

CENTRE FOR AFRICAN JUSTICE,
PEACE AND HUMAN RIGHTS



TANZANIA



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Interview with Mr. Takeh Sendze

Q. Could you tell us a little about your journey as a lawyer from Cameroon to working for the UNIRMCT?

My mental journey began with my deep admiration for the first common law barrister of the Cameroon Bar—Barrister Luke K. Sendze—my uncle, mentor and a fine gentleman. The manifestation of my journey as a lawyer began in September 1996 when I enrolled as a freshman into the law department of Anglo-Saxon University of Buea in Cameroon. After three exciting years studying the laws of evidence, criminal Law and procedure, equity and so on, I graduated top of my law class in 1999 with an LLB Honours Degree. Convinced that I wanted to practice law in the international arena, I proceeded to obtain a Master's degree in International Law from the University of Hull (United Kingdom) in the year 2001. Between 2001 and March 2002, I walked the streets of London everyday seeking employment or pro bono work in various law firms and legal institutions. In March 2002, I was blessed with the opportunity to serve as a legal intern at the International Bar Association (IBA) where I worked until September 2002. From the IBA, I was recruited as a legal intern in the Office of the Prosecution of the United Nations International Criminal Tribunal for Rwanda (ICTR) where I worked for six months under the tutelage of Mr. Chile Eboe-Osuji, Mr. Abdoulaye Seye and Mr. Charles A. Adeogun-Phillips. After gaining invaluable experience in international human rights and criminal law practice at the IBA and ICTR, I packed my bags in March 2003 and returned to my beloved country Cameroon. Though my family and friends were happy to have me back, and I equally happy to have returned home, my professional aspirations trapped some part of my heart and kept a burning desire in me to return to the international scene.

In June 2004, I was recruited to return to the ICTR Prosecutor's office as a case manager under the leadership of senior trial attorney Mr. Don Webster. This marked the beginning of my professional journey in the field of international criminal law. From June 2004 to 2012, I worked very hard and got married to a smart, strong and beautiful lady with whom I raised a family alongside the wider family of ICTR. With the opening up of the UN International Residual Mechanism for International Criminal Tribunals (UNIRMCT/ the Mechanism) in July 2012, I transitioned from the ICTR to the Mechanism as an appeals counsel. This marked the beginning of my days at the Mechanism. Since July 2012, I continued to work in the Office of the Prosecutor of the Mechanism. From 2015 to 2019, I served as an assistant appeals counsel at the Mechanism in The Hague. Currently, I am a legal officer at the Arusha Branch of the Mechanism.



"For every journey, you must equip yourself with faith, hard work, integrity and good relationships."

Q. Can you share some insights about the mandate of the UNIRMCT and specifically its purpose of having a seat in Arusha, Tanzania?

Simply stated, the Mechanism is mandated to continue the material, territorial, temporary and personal jurisdictions, and the rights and obligations previously carried out by the ICTR and the International Criminal Tribunal for the former Yugoslavia (ICTY). The Mechanism was created on 22 December 2010 by the United Nations Security Council Resolution 1966 as a small, temporary and efficient structure with branches in Arusha and The Hague. The Arusha branch inherited functions of the ICTR while The Hague branch inherited functions from the ICTY. In essence, the Security Council established the Mechanism in order to guarantee that the closure of the ICTR and ICTY does not open the way for impunity to reign once more in Rwanda and the former Yugoslavia. As it is one institution that took over the functions of two ad hoc tribunals, the Mechanism has two equal branches with their respective seats in Arusha and The Hague.



Q. Can you shed some light on the contempt case against Maximilien Turinabo et al.? The progress and what can we expect when the defence phase starts in the first quarter of this year?

The contempt case against Maximilien Turinabo et al. (Turinabo et al.) is an on-going case initiated against Mr. Maximilien Turinabo, Mr. Anselme Nzabonimpa, Mr. Jean de Dieu Ndagijimana, Mrs. Marie Rose Fatuma, Mr. Dick Prudence Munyeshuli and ICTR convict Mr. Augustin Ndirakobuca—all Rwandan nationals. In essence, the Turinabo et al. accused are charged with criminal responsibility for knowingly and wilfully interfered with the ICTR and Mechanism's administration of justice.

More specifically, the accused are charged with individual criminal responsibility pursuant to Article 1(4) (a) of the Mechanism Statute and relevant provisions of Rule 90 of the Mechanism Rules of Procedure and Evidence (Rules) for (1) committing contempt, (2) inciting others to commit contempt, (3) disclosing protected information about protected witnesses and (4) for having prohibited contact with protected witnesses in violation of a court order.

The accused are alleged to have committed these crimes through their involvement in a criminal scheme in Rwanda between 2015 and 2018 that targeted five key protected prosecution witnesses whose evidence was crucial for proving the crimes for which Mr. Augustin Ndirakobuca was convicted by the ICTR. As part of the criminal scheme, the accused are alleged to have inter alia (1) influenced protected witnesses to recant or deny their trial testimonies which underpinned Mr. Ndirakobuca's conviction—thus paving the way for an application by Mr. Ndirakobuca for a review of his final judgement pursuant to Rule 146 of the UNIRMCT Rules, (2) instructed the protected witnesses regarding what information to provide to court officers and the judge when questioned about

the circumstances surrounding their alleged recantations and (3) offered and paid bribes to protected witnesses in exchange for their cooperation with the Ndirakobuca defence team during the anticipated Review hearing.

The Turinabo et al. trial started at the Mechanism's Arusha branch on 22 October 2020 before Single Judge Vagn Joensen with an opening statement by the Prosecution. The Prosecution presented its case through nine witnesses who testified in person or via video-link during 16 in-court trial days; and through the admission of approximately 1,800 items of documentary evidence in lieu of oral testimony. The presentation of the Prosecution case was characterised by skillful direct examinations and stringent cross examinations of all witnesses. Approximately 1,200 judicial submissions and decisions on a variety of legal issues have so far been made. The Prosecution closed its case on 27 November 2020.

The Defence case is anticipated to begin in the first quarter of 2021. It is my expectation that should the Single Judge finds that the Prosecution has presented evidence capable of supporting convictions, the accused persons will present the best possible defence to refute or challenge the body of evidence already on record and the criminal allegations they face. I am not in a position to anticipate how long it will take for the Defence to present their case. However, the Single Judge has indicated that Defence witness testimony, collectively, is expected to last no more than six weeks. I do anticipate some judicially stimulating days ahead during the Defence phase of the Turinabo et al. case.

I invite all readers to following the proceedings via the Mechanism's website (www.irmct.org).

Q. Do you think UNIRMCT should spread its wings or more tribunals like IRMCT should be set up in different parts of Africa to bring about stability and accountability in the region?

The Mechanism cannot 'spread its wings' beyond its assigned mandate. With the establishment of the International Criminal Court (ICC), it was anticipated that ad hoc tribunals like the ICTR, ICTY or Mechanism will be a thing of the past. Whether other ad hoc tribunals will ever again be established by the UN Security Council in other African countries or any other countries around the world is surely a matter for the UN Security Council.

In my opinion, every nation's quest for stability and accountability must begin with the establishment of stable, reliable and accountable institutions and systems, including judicial systems, within the nation. Stable, reliable and accountable domestic institutions will be more effective because they will be established and operated with an understanding of the cultural, economic and socio-political context of the persons over whom they will exercise jurisdiction. While this may sound idealistic, it is truly my conviction that reliable and accountable domestic institutions are best placed to bring about stability and accountability in the various nations of the world – Hence the old adage 'charity begins at home'. The Bible also holds in 1st Timothy chapter 5 verse 8 that 'if anyone does not provide for his own, especially those of his own house, he is worse than an infidel'. I call on all nations of the world to build, nurture and promote Stable, reliable and accountable domestic institutions that will bring about the stability and accountability deserving of our being.

That said, I think ad hoc tribunals of an international nature have made and can continue to make significant contributions towards the goal of bringing stability and accountability in countries where grievous crimes have been perpetrated. I am not opposed to the establishment of ad hoc tribunal where they are considered necessary to fight impunity.

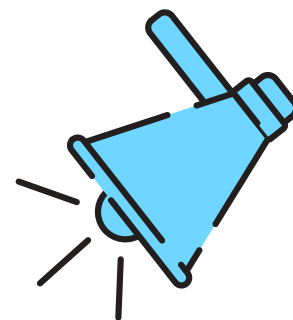
Q. In your view, do you think the level of general knowledge as well as professional legal knowledge around international criminal law (ICL) and human rights (HR) is sufficient in African countries? What do you think could be the best approach going forward to increase that knowledge?

I cannot claim to be qualified to speak to the sufficiency of knowledge about ICL and HR in African countries. But what I can certainly say is that, all African countries and many of their citizens have a general knowledge of ICL and HR: African countries are members of the United Nations and signatories of numerous Human Rights treaties, including the International Convention on Civil and Political Rights. Many African countries are also signatories of the Rome Statute which established the ICC. In any event, the level of general knowledge around HR and International law can be enhanced through the inclusion of these subjects in school curriculums and in capacity building programs in the public and private sectors.

In relation to the extent of 'professional legal knowledge', it is my view that while there are many Africans like myself involved in the professional practice and teaching of ICL and HR, many more Africans should participate. Judging from my professional journey, I think this can be achieved through sponsored internship programs in ICL and HR institutions for African graduates.

For example, while the ICC, the Mechanism and the African Court for Human and Peoples Rights offer internship programs, the lack of sponsorship is a major reason why African graduates are not able to explore the benefits of these programs. With adequately sponsored internship programs, there is a good chance that professional legal knowledge around ICL and HR will grow in African countries. I encourage all African graduates to seek and pursue and exploit all possible internship opportunities in the field.





2020 Elections in Tanzania: A time to challenge the orthodoxy

By Gabriela Pedroso

When elected for the first time in 2015, President John Magufuli's from the Chama Cha Mapinduzi (CCM) party had four main pledges in his campaign: to boost economic performance, to fight corruption, to tackle youth unemployment, and to establish free primary and secondary education in Tanzania. On 5 November 2020, President Magufuli started a second five-year term in the country. The elections took place on 28 October 2020 and he won with 84 % of the votes[1], a large margin over his opponent Tundu Lissu of the Chadema party (13 % of the votes). The CCM party also succeeded in electing a president in Zanzibar, as Hussein Ali Mwinyi won with 76% of the vote.

Indeed, the Tanzanian government has cracked down heavily on corruption since 2015.[2] Nevertheless, corruption is still a daily reality in the country, affecting its politics, business and even the judiciary. In the past few years, hundreds of officials suspected of committing such crime have lost their jobs, however only a few legal proceedings were in fact initiated – giving the impression that such popular persecutions were politically motivated. – For instance, in the 2019 Corruption Perception Index[3], Tanzania scores 37 out of 100 and holds the 96th position out of 180.

In the Ibrahim Index of African Governance[4], Tanzania scores 53 out of 100, ranking 19th out of 54. It is clear that the country still needs systemic and structural reforms that are able to build lasting and meaningful change.

Magufuli's government has not only cracked down on corruption, but also on critics in the political opposition, the press and civil society. For instance, Tanzania is considered as 'partly free' in the 2020 Freedom in the World Report[5], scoring 40 out of 100 (down 5 points year-on-year). According to the document, since the 2015 elections, there was a severe growth on a campaign of repression against opposition parties, with harassment, arrests and detentions of prominent political figures. As an example of the government's authoritarian rule, the Tanzanian Political Parties Act was amended in January 2019, allowing bans on political parties that would engage in common forms of activism.

[1] Africa Confidential, 'Bulldozing to victory' (Africa Confidential, 5 November 2020) <www.africa-confidential.com/article-preview/id/13126/Bulldozing_to_victory> accessed 2 December 2020

[2] Kaunain Rahman, 'Overview of corruption and anti-corruption in Tanzania' (Transparency International, 30 September 2019) <www.knowledgehub.transparency.org/helpdesk/overview-of-corruption-and-anti-corruption-in-tanzania-1> accessed 2 December 2020

[3] Transparency International, 'Corruption Perception Index 2019' (Transparency International, 1 January 2020) <www.transparency.org/en/countries/tanzania> accessed 2 December 2020

[4] Mo Ibrahim Foundation, 'Ibrahim Index of African Governance' (Mo Ibrahim Foundation, 2020) <www.iiag.online> accessed 1 December 2020

[5] Freedom House, '2020 Freedom in the World Report' (Freedom House, 2020) <www.freedomhouse.org/country/tanzania/freedom-world/2020> accessed 1 December 2020

Moreover, in March 2020, eight senior figures of the main opposition party were found guilty on several charges, sentenced to pay fines or to stay five months in jail. On the one hand, public gatherings and political rallies were temporally banned by the government, which used the COVID-19 pandemic as a justification for such measures. On the other hand, the government has resisted imposing a lockdown[6], standing apart from its neighbours and insisting that economic growth had to be prioritized. According to Africa Confidential, the country's response to the pandemic was marked by 'chaotic frontline healthcare, confused public health messaging, and a commitment to limiting the public's access to information'.[7] BBC News stated that, when it comes to the coronavirus situation, Tanzania operates in 'data darkness'.[8]

The 2020 polls in Tanzania were considered one of the key elections in Africa[9], as it could disrupt the peace of one of the most stable countries in the continent. In the 2019 local elections, there was a massive government interference, which disqualified 90 % of the opposition candidates, caused an opposition boycott and resulted on the CCM ruling party owning almost the total number of seats. In October 2020, the landslide victory of Magufuli occurred – again – amid allegations of fraud and repression. According to the country's law, the presidential results cannot be challenged once the winner has been declared by the National Electoral Commission – which was done on 31st October.[10] – The opposition alleged 'shameless' fraud in the elections[11] and people were banned from holding streets protests.[12] Among others, refusals of nominations of opposition candidates and party capture of the electoral commission were reported[13], as well as arrests of up to 300 rival party members[14], police violence and the killing of civilians.[15] The opposition leader, Tundu Lissu, has asked the international community, especially the African Union, to not recognize the 'illegitimate' results.[16] According to the Tanzania Elections Watch, the vote 'marked the most significant backsliding in Tanzania's democratic credentials'.[17]

Such allegations and explicit repressions could not only create problems when it comes to receiving political support from other countries, but also when it comes to receiving economic support.

[6] Africa Confidential, 'Magufuli the outlier' (Africa Confidential, 2 April 2020) <www.africa-confidential.com/article-preview/id/12914/Magufuli_the_outlier> accessed 2 December 2020

[7] Africa Confidential, 'The Magufuli experiment' (Africa Confidential, 14 May 2020) <www.africa-confidential.com/article-preview/id/12958/The_Magufuli_experiment> accessed 2 December 2020.

[8] Basilio Mutahi, 'Tanzania President John Magufuli: The man who declared victory over coronavirus' (BBC News, 2 November 2020) <www.bbc.com/news/world-africa-54603689> accessed 3 December 2020.

[9] Rudolf Ogo Okonkwo, 'These are the key African elections to watch in 2020' (Quartz Africa, 13 January 2020) <www.qz.com/africa/1783924/african-elections-in-2020-ghana-ivory-coast-ethiopia-tanzania/> accessed 3 December 2020.

[10] Tanzania National Electoral Commission, 'The Commission announces Dr. Magufuli was elected President of the United Republic of Tanzania on 28th October 2020' (Tanzania National Electoral Commission, 31 October 2020) <www.nec.go.tz/news/commission-announces-dkt-magufuli-elected-to-be-the-president-of-united-republic-of-tanzania-on-28th-october-2020> accessed 2 December 2020.

[11] BBC News, 'Tanzania elections: Tundu Lissu alleges "shameless" fraud' (BBC News, 28 October 2020) <www.bbc.com/news/world-africa-54703693> accessed 2 December 2020.

[12] See footnote 8.

[13] See footnote 1.

[14] The Citizen, 'Chadema claims 300 arrested as Lissu lands in Belgium' (The Citizen, 12 November 2020) <www.thecitizen.co.tz/tanzania/news/chadema-claims-300-arrested-as-lissu-lands-in-belgium-3019350> accessed 3 December 2020.

[15] Human Rights Watch, 'Tanzania: Repression Mars National Elections' (Human Rights Watch, 23 November 2020) <www.hrw.org/news/2020/11/23/tanzania-repression-mars-national-elections> accessed 3 December 2020.

[16] Cai Nebe, 'Tanzanian election: Magufuli declared winner in landslide while opposition cries foul' (DW, 30 October 2020) <www.dw.com/en/tanzanian-election-magufuli-declared-winner-in-landslide-while-opposition-cries-foul/a-55444555> accessed 3 December 2020.

[17] Aljazeera, 'Magufuli wins re-election in Tanzania, opposition cries foul' (Aljazeera, 30 October 2020) <www.aljazeera.com/news/2020/10/30/magufuli-wins-re-election-in-tanzania-says-electoral-commission> accessed 3 December 2020.



Donor countries have publicly raised their concerns about civil and human rights violations[18], which might result in a cut on the funds given to Tanzania. Human Rights Watch states that the country's authorities 'should take prompt, credible, and impartial steps to investigate the allegations of election-related killings, beatings and assaults by security forces, and hold those responsible accountable'.[19] Furthermore, the United Nations High Commissioner for Human Rights Michelle Bachelet was disturbed by reports of continued intimidation and harassment during the Tanzanian general elections.[20] She urged the country's government to 'respect and facilitate exercise of the rights to freedom of expression and of peaceful assembly'. The High Commissioner called for the 'immediate release of those detained for exercising their human rights'. She also stressed that, according to the International Covenant on Civil and Political Rights, assemblies should be presumed as peaceful.

The constrain of civil and political rights entail a huge barrier to the legitimacy of the Tanzanian 2020 elections. The current president stands for a party that has never lost the presidency.

Additionally, the main opposition leader is still recovering from an assassination attempt and has now left the country for security and health reasons.[21] With the 2020 elections being defined as 'the least free since multiparty democracy began in 1995'[22], it seems to be no room for reconciliation between the country's two main parties. Moreover, the repressive laws and policies in Tanzania clearly go against international and regional human rights law, especially the African Charter on Human and Peoples' Rights. As the Tanzanian opposition has proven itself incapable of keeping Magufuli and his party in check, the international community will have to do so. The increasing authoritarianism in Tanzania and the international criticism it has received indicates that this might be the time to challenge the orthodoxy by building lasting and meaningful change. The African Court on Human and People's Rights has made significant headway in bringing attention to accountability. Nonetheless, human rights crises continue to occur and its mandate is now more needed than ever. The international community, especially the African Union, need to rise to the challenge, otherwise basic human rights will continue to be violated and critics will continue to fear for their future.



[18] Africa Confidential, 'Unpopularity contest' (Africa Confidential, 16 April 2020) <www.africa-confidential.com/article-preview/id/12936/Unpopularity_contest> accessed 4 December 2020.

[19] See footnote 15.

[20] United Nations High Commissioner for Human Rights, 'UN rights chief disturbed by harassment of opposition following Tanzania elections' (United Nations High Commissioner for Human Rights, 10 November 2020) <www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26489&LangID=E> accessed 4 December 2020.

[21] See footnote 14.

[22] See footnote 1.



Access to Justice in Tanzania

By Marvin Lindijer

Defining 'access to justice' is a challenging task that encompasses a number of different aspects. A worthwhile attempt to define it would be 'the equity in which members of different backgrounds are able to obtain from the given justice system'.^[1] Ultimately, this regard is not limited to: the fairness in which various litigants are treated, the justness of the results delivered by the court systems, the speed in which cases are processed and the responsiveness of the given system in regard to those who use it. Its importance in Tanzania cannot be understated, it is pivotal for the foundations necessary for essential and necessary development. An Afro barometer study conducted in 2017 found that Tanzanians trust in courts of law was at a mere 69% with its perception of corruption among judges and magistrates at 36%.^[2] The lack of access to justice in Tanzania plays a pivotal role in the development processes; from state formation to the enriching of democratic principles, from the regulation of economic matters to the protection of human rights. All providing the benchmark for wholesome economic and social interaction.

There are a number of factors that restrict access to justice in Tanzania. Chronic underfunding coupled with the misuse and corruption of the system by economic and political elites serve as a significant barrier.^[3]

A recent African corruption barometer carried out by transparency International found that 18% of Tanzanians directly experienced legal corruption in 2019. In turn, the lack of access plays a significant role in hindering and fighting corruption. An effective legal system is an efficient avenue in championing anti-corruption initiatives.^[4] The effective rule of law and the justice system represent effective mechanism's in ongoing political, social and economic development landscapes. Access to justice when efficient, reflect the interest of citizens as it provides an avenue in which their interests can be protected. To that end, access to justice and anti-corruption initiatives go hand in hand.

Information and illiteracy or the lack thereof is a further factor in the hindrance of achieving adequate access to justice. Recent studies have shown that in Tanzania the basic understanding of the law may intimidate individuals where they end up engaging with informal systems for resolution in which they are more familiar with. There is a clear correlation between those living in rural areas and in urban settings where the literacy rate is generally higher.^[5] This can be attributed to a number of reasons including access to media, access to institutions, basic understanding of the law but also ignorance of civil and human rights. Low literacy level is a clear hindrance to effective access of justice, where there is any attempt to increase such access one must not ignore literacy levels and the lack of legal awareness.

[1] Bowd, R. (n.d.). Access to Justice in Africa (Knowledge Empowers Africa, Issue brief No. 13). Institute for security studies. doi:<https://www.files.ethz.ch/isn/112459/NO13OCT09.pdf>

[2] Logan, C. (2017). Ambitious SDG goal confronts challenging realities: Access to justice is still elusive for many Africans(23rd ed., Policy paper, Tech.). AFR Barometer.

[3] Sanga, E. H. (2014). Challenges of Access to Justice in Tanzania to Obtain Legal Assistance for Street Children Facing Physical Violence by Police (Doctoral dissertation, International Institute of Social studies). The Hague.

[4] Vrush, J. (2019). Citizens views and and experiences of corruption (Afrobarometer, Rep.). Transparency International.doi:trancperency.org

[5] ibid 1

Likewise, due to significant factors of geography there are sizable portions of Tanzania that are considered rural and still fall under the jurisdiction of informal justice systems. Although Tanzania is a country that has seen rapid urbanisation in the last decade, its legal system includes a mix of informal and formal justice systems.[6]. Where customary, informal and traditional systems fill the gap of formal mechanisms of resolution, it does not come without its problems. For instance, being couched in tradition these customary legal systems often marginalise and exclude women. Furthermore, it is well-known that these informal courts do not necessarily recognise international protocols, conventions and treaties but instead promote traditional rights over individual rights. It should be noted however that without these informal rural courts, access to justice for the masses would be even further restricted. However, with certain restrictions placed on these courts it is inevitable that certain difficulties arise in regards to partiality and independence particularly for women and those of low economic status. Chronic corruption and under-resourcing of these courts in Tanzania further exuberate the problem. While access to justice is limited for a significant part of the Tanzanian population, these courts continue to serve the purpose of maintaining status quo of certain elites for their own benefit.[7]

Correspondingly, poverty is perhaps the most significant challenge to adequate access to justice. In the most recent human development report Tanzania's gross domestic product per capita is \$744; these values are in the lowest third of African states.[8] As a recent study indicated, patterns of trusts in courts among African countries showed a clear correlation between those who lived in high poverty in comparison to who did not.[9] The most substantial barrier in this case is the inability to meet the costs of legal representation. In fact, most of the problems associated with a lack of access to justice is one way or another related to economic inadequacies.

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TANZANIA	
Rank	96/180
Score	37/100

Furthermore, the structural changes that need to be implemented to increase access almost exclusively rely on monetary influence. The efficient use of human recourses and adequate levels of funding for relative institution's framework will undoubtedly improve access of justice in Tanzania.

That being said, there are a number of recommendation that could enhance the level of access to justice for Tanzanians. The provision of legal aid institutions that guarantee independence from government should be increased. Furthermore, the use of paralegals can significantly decrease the information gap between those with low literacy levels providing basic education of the law in ways that can be easily understood by regular Tanzanians. Also, civil society can play a considerable role in increasing awareness regarding legal issues particularly among marginalised communities. Considering the divide between rural and urban areas; synergy between the informal and formal legal systems is important in the overall development of legal systems, a basis must be formed in order for both the systems to work effectively side by side. It must also be imperative that the infrastructure is adequately developed financially to be able to adequately meet the needs of ordinary Tanzanians. Finally, an emphasis should be made for women and other marginalised groups by civil society, government as well as the international community in order to prioritise the provision of legal services to those who need it most. Where the rule of law is upheld and justice is apparent the process of democracy and development is supported equally, where no justice exists then all these processes are undermined. Significant barriers such as poverty, cumbersome legal challenges and illiteracy present long term challenges to this goal. Increasing this level of access would require unparalleled effort to ensure the recommendations are carried out and equality of access is established.

[6] Nyanduga, B. T. (2006, November). Guide to Tanzanian Legal System and Legal Research. Retrieved January 02, 2021, from <https://www.nyulawglobal.org/globalex/Tanzania.html>
[7] Tanzania: Killings, arbitrary detention and torture of opposition members in aftermath of elections. (2020, November 20). Retrieved January 02, 2021, from <https://www.amnesty.org/en/latest/news/2020/11/tanzania-killings-arbitrary-detention-and-torture-of-opposition-members-in-aftermath-of-elections/>
[8] United Nations Development Programme, Sierra Leone National Human Development Report 2007, Freetown: UNDP, 2007/8.
[9] Ibid 2



Refugee Crisis in Tanzania

By Crystal Lam

Tanzania has a long history of hosting refugee due to the ethno-political armed conflicts in its neighbouring countries. Currently, around 350,000 displaced persons mainly from Burundi and the Democratic Republic of the Congo have fled and settled in the three camps of Nyarugusu, Nduta and Mtendeli.[1] Despite international assistance, the main humanitarian challenge of Tanzania's scarce resources leads to a chronically underfunded refugee programme. The crisis became even more concerning because of the unlawful forced return policy since 2019 and the reported abuse of Burundian refugees by Tanzanian authorities between October 2019 to August 2020. Tanzanian refugee law and policy. The legal protection of refugees in Tanzania is trilateral. Internationally, Tanzania has acceded to the 1951 UN Convention relating to the Status of Refugees (the 1951 Refugee Convention) in 1964 and worked closely with the United Nations High Commissioner for Refugees (UNHCR).[2] Regionally, Tanzania is a partner state of the Organization of African Unity (OAU) and has an obligation to adopt and comply with initiatives within the regional bloc. In particular, the 1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa (the 1969 African Refugee Convention) requires new national legislation to ensure effective compliance.[3] The Refugee Act of 1998 and the National Refugee Policy of 2003 were enacted and issued as a result.[4] However, both laws tend to impose increasingly stringent conditions on freedom of movement and restrictions on economic activities which prove contradictory to the

intentions of the 1951 Refugee Convention and the 1969 African Refugee Convention.[5]

Voluntary repatriation

In practice, the Tanzanian position on refugee status and determination has been inconsistent and erratic. While refugees were initially welcomed and some were offered citizenship, the government revoked the prima facie recognition approach in 2017 that granted refugee status based on nationality and declared non-admission of asylum seekers in 2018.[6] Burundian refugees who fled after the political violence in the 2015 election are the most affected by the government's hardened policy. Under a tripartite agreement among Tanzania, Burundi and the UNHCR, "informed voluntary" repatriation of Burundian refugees to their country of origin has been implemented. UNHCR has conducted detailed interviews and facilitated almost 100,000 returns from 2017 to 2020 despite its official stance against the measure. [7] Controversy arose as authorities announced an accelerated timeline for refugees to return "whether voluntarily or not" by the end of 2019.[8] On top of that, the Tanzanian government has a troubling history of employing means of coerced repatriation such as closing camps by burning or bulldozing houses, and by shutting down markets.[9] Under the 1998 Refugee Act and 2003 National Refugee Policy, asylum seekers could travel outside and work within the designated areas once obtained a permit.

[1] "Tanzania crisis briefing" (Rescue, 2020) <<https://www.rescue.org/country/tanzania#what-caused-the-crisis-in-tanzania>>accessed 25 January 2021

[2] Leonard Chimanda & Stéfanie Morris, "Tanzania's National Legal Framework for Refugees"(2020) 5 LERRN 1, 7-9 <<https://carleton.ca/leerrn/wp-content/uploads/LERRN-Working-Paper-No.-5-Tanzania.pdf>> accessed 25 January 2021

[3] Chimanda & Morris (n2) 10-11

[4] Chimanda & Morris (n2) 14

[5] UNHCR "Global Report 2003"(2003) 164, 165<<https://www.unhcr.org/40c6d7730.pdf>> accessed 25 January 2021

[6] Chimanda & Morris (n2) 24

[7] Tanzania: Burundian Refugees 'Disappeared,' Tortured' (Human Rights Watch, 2020 <<https://www.hrw.org/news/2020/11/30/tanzania-burundian-refugees-disappeared-tortured>>accessed 25 January 2021

It is reported that the application procedures for such permit were designed to create difficulty and confusion so that refugees' freedom of movement and right to work were greatly curtailed. These measures were meant to push the repatriation agenda.[10] Reports from NGOs also showed the threats of deportation, violence and arrest are driving refugees out of Tanzania. Burundian refugee population with insecure legal status who lacked access to aid was targeted due to their vulnerability. Suspected members of the Burundian ruling party's youth league, the Imbonerakure, were allegedly accountable for disappearances and killings in or near the camps. The Tanzanian police became increasingly violent whereas the living condition and security of the refugee camps deteriorated rapidly. Tanzanian officials imposed mounting pressure to expedite refugees to return from exile, which made the UNHCR's mandate to verify the voluntary nature of returnee's decision difficult.[11]

Non-refoulement

Non-refoulement obligations in international customary law complement the 1951 Refugee Convention and the 1969 African Refugee Convention, which prohibit states to transfer any individual to another country if there is an imminent danger of human rights violations or a real risk of irreparable harm.[12] Refoulement occurs when a government directly expels a refugee but also when indirect pressure is so intense people are left with no choice but forced to return. The state obligation extends to asylum seekers who have not yet formally acquired the refugee status.[13] In Burundi, serious human rights violations against perceived supporters of the opposition party including the returnees continue. The Tanzanian government's preference of voluntary repatriation as a solution to the overcrowded refugee camps over local integration or resettlement outright neglects its commitments to international and regional law. [14]

Inhumane treatment in forms of enforced disappearance, arbitrary detention and torture

A report from Human Rights Watch has documented how the Tanzanian authorities gravely abused Burundian refugees and asylum seekers between October 2019 to August 2020. There were at least seven cases of enforced disappearance in the Nduta and Mtendeli camps where the police arrived at the victims' houses after midnight without an arrest warrant and brought the victims away. When family members enquired the whereabouts of the victims the next day, the police claimed the victims were not in their custody and the victims went missing since then. In the 11 reported cases of arbitrary detention and torture, victims were taken to Kibondo police station which located approximately 11 kilometres from Nduta camp and 25 kilometres from Mtendeli camp. They were detained for up to several weeks in a dark, windowless room with no water or toilets, often deprived of food and clothes. Detainees were handcuffed, suspended by rope from the ceiling, threatened, beaten by sticks, severely whipped and interrogated. The police and intelligent agents use electric shocks as a method of torture. In one particularly egregious case where the victim failed to fulfil the police's extortion request, his genital was pierced by bike spokes and rubbed with chilli. After being detained incommunicado without charge, eight of the detainees were forcibly returned to Burundi in August 2020. They were handed over to Burundian intelligence officers at the border and then held in Bubanza and Muramvya prisons. Information disclosed during interrogations has shown a blatant collaboration between the Tanzanian and Burundian authorities.[15]

UNHRC has expressed concerned over the alleged disappearances of refugees in Tanzania and demanded a full official investigation. Yet, as the discrepancies between the local practice and international regulatory framework widen, the danger of refugees and asylum seekers in Tanzania remains.

[10] Chimanda & Morris (n2) 26-27 1

[11] 'Tanzania: Burundians Pressured into Leaving' (Human Rights Watch, 2019) <<https://www.hrw.org/news/2019/12/12/tanzania-burundians-pressured-leaving>> accessed 25 January 2021

[12] UNHCR 'Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol' (26 January 2007) 8-10

[13] Human Rights Watch (n7)

[14] Chimanda and Morris (n2) 19

[15] Human Rights Watch (n7)

I HAD A DREAM TO FINISH SCHOOL

LIKE MILLIONS OF ADOLESCENTS IN TANZANIA, IMANI, 23, FROM MWANZA, A REGION IN NORTHWESTERN TANZANIA BORDERING LAKE VICTORIA, WANTED TO STUDY AS MUCH AS SHE COULD.

FROM THE AGE OF 14, WHEN SHE ENTERED SECONDARY SCHOOL, SHE TRAVELED MORE THAN AN HOUR AND A HALF EVERY MORNING TO GET TO SCHOOL.

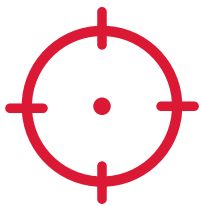
IMANI'S PLANS CHANGED WHEN SHE WAS ONLY 16 YEARS OLD. SHE WAS SEXUALLY ABUSED BY HER PRIVATE TUTOR, A SECONDARY SCHOOL TEACHER.

ON THE THIRD MONTH OF PREGNANCY, SCHOOL OFFICIALS FOUND OUT SHE WAS PREGNANT.

"MY DREAM WAS SHATTERED THEN". SHE WAS EXPELLED FROM SCHOOL AND HOME.

LIKE MANY ADOLESCENT GIRLS IN TANZANIA, IMANI TRIED MANY WAYS TO GET BACK INTO EDUCATION ONCE SHE HAD HER BABY. IN JANUARY 2016, IMANI START A COMPUTER LITERACY PROGRAM SET UP BY A NGO IN MWANZA.

BARRIERS IN THE EDUCATION SYSTEM IN TANZANIA



EDUCATION IS ONE OF EIGHT PRIORITY AREAS.

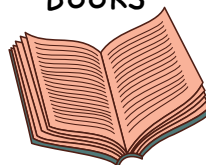
BUT MANY YOUNG PEOPLE IN TANZANIA DO NOT GET ANY EDUCATION OR TRAINING AFTER PRIMARY SCHOOL. AND MANY YOUNG PEOPLE DO NOT FINISH SECONDARY SCHOOL IF THEY START IT.

EDUCATION AT SECONDARY SCHOOL IN TANZANIA IS NOW FREE. BUT OTHER THINGS COST A LOT OF MONEY LIKE:

TRANSPORT TO SCHOOL



BOOKS



SCHOOL UNIFORMS



MANY FAMILIES DO NOT HAVE THE MONEY TO SEND THEIR CHILDREN TO SECONDARY SCHOOL.



MANY YOUNG PEOPLE WORK IN DANGEROUS JOBS INSTEAD OF GOING TO SCHOOL. THIS IS TO EARN EXTRA MONEY FOR THEIR FAMILIES.



MANY YOUNG PEOPLE HAVE TO TRAVEL A LONG WAY TO GET TO SECONDARY SCHOOL.

THERE ARE NOT ENOUGH SAFE PLACES FOR GIRLS TO STAY NEAR THEIR SCHOOLS.



STUDENTS HAVE TO TAKE AN EXAM AT THE END OF PRIMARY SCHOOL.

THEY HAVE TO PASS THE EXAM TO GO TO SECONDARY SCHOOL.

THEY CANNOT TAKE THE EXAM AGAIN IF THEY FAIL. THIS MEANS THAT MANY YOUNG PEOPLE DO NOT GO TO SECONDARY SCHOOL BECAUSE OF THIS EXAM.

NOT ENOUGH
QUALIFIED
TEACHERS

OVERCHARGED
CLASSROOMS

CHILDREN WITH
DISABILITIES DO NOT
GET A GOOD SUPPORT
FROM TEACHERS
BECAUSE THEIR LACK
OF TRAININGS

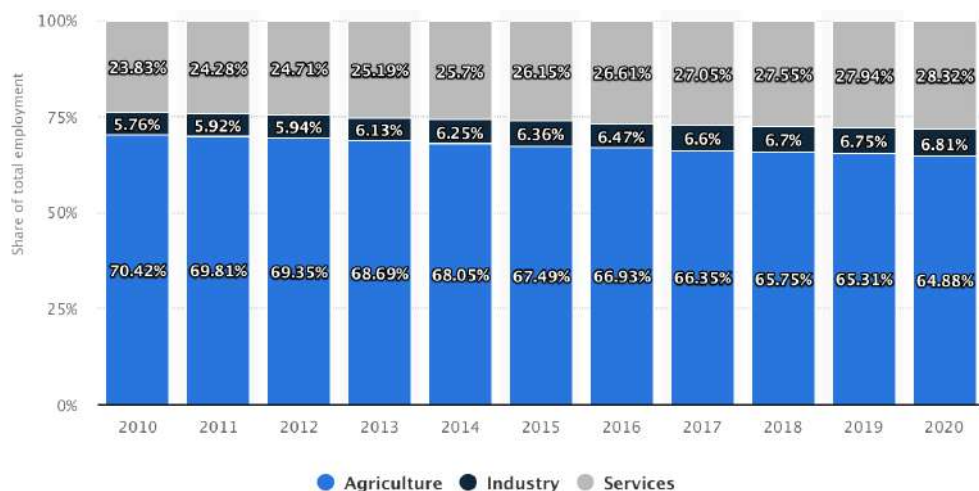
PROBLEMS WITH
SECONDARY SCHOOLS

ABUSE BY TEACHERS
& OTHER ADULTS

IMPOSSIBLE FOR GIRLS TO
GET BACK TO SCHOOL IF
THEY GET PREGNANT OR
MARRIED



REALITY AFTER GRADUATION



Statista 2020

MAJORITY OF TANZANIANS WHO ENTER THE LABOR MARKET EACH YEAR ARE EMPLOYED IN THE AGRICULTURE AND INFORMAL SECTORS WHICH IS ESTIMATED TO BE MORE THAN 70% OF THE ECONOMY.



WHILE THE TOTAL UNEMPLOYMENT RATE IN TANZANIA HAS DROPPED FROM 11.7% IN 2006 TO 10.7% IN 2011, YOUTH UNEMPLOYMENT IS STILL AN ISSUE OF GREAT CONCERN. MORE RECENTLY, THERE HAS BEEN LESS FOREIGN INVESTMENT AND DEVELOPMENT ASSISTANCE FROM DEVELOPED NATIONS. THE UNEMPLOYMENT RATE AMONGST YOUNG PEOPLE AGED 15 – 24 YEARS IS 13.4%. UNEMPLOYMENT IS ALSO HIGHER AMONGST YOUNG WOMEN (14.3%) THAN AMONGST YOUNG MEN OF THE SAME AGE, 12.3%.



CORRUPTION PERCEPTION IN TANZANIA

TANZANIA IS RANKED 96 OUT OF 180 COUNTRIES SURVEYED ON PERCEPTIONS OF PUBLIC SECTOR CORRUPTION IN TRANSPARENCY INTERNATIONAL' S 2019 CORRUPTION PERCEPTIONS INDEX, WITH A SCORE OF 37 OUT OF 100



18% OF PUBLIC SERVICE USERS PAID A BRIBE IN THE PREVIOUS 12 MONTHS
31% OF PEOPLE WHO USED POLICE PUBLIC SERVICES PAID A BRIBE IN THE PREVIOUS 12 MONTHS

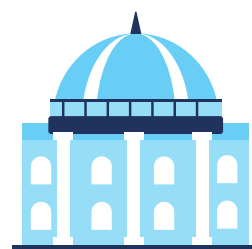


10% THINK CORRUPTION INCREASED IN THE PREVIOUS 12 MONTHS



THINK THAT ORDINARY CITIZENS CAN MAKE A DIFFERENCE IN THE FIGHT AGAINST CORRUPTION

23% THINK THEIR GOVERNMENT IS DOING A BAD JOB OF TACKLING CORRUPTION



<https://mdmlaw.co.tz/5-steps-to-becoming-a-lawyer-in-tanzania/>

<https://www.statista.com/statistics/447731/employment-by-economic-sector-in-tanzania/>

<https://www.transparency.org/en/countries/tanzania>

Higher Education System and Jobless Graduates in Tanzania, Lyata Ndyali, Public Administration Department, Zhongnan University of Economics and Law, Wuhan



GUEST BLOG



Tanzania and the ICC

By Sara Troian



The United Republic of Tanzania signed the Rome Statute in 2000 and deposited its instrument of ratification on 20 August 2002. Tanzania holds a history of firm commitments towards the fight against impunity; it indeed hosts the International Criminal Court for Rwanda (ICTR) in Arusha where some perpetrators of the 1994 genocide have been transferred to and prosecuted. Moreover, Arusha is also the place where a sub-regional conference was held to advocate in favour of the Rome Statute, the event that paved the way for the ratification thereof by Tanzania, Kenya and Uganda. An additional positive attitude of Tanzania towards international means of justice is evident when considering the tense relationship between the International Criminal Court (ICC) and the African Union (AU). From 2009 onwards, the AU adopted resolutions hostile to the work of the Court and promoting non-cooperation in cases such as the proceedings against Al-Bashir, and in the Libyan and Kenyan situations. This opposition is shared by many AU Member States and eventually lead the AU to call for a mass withdrawal from the ICC in 2017. While some countries, like Burundi, the Gambia and South Africa, followed this resolution and indeed initiated the withdrawal process, Tanzania deliberately expressed its support for the Court and declared it had no intention to withdraw. Within this framework of genuine engagement against injustice on the global stage, recent Tanzanian acts spark some doubts. This article will try to shed light on these issues and reflect on the possible consequences they might have on the relationship between Tanzania and the ICC.

To begin with, to date the government of the Republic of Tanzania has yet to amend its domestic legislation to fully implement the Rome Statute. In 2011-12, many external as well as internal efforts were made to advance a bill that would officially incorporate the ICC treaty. A bill was drafted and submitted to the Committee on Constitutional, Legal and Public Administration of the Tanzanian National Assembly and even transmitted to the Ministry of Justice. However, debates on approval deterred the realisation of the act. Later on, during the 2015 conference aimed at addressing the domestic legal framework on the death penalty and victim's access to justice, the Tanzanian government brought up the pending full domestic implementation of the Rome Statute. The Parliament advanced and proposed implementation bills to the executive, yet no actual progress has been made ever since.

A second obstacle towards the full integration into the domestic realm of an international tool for criminal accountability is illustrated by the way whereby Tanzania dealt with the ratification of the crime of aggression. In 2010, the ICC State parties gathered in Kampala to draft the amendment to Article 8 of the Rome Statute to introduce the crime of aggression under the Court's jurisdiction. Such amendment defined the concept of 'crime of aggression' and granted the ICC the ability to prosecute any crime thereof in accordance with the referral rules of the Statute. During the 2014 session, Tanzania showed a genuine intent to make concrete commitments towards the ratification of the amendments, yet it did not sign the Kampala Agreements.

Lastly, Tanzanian authorities were accused of gross human rights abuses against Burundian refugees since October 2019 whereas the most recent cases were reported at the end of November 2020. Ever since Burundi became the hotspot for grave human rights violations and pushed millions of citizens to flee in 2015, the Tanzanian government realised an ad hoc immigration policies and refugee shelters to ease the settlement of Burundian asylum seekers. However, from 2019 on, police and intelligence officers started to target, torture and extort Burundian refugees. Tanzanian authorities also transferred refugees back to Burundi, both arbitrarily and upon the refugees' request when they believed they had no other options. The UNHCR denounced the refoulment, a prohibited practice that occurs when refugees are returned in any manner to places where their lives and basic rights are threatened. A Human Rights Watch Commission of Inquiry reported that in Burundi 'returnees have sometimes been victims of serious violations that have forced them to go back into exile' or they have been imprisoned without charge. Even though Tanzania is not a party to the Convention against Torture nor it ratified the Convention for the Protection of all Persons from Enforced Disappearance, the threats on Burundian refugees constitute a violation to international and regional human rights law.



On top of that, the torture and forcible disappearances of asylum seekers may amount to crimes against humanity within the meaning of Article 7 of the Rome Statute. The situation has caught the attention of many NGOs, think tanks and lobby groups that have already not only urged the government of Tanzania to take the necessary steps to cease these abuses, but also called for regional human rights organisation to investigate this unlawful behaviour. If the situation remains unchanged, the ICC may get involved. However, the prospect that the ICC may step in might have cumbersome consequences. First, it may reinforce the assertion upheld by the AU that the Court is biased towards African situations and given that Tanzania would be the country under scrutiny, it may cede to this idea and increment the African resistance against the Court. Second, it may distance Tanzania even more from the full realisation of international criminal liability at the domestic level, making it hard to see the ratification of the crime of aggression in the near future or the passing of the ICC bill into domestic law. The alleged fact that Tanzanian officials are molesting Burundian refugees and that the government did not take action may prove an increasing separation from international justice. Lastly, such illegitimate behaviour from a country that used to promote criminal accountability triggers many questions as to why and how this critical reversal occurred. There is also the alarming risk that Tanzania's unfavourable attitude against the Court may spill over to other African States.



This odd relationship between Tanzania and the ICC, and the international criminal regime in general, highlights a tense stretch between a positive interest in using international tools to foster the rule of law domestically and a blocking administrative class for the sake of self-interest, an indispensable yet inconvenient attribute of sovereignty. Tanzania has not made any substantive progress in the past 10 years, despite being one of the first few African states with a concrete will towards the fight against impunity. To make matters worse, Tanzania seemed to have skewed its demeanor towards a rather adverse viewpoint. On the other hand, pressures towards international justice in Tanzania are still strong. Due to the operation of the ICTY on its national soil, together with its historic engagement, there is hope that Tanzania will continue to support a more thorough integration of international criminal law in the region as it did with the Rome Statute in 2000.



Tanzania and Mozambique to join operations in Cabo Delgado: an opportunity for a larger and comprehensive regional response

By Manuel Precioso

Cabo Delgado province, located in the North of Mozambique has become a redoubt for radicalism in the last few years. In Tanzania, as in Mozambique, Christianity is a majoritarian religion, and Muslim communities are often marginalised, facing unemployment and poverty, something ostensible in Cabo Delgado itself.[1] With increasing discontentment, attacks by different extremist groups have increased, mainly by Ahlo Sunnah Wa-Jama, known locally as Al-Shabaab, (though there is no connection with the Somali organisation of the same name), which last year pledged allegiance to ISIS under the name of Islamic State of Central African Province.[2] These incidents were initially disregarded by Mozambican authorities, who pictured their perpetrators as mere 'bandits'[3], since need for external aid was to be avoided.[4]

However, at the beginning of 2020, violence in the province has triplicated, accounting for a total of 600 attacks and more than 2,000 deaths, at least half of them civilians, according to the Armed Conflict Location and Event Data, a US organisation monitoring violence.[5] Since then, the organisation's major attack took place in Xitaxa, accounting for 100 victims and the coastal city of Mocímboa da Praia has been occupied.[6] All of which, has led to increasing displacements, which account for nearly half a million.[7]

Last October, a contingent of 300 militants decided to take the next step and cross the north border to Kitaya, a village in the Tanzanian province of Mtwara to execute their first claimed attack in Tanzania, setting fire to as many as 175 houses, beheading locals and looting properties, just to get back to their headquarters in Cabo Delgado right after.[8] Logically, the incidents raised concerns in Tanzania, acknowledging some local groups' help to perpetrate the attack, and saw it as a threat to peace and security that could be repeated in the near future. The reaction to the attacks on Tanzanian floor did not wait much. During a meeting held in November, security chiefs of Tanzania and Mozambique held a discussion and announced they would start dealing with the problem in unison.[9] The agreement materialised during a meeting in Mtwara, where both parts signed a memorandum of understanding and officially announced joint operations that would consist of Tanzanian sending of troops and mutual sharing of intelligence.[10]

This was not the first time Tanzania addressed the danger of insurgency in Cabo Delgado, since an offensive against jihadists in the forests along the border with Mozambique was announced.[11] Still, it is evident that the attacks in October were a turning point regarding Tanzanian position towards the insurgency. Indeed, days before the mentioned meeting between the security forces in November, Simon Sirro, Tanzania's Inspector General of Police (IGP) communicated the detention of people that were trying to join the Islamist insurgency in Mozambique.[12]

[1] Eric Morier-Genoud "How a local Mozambique Islamic group became Africa's latest terror threat" Quartz (24 February 2019). <<https://qz.com/africa/t55811/mozambiques-islamist-threat-al-shabaab-has-roots-in-tanzania/amp/>>

[2] Alex Vines "Why The Insurgency in Northern Mozambique Has Got Worse" Chatham House (1 April 2020) <<https://www.chathamhouse.org/2020/04/why-insurgency-northern-mozambique-has-got-worse?AMP>>

[3] "Al-Shabaab Five Years after Westgate: Still a Menace in East Africa" Crisis Group Africa Report N°265, (21 September 2018), page 16 <<https://www.crisisgroup.org/africa/horn-of-africa/kenya/265-al-shabaab-five-years-after-westgate-still-menace-east-africa>>

[4] Ringisai Chikohomero "Can SADC come to Mozambique's rescue?" Institute for Security Studies (2 June 2020) <<https://issafrica.org/iss-today/can-sadc-come-to-mozambiques-rescue>>

[5] Andrea Carboni "CDT Spotlight: Escalation in Mozambique" ACLED (April 2020) <<https://acleddata.com/2020/04/30/cdt-spotlight-escalation-in-mozambique/>>

[6] Joseph Hanlon, "Mozambique: Mocimboa da Praia Still Occupied by Insurgents, Admits FDS" AllAfrica (10 November 2020) <<https://allafrica.com/stories/202011000811.html>>

[7] Sean Rajman "Mozambique: WFP assists families fleeing conflict in Cabo Delgado", World Food Programme (29 October 2020) <<https://www.wfp.org/stories/mozambique-wfp-assists-families-fleeing-conflict-cabo-delgado>>

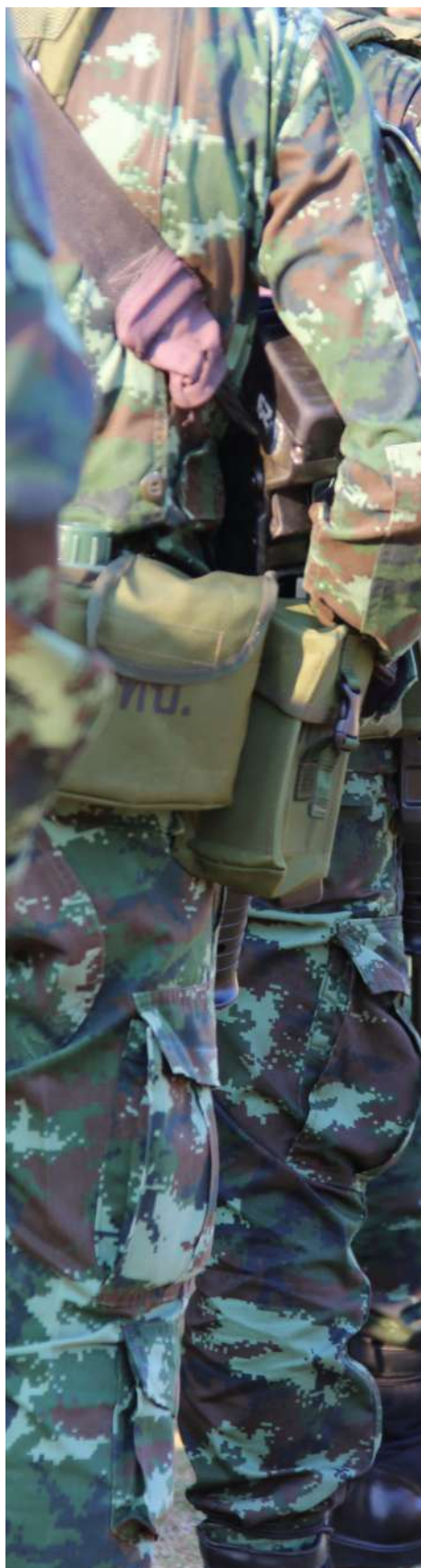
[8] Christopher Kidanka, "Tanzania arrests youth recruited by Somali militants" The East African (1 December 2020) <<https://www.theeastafrican.co.ke/tea/news/east-africa/tanzania-arrests-youth-recruited-by-somali-militants-3215042>>

[9] "Mozambique, Tanzania in 'terrorist' pact – report" Club of Mozambique (21 November 2020) <<https://clubofmozambique.com/news/mozambique-tanzania-in-terrorist-pact-report-177942/>>

[10] Abdul Halim, "Will Tanzania and Mozambique's joint efforts stamp out Islamist insurgents?" The Africa Report (24 November 2020) <<https://www.theafricareport.com/51870/will-tanzania-and-mozambiques-joint-efforts-stamp-out-islamist-insurgents/>>

[11] Andrew Harding "Mocimboa da Praia: Mozambique battles for port seized by IS" BBC News (13 August 2020) <<https://www.bbc.com/news/world-africa-53764943>>

[12] "Tanzania detains people trying to join Islamist insurgency in Mozambique – 'coming from Kigoma, Mwanza and elsewhere'" Club of Mozambique (20 November 2020) <<https://clubofmozambique.com/news/tanzania-detains-people-trying-to-join-islamist-insurgency-in-mozambique-coming-from-kigoma-mwanza-and-elsewhere-177880/>>



They came from regions such as Kigoma, Mwanza and elsewhere according to Siro, located in the North and East of Tanzania, far from where the attacks took place. The latter operation proves that the insurgency problem could easily extend to larger territories. Therefore, the attacks in Mtwara could not only be observed as a turning point in the attitude of Tanzanian authorities, but also for the Cabo Delgado insurgency, who succeeded in gaining momentum among neighbouring countries and spoiled their breeding ground. [13]

Regardless of the implications for insurgent groups, the step taken by Tanzanian authorities should be regarded as an example of the needed cooperation when targeting regional instability, especially within the Southern Africa Development Community (SADC). In fact, this organization claimed the need of joint efforts in Cabo Delgado to be taken by Member States in one of their meetings as early as May, but no other country has shown further compromise.[14] Not even Zimbabwe, who took the lead in those meetings and offered help but never showed further compromise.[15]

Among SADC Member States that have not acted upon the situation is one of its most powerful ones. South Africa has not mentioned the possibility of sending military assistance to Mozambican forces, despite being a border country and sharing an economic corridor with them. Even though there has been an explicit call for help, South African President Cyril Ramaphosa is being hesitant[16], probably aware that any move supporting Mozambique could have a reprisal.

Moreover, many voices are warning about the growing influence in Tanzania and neighbouring countries, which parallels the previous evolution of Boko Haram in Nigeria. Not only the possibility of a civil war similar to that of Al-Shabab within Somalia, but a regional escalation is a clear possibility for the foreseeable future if no action is taken.[17] This risk increases when we consider the current pandemic situation. Larger poverty, unemployment and scarcity can throw regional youth in the arms of the insurgence, who have already profited the context to promote themselves as a source of stability and solidarity by, for example, handing food to local villages.[18]

[13] SungutaWest, "Islamic State Fighters' First Claimed Attack in Tanzania: Strategic Calculations and Political Context" Jamestown Foundation, Terrorism Monitor Volume: 18 Issue: 22 (3 December 2020) <<https://jamestown.org/program/islamic-state-fighters-first-claimed-attack-in-tanzania-strategic-calculations-and-political-context/>>

[14] SADC "Communiqué Of The Extraordinary Organ Troika Plus Republic Of Mozambique Summit Of Heads Of State And Government" (19 May 2020) <https://www.sadc.int/files/9315/8991/2199/Communiqué_of_the_Extraordinary_SADC_Organ_Troika_Summit_held_on_19_May_2020.pdf>

[15] Kisepile Nyathi, "Zimbabwe: Mnangagwa Pledges Support for Mozambique to Fight Militants" (11 November 2020) <<https://allafrica.com/stories/202011120090.html>>

[16] Tonderayi Mukeredzi, "Mozambique's Insurgency Is a Regional Problem", Foreign Policy (1 July 2020) <<https://foreignpolicy.com/2020/07/01/mozambique-islamist-insurgency-regional-problem-cabo-delgado/>>

[17] Francisco Almeida dos Santos "War in resource-rich northern Mozambique– Six scenarios" CMI Insight, N. 2 (May 2020) <<https://www.cmi.no/publications/file/7231-war-in-resource-rich-northern-mozambique-six-scenarios.pdf>>

[18] Emilia Columbo & Marielle Harris "Extremist Groups Stepping up Operations during the Covid-19 Outbreak in Sub-Saharan Africa", CSIS (May 1 2020) <<https://www.csis.org/analysis/extremist-groups-stepping-operations-during-covid-19-outbreak-sub-saharan-africa>>

As it stands, Tanzania's involvement does not mean that the situation is going to handle itself. Many efforts are to be taken when dealing with such a problem, one of them being addressing it adequately. Efforts consisting of violence and military raids have proven quite helpless for assessing the roots of the situation and there are concerns about the heavy-handed approach Tanzanian authorities tend to employ when dealing with these situations. For instance, IGP Sirro himself declared that if the insurgents don't stop "they will end up dead or face legal measures".[19] This approach relates to human rights and opposition fear about violation of human rights of captured insurgents in Tanzania. Furthermore, they claim that little information is being made available about the agreement with Mozambican forces or about the recent incidents and police raids and that enactment of alarm state is needed.[20] Transparency is crucial for such situations.

Perspectives

Cooperation between Tanzanian and Mozambican forces should be considered a step forward for Tanzania in their involvement in the situation at their South border. Although Mtwara region attacks had to take place for Tanzania to take further action, they should prove enlightening for the whole region to realise the imperative of joint efforts. Even though the insurgency is mainly located at the Cabo Delgado province, the intensity of its activity should not be overlooked, it is a regional issue, and escalation in Tanzania should be a lesson for all bordering countries.

Many observe parallels with the original Boko Haram situation in Nigeria,[21] and point out at the exemplarity of the regional efforts that took place. Precisely because of those similarities[22], SADC Member States should keep that in mind, and act as soon as they can, before the insurgency is too large to control.

In addition, joint efforts do not mean mere force cooperation that aims to clash insurgency by military means. It is quite obvious that roots are deeper, and require intelligence gathering and cooperation, as well as other efforts that aim at assessing critical problematics like heavy repression, Muslim exclusion or youth neglect. Finally, some other lessons could be learned from Kenyan terrorism management in the last few years,[23] which moved from an approach that consisted on military actions and repression to one of increasing communication and local delegation of authority and management.

Therefore, both Tanzania, as the first country to assist Mozambique, and the SADC have a unique opportunity to coordinate a regional effort in an exemplary manner, setting a precedent for the future by dragging from previous lessons.



[19] "Tanzania detains people trying to join Islamist insurgency in Mozambique", Reuters (19 November 2020 <<https://es.reuters.com/article/idAFL1N2I5ILO>>

[20] Charles Combe "Tanzania Teams Up with Mozambique to Contain Terrorists" VOA News (26 November 2020) <<https://www.voanews.com/africa/tanzania-teams-mozambique-contain-terrorists>>

[21] Anne-Marie Bissada "Mozambique: Can Cabo Delgado's Islamist insurgency be stopped?" The Africa Report (29 July 2020) <<https://www.theafricareport.com/35435/mozambique-can-cabo-delgados-islamist-insurgency-be-stopped/>>

[22] "Terrorism in Mozambique needs African solutions" Institute for Security Studies (18 November 2020) <<https://issafrica.org/iss-today/terrorism-in-mozambique-needs-african-solutions>>

[23] "Al-Shabaab Five Years after Westgate" Crisis Group <<https://www.crisisgroup.org/africa/horn-africa/kenya/265-al-shabaab-five-years-after-westgate-still-menace-east-africa>>

Eradicating Child Labour in Tanzania

**By Bruna Luisa Eberhard
Post**

In the absence of good governorship, where the development of labour law is still ongoing, there is a considerable number of children between the age of 5 and 14 that are forced into child labour in Tanzania. It deprives children of a proper education, which can be detrimental to their physical, emotional, and behavioral integrity.

Anti-child Labor Day on 12 June was established by the International Labor Organization in 2002, to promote the eradication of child labour. But in Tanzania, children are placed in various sectors of work from agriculture such as the plantation of coffee, sisal, tea, tobacco, cloves, sugar cane, to tanzaniten or gold mining. Gold-mining is especially dangerous due to the risk of mercury poisoning. Children can get trapped in collapsed tunnels due to unlicensed operations. Other jobs include housework, such as washing and ironing. And the worst forms of child exploitation are illicit work, such as drug trafficking, and commercial sexual exploitation.

Article 11 of the Tanzanian Constitution gurantee the right to education for all without discrimination and in Tanzanian law, only a child who has finished elementary school and is 14 years old or older can work no more than 6 hours a day. But in reality, many children cannot attend schools because of work. Many children work longer than 6 hours, some even work 24 hours in a row. They have no time for leisure or to play with other children of the same age. The discrepancy between the law and reality is due to insufficient legal supervision and lack of proper enforcement.



There is a number of social programmes funded by international organisations to compensate the immature child labour law nationally, with the aims to reduce and eradicate child labour by collective effort. The involvement of the UN, ILO, Terre des Hommes, WFP and USDOL are worth-mentioning.



It would be very important to add that there could be a fixed monthly financial fund, for these families, coming from the government in partnership with international institutions, to have an income to be able to feed themselves, and for basic hygiene, in view of the obligation of these children to attend schools, it is necessary to believe that by participating in school education, their talents could evolve, to the point of helping their community, or at least their family, to not allow their children to submit to child labour. Children are obliged to work without a choice when there is no food on the table, and they even become the financial heads of the house to help out their sick parents or young siblings.

Without a unified social assistance programme nationwide, with the objective of providing financial assistance to families that keep their children in school, and to demand the presence of these children in classrooms, in exchange for financial support that is sufficient to maintain their needs. Basic needs such as food, clothing, health, and hygiene, do not address the opportunity for these children to stop working obligatorily.


An example of this type of programme that obtained excellent results, and which in addition to combating child labour, solved the problem of the so-called 'generational poverty cycle' was implemented in Brazil, under the name of Bolsa Familia. This program had very significant results in a short period of time in terms of combating child labour and eradicating extreme poverty, with a success rate of 75% between 2001 and 2014. The World Bank, as Brazil's main partner, helped to finance and structure this conditional cash transfer system, which now copied in several parts of the world such as Mexico (Oportunidades Programme) and New York (Opportunity NYC Programme).

Tanzania must invest in partnerships with other countries and entities in order to finance a program along these lines, which will definitively heal these wounds and bring new hope to these families.



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