Litigation 2022. 'Zanzibar: Political Economy Analysis' (forthcoming) cites a recent detailed review that found little or no improvement in public expenditure management despite reforms being in place for the last two decades.
- 164 Chanzo: Wanawake, Mtambwe, Wete, Kaskazini Pemba, 27/06/22
- 165 'Visiwani Zanzibar, kama ilivyo bara, bangi inachukuliwa kuwa dawa hatari ya kulevya, katika kundi moja la opiates na cocaine.' Joyce Obuya 2022. 'Narcotics in Tanzania', CueAfrica, August 11. See: <https://www.cueafrica.net/2021/07/20/narcotics-in-tanzania/>
- 166 Ciara Aucoin 2018. 'Analysing drug trafficking in East Africa, A media-monitoring approach', enact, EU, June. See: <https://enact-africa.s3.amazonaws.com/site/uploads/2018-07-02-research-paper-drugs-east-africa.pdf>
- 167 Chanzo: Wanawake, Kidongo Chekundu, Mjini, Mjini Magharibi, 25/5/2022
- 168 Chanzo: Wanaume, Utaani, Wete, Pemba 26/06/2022.
- 169 Mtambwe, Wete, Pemba; Mwanakwerekwe. Magharibi B, Unguja.
- 170 Mohammed Haji Ali and Muhammad Salim Sulaiman 2006. 'The Causes and

Consequences of the Informal Settlements in Zanzibar', January. See: https://www.researchgate.net/publication/237320232_The_Causes_and_Consequences_of_the_Informal_Settlements_in_Zanzibar

- 171 Chanzo: Chumbuni, Vijana, Mjini Magharibi A, Unguja
- 172 Chanzo: Mwanyanya, vijana FG, Unguja.
- 173 Chanzo: Majadiliano ya Vikundi, Wanawake, Mtambwe, Wete, Kaskazini Pemba
- 174 Chanzo: Kidongo Chekudu, Wanawake, Mjini, Mjini Magharibi, 25/5/2022; Majadiliano Wanaume, Fumba, Magharibi "B", 06/6/2022
- 175 The degree of force involved in sex with underage children is impossible to estimate. Since muhali is paid for known cases of sex with young children, it is likely that force was involved, since 'consensual' acts are unlikely to become public knowledge. Though formally illegal, the incidence of consensual sex between children and adults of all ages is not known (or knowable).
- 176 Usufruct: 'the right to enjoy the use and advantages of another's property short of the destruction or waste of its substance.' See: <https://www.bing.com/search?q=usufruct+meaning&cvid=32a4894073cd48dbbf97c9df2f0390bc&aqs=edge.0.69i59j69i57j0l7.3538j0j1&pqlt=43&FORM=ANSPA1&PC=HCTS>
- 177 Mwafaka 1 lasted from 2010 to 2015 with CAF as the 'junior' partner, and the Mwafaka 2 from 2020 to date, with ACT-Wazalendo playing that role. The mediators were ruling party 'elders' and other political actors.
- 178 Male FG, Kidongo Chakundu, Mjini, Unguja.
- 179 International Development Law Organisation 2021. 'Navigating complex pathways to justice: community paralegals and customary and informal justice', August, p5. https://www.idlo.int/sites/default/files/paralegals_and_cij_final.pdf
- 180 This claim results from an extensive internet search. A promising title: 'Alternative Dispute Resolution in Tanzania: Law and Practice' (Mashamba, J. 24), is concerned exclusively with commercial arbitration.
- 181 References to 'traditional' or 'customary' dispute resolution mechanisms in the literature are largely rhetorical, since there is no evidence that these play a significant role in the contemporary dispensation of justice. The report challenges the notion of 'traditional'.
- 182 Fay, Franziska 2021, p190
- 183 30 shehias were originally sampled in Unguja, but in two FGs did not take place, one in Mjini and one in Magharibi A, leaving 28.
- 184 In 2012, the population of Zanzibar was just over 1.3m. National Bureau of Statistics and Office of Chief Government Statistician 2013. '2012 POPULATION AND HOUSING CENSUS, Population Distribution by Administrative Areas', Ministry of Finance, Dar es Salaam and President's Office, Finance, Economy and Development Planning, Zanzibar, March.
- 185 The district population extrapolations are unlikely to be very accurate given that different districts are likely to have experienced different rates of growth as a result of contrasting migration patterns.
- 186 45 shehias were deemed to be a reasonable sample size given the number of field-workers and funds available.
- 187 This was not always possible as in two districts FGs were more than constituencies. Zanzibar is divided into 50 constituencies, 32 on Unguja and 18 on Pemba. See: TUME YA UCHAGUZI YA ZANZIBAR 2020. 'ORODHA YA MAJIMBO YA UCHAGUZI YA ZANZIBAR YALIYOTANGAZWA TAREHE 02 JULAI 2020'.
- 188 There was one mention of the recent RGoZ policy of leasing small islands to (mostly foreign) investors, which was feared would prevent current fishing and tourism activities.

- 189 What constitutes 'peri'-urban is quite subjective, and the dynamics of peri-urban residence in relations with town and country is a subject for empirical research. For a discussion see Garth Myers 2010. 'Social construction of peri-urban places and alternative planning in Zanzibar', *African Affairs*, Vol. 109, Issue 437, October: <https://library.au.int/social-construction-peri-urban-places-and-alternative-planning-zanzibar-4>
- 190 Ibid.
- 191 Based in Dar es Salaam, HerDignity Consult is managed by Annagrace Rwehumbiza < anneflo23@gmail.com > and Richard Mabala < rmabala@yahoo.com >, both highly experienced and committed trainers, with prior knowledge of Zanzibar society, who contributed enormously to the training of fieldworkers and the deepening of both the contextualisation and conceptualisation of the project.
- 192 A shehia is the equivalent of a ward on the mainland. In 2012, the average population of a sheha ranged from 1,869 (Unguza Kusini) to 9,504 (Unguja Magharibi). Projections to 2022 gives a range of 2,237 (Unguka Kati) to 7,819 (Magharibi B), with an average population of nearly 4,400. See: National Bureau of Statistics, <https://www.nbs.go.tz/index.php/en/>
- 193 Two shehas were uncooperative and FGs were not possible
- 194 Patronage was also involved since attendees were paid Shs5,000 (\$2.2). (Shehas received Shs10,000 (\$4.3).



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