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EFFECTIVENESS OF REGULATION OF PRIVATE SECURITY INDUSTRY IN MAINLAND TANZANIA

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ABSTRACT

This article examines the effectiveness of the legal framework regulating the private security industry in Mainland Tanzania. The study found that the existing legal framework is not effective in regulating the private security industry. The study concluded that the legal framework regulating the private security industry in Mainland Tanzania is not effective since the existing legal framework is not adequate to govern the private security industry. The study recommends that there is a need to ensure that there is an effective legal framework system that will govern matters related to the private security industry in Mainland Tanzania. This can only be achieved by having in place comprehensive laws that will control all matters related to standard training, vetting of private security personnel, how to use firearms, arrest, respect for human rights, customer care and establishing an electronic database for all registered private security service providers in Tanzania. One important measure is the law to have a provision that provides an independent regulatory authority responsible for overseeing and regulating the private security industry in Mainland Tanzania.

1.0 INTRODUCTION

Private security industries are undertakings that provide security of persons and property or the maintenance of order.¹ They mainly engage in guarding and patrol services primarily described as protecting personnel and assets.² In most cases, the private security industry provides a range of activities such as

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¹ Jaap De Waard, 'The Private Security Industry in International perspective' (1999) European Journal on Criminal Policy and Research, 145.

² Ibid.

watching and protecting persons and properties, surveillance of public highways, transport of cash, central alarm monitoring, in-house detectives, supervision of apartments, custody of detainees or prisoners, handling alarm systems, CCTV monitoring, emergency responses, traffic control, guarding houses, stores, and consultation.³

Globally the task of enhancement of security of people and their properties is not the sole role of the governments alone but of every individual including groups such as private security companies, neighbourhood watch and street volunteers to make sure there is safety to the community. This involvement depends on a variety of factors such as population size, resources and capacity.⁴

Tanzania like other developing countries has many social, political and economic problems that include a high unemployment rate, poverty, poor education and inequality, all these factors often contribute to the increase of crime and necessitate the government to allow private security industry to come into play in supplementing the deficits of the government in enhancement of security to the society.⁵ However, despite the increased number of private security service providers operating in the country there is still a gap in how this sub-sector is regulated which can cause a threat to national security.⁶

³ Ibid.

⁴ Omotosho O, & Aderito, AA. 'Assessing the Performance of Corporate, Private Security Organisations in Crime Prevention in Lagos State' *Nigeria Journal of Physical security* (2012)73-90.

⁵ Aisha M. Mkilindi, 'Assessment of the Role of Private Security Companies in the Enhancement of Public Security, The Case of Ultimate Security Company in Kinondoni Municipal Council,' (Master of Human Resource Management of Mzumbe University 2014)58.

⁶ Ibid.

1.1 HISTORICAL DEVELOPMENT OF POLICING IN MAINLAND TANZANIA

Historically, public policing, which exists today, has passed through different phases to get the position and status it has now.⁷ In pre-colonial societies, Tanzania's security services were the responsibility of an individual and community.⁸ During that time, the government was not only answerable for the security of people and their properties; instead, society was liable for security matters.⁹

The private security industry in Tanzania started in 1886 during German colonial rule but had no official policing mechanism. Thus, the colonialists employed armies and mercenary officers to preserve law and order.¹⁰ At the local society level, (Akida and Jumbe) protected the colonial masters but did not often conduct policing activities.¹¹ The role of local rulers in security was seen at some points in the First World War (WWI) when Colonel Paul Von Lettow-Vorbeck (German Commander) included local servicemen (askari) into the military to fight in opposition to British Colonial rule.¹²

After overthrowing the German colonial rule, Tanganyika was under the British authority in 1919. ¹³The Tanganyika Police Force and Prisons Service were introduced by the Police and Prisons Proclamation in May 1919.¹⁴ During the British colonial administration, the Police Force was separated from the Military.¹⁵ The mandate of the Police was to protect the interest of British

⁷ Augustino Ivo Mbele, 'Assessment of Public-Private Partnership in Security Services Delivery' (Master of public Administration, Morogoro Mzumbe University 2017).

⁸ Ibid.

⁹ Ibid.

¹⁰ Jaba Shadrack, 'The Private Security Industry in Tanzania Challenges Issues and Regulation' (Master of laws (LLM) University of Dar es Salaam 2011).

¹¹ Ibid.

¹² Commonwealth Human Rights Initiative, *The Police, The Politics, Police accountability in Tanzania*, (2006).

¹³ Ibid at n(3).

¹⁴ Ibid.

¹⁵ Ibid.

colonialists, especially in urban and rural areas with settler populations, to maintain peace and security under the exclusion of the local African community.¹⁶

In 1948, a law, namely the Auxiliary Ordinance, introduced the Auxiliary Police.¹⁷ Due to the changes that required supervision and monitoring of the additional unit, the Auxiliary unit was merged into the Police Force and Auxiliary Services Act.¹⁸ The Auxiliary Police unit enforces city by-laws and guards city properties to help the Police Force maintain law and order.¹⁹ The law gives the Inspector General of Police powers of command over supervision, equipment, training, and discipline over Auxiliary Police units.²⁰

After the political independence of Tanganyika in 1961 (now Tanzania Mainland), the Police force, which was formed during colonialism, continued to provide security services to everyone.²¹ Thus, the government could only secure citizens and their properties at all levels.²² The importance of security in any state cannot be taken for granted. Still, due to the increase in the government budget in the security sector, another form of policing was introduced to reduce government expenditures through Public-private partnerships in service delivery. Another form of development of security policing is the Peoples Militia (Mgambo), a Military reserve, but they are answerable to the Police Force and are trained by the Military.²³ This kind of policing during wartime is working with the Military.²⁴ Militia are always unarmed unless they are called for duty

¹⁶ Ibid.

¹⁷ Auxiliary Police ordinance Cap, 262 of 1948.

¹⁸ Police Force and Auxiliary Services Act, Cap 322 [R.E 2002].

¹⁹ Commonwealth Human Rights Initiative, *The Police, The Politics, Police accountability in Tanzania*, (2006)18.

²⁰ The Police Force and Auxiliary Services Act, Cap 322 [R.E 2002].

²¹ Mbele (n.4) 1.

²² Ibid.

²³ Commonwealth Human Rights Initiative, *The Police, The Politics, Police Accountability in Tanzania*, (2006)18.

²⁴ Ibid.

under the supervision of Tanzania Police.²⁵ Apart from the Peoples Militia (Mgambo), Sungusungu is another form of security policing. It is a group of community members who practice self-policing. The People's Militia Act²⁶ and Peoples Militia (compensation for death or injury) Act²⁷ were amended to include Sungusungu.

The expansion of the private security industry in Mainland Tanzania can be traced back to the 1980s and 1990s and increased in the 2000s when the government began to comprehend the transformation of the socialist policy to a liberal policy.²⁸ During the transformation period, PSI became one of the major sectors contributing to Tanzania's economy. At the same time, governments could not provide security services for each citizen.²⁹ Therefore, many citizens turned to private security service providers to protect their lives, property, residences, commercial centres, and factories.³⁰ Despite the importance of this sub-sector in enhancing security services for the citizen and their properties, there is still a gap in how the private security industry is regulated.³¹

Generally, the regulation of the private security industry requires effective law that provides for regulatory authority, registration of all private security service providers, the requirement for registration, maintaining the register of all

²⁵ Ibid.

²⁶ Peoples Militia Act, Cap 111 of 1973.

²⁷ Peoples Militia (compensation of Death or injury) Act, No. 27 of 1973.

²⁸ Commonwealth Human Rights Initiative, *The Police, The Politics, Police accountability in Tanzania*, (2006) 2.

²⁹ Knox R, 'Effectiveness of Private Security Companies in Enhancing Clients Safety and Security, A case Study of Ilala Municipal' (Master in Public Administration Kampala International in Tanzania, 2020)1.

³⁰ Ibid.

³¹ Robert Knox & Borniventure Oyagi, 'Effects of Private Security Companies on Enhancement of Public Security and Safety in Dar es Salaam, Tanzania: Case Study of Ilala Municipality' (Vol.2, No 5, 2020), *International Journal of Research in commerce and Management studies*, 46.

private security service providers, codes of conduct for private security personnel, investigation, and monitoring.³²

What exists so far in Mainland Tanzania in terms of regulation is that the applicant has to seek a permit from the office of the Inspector General of Police to be registered as the security service provider.³³ The existing Inspector General of Police Secular does not provide sufficient criteria for the applicant to fulfil to be issued a permit to offer security services in Mainland Tanzania.³⁴ This causes difficulties for the Tanzania Police Force to take action against a private security service provider that operates contrary to security norms and practices such as vetting of private security personnel, standard training, physical fitness, and patriotism.³⁵

2.0 LEGAL FRAMEWORK FOR THE PRIVATE SECURITY INDUSTRY

The security of any country plays a vital role in economic development; without having a proper legal and institutional framework regulating the private security industry, there would be a risk of the security sector being penetrated by criminals and increasing insecurity in the state. Since the regulation of the private security industry varies from state to state, this chapter examined the legal and institutional framework regulating the private security industry at international, regional, sub-regional, and national levels. The detailed analysis of the legal framework is done hereunder;

2.1 INTERNATIONAL INSTRUMENTS

This part presents and discusses the international laws relating to the regulation of the private security industry. These instruments include the following:

³² Tanzania Police Force, Annual Report on Private Security Companies, (2019) 13.

³³ Tanzania Police Force, Annual Report on Private Security Companies, (2009) 2.

³⁴ Inspector General of Police Secular No. 3 of 2009.

³⁵ TPF, Annual Report on Private Security Companies (2019) 3.

2.1.1 THE MONTREUX DOCUMENT ON PERTINENT INTERNATIONAL LEGAL OBLIGATIONS AND GOOD PRACTICES OF 2008

The Montreux Document was endorsed in September 2008 by seventeen states, including the US, UK, China, Iraq, and Afghanistan.³⁶ It was initiated by a joint effort by the Swiss government in collaboration with the International Committee of the Red Cross (ICRC).³⁷ The Swiss initiative and other countries in the World address substantive legal issues such as the status of private military and security company personnel under the 1949 Geneva Conventions, individual accountability for misconduct in different jurisdictions, and the authority's duty to oversee and screen the firms for potential misconduct.³⁸ For instance, the document provides that each contracting State to the international law is responsible for complying with the obligation it has undertaken under international law to which is a part.³⁹

Furthermore, to ensure respect of international humanitarian law during the performance or contract of the Private military and security companies. In addition, they do not take part in or encourage the violation of humanitarian law by private military and security companies' personnel.⁴⁰

The document also provides for contracting states to take measures by enacting laws as agreed under international law. States must pass any legislation necessary to provide effective penal sanctions for persons committing or violating the 1949 Geneva Convention.⁴¹ These initiatives set legal obligations and propose good practices for States and the private security

³⁶ James Cockayne and Emily Mears, *Private Military and Security Companies: A framework for Regulation*, (International Peace Institute 2009)1.

³⁷ Montreux Document on Pertinent International Legal Obligations and Good Practices for States Related to Operations of Private Military and Security Companies During Armed Conflict A/63/467-5/2008/636.

³⁸ Ibid.

³⁹ Ibid at n(11).

⁴⁰ Ibid at n(12).

⁴¹ United Nation Working group, 'An Overview on the Work by Working Group on the Use of Mercenaries as a Means of Volating Human Rights and Impending the Exercise of the Right of People to Self-determination (2005) 18.

sector.⁴² The Montreux document is not legally binding as such. Still, it contains some relevant international legal obligations and rules that states can take as directives on legal and practical points on the source of international law.⁴³

2.1.2 INTERNATIONAL CODE OF CONDUCT FOR PRIVATE SECURITY SERVICE PROVIDERS (ICOC) 2010

These codes of conduct are aimed directly at private security companies, and members are committed to and responsible for providing security services to support the rule of law regarding human rights and the protection of clients' interests.⁴⁴ The ICoC applies primarily to security services delivered in complex environments regardless of the validity and context of standards and recommendations.⁴⁵

The code of conduct is a multi-stakeholder initiative consisting of three pillars representing the state, private security companies, and civil society organizations (CSOs); all members of a state, private security companies, and civil society organisations must participate in the International Code of Conduct for Private Security Association (ICoCA) general assembly having equal representation in the Board of directors.⁴⁶ Any decisions concerning private security companies emanate from the executive decision-making.

The Association aims to promote, direct, and supervise the implementation of the International Code of Conduct for Private Security Service Providers.⁴⁷ The process is through certification of member companies to ICoC standards, the

⁴² James S. Kakalik & Sorrel Wildhorn, *Current Regulation of Private Police: Regulatory Agency Experience and Views* Santa Monica, CA: Rand (1971) 12 available at <http://www.rand.org/pubs/reports/2007/R871.pdf> [Accessed on 22nd August, 2023].

⁴³ Mark Lalonde, *State Regulation concerning Civilian Private Security Service and Their Contribution to Crime Prevention and Community Safety*, (United Nations Office on Drugs and Crime 2014)84.

⁴⁴ The International Code of Conduct for Private Security Service Providers (ICoC) **2010**.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

review of company self-assessments, the monitoring and evaluation of member private security company compliance with the ICoC, and the processing of complaints about alleged violations of the ICoC by member private security companies.⁴⁸

The principle of ICoC intends to help CSOs engage Private Security Companies to encourage them to provide security services in a committed and responsible manner that respects the rule of law and human rights.⁴⁹ The ICoCA's prime function is to define a standard set of principles for Private Security Companies. It lays the groundwork for translating these principles into standards and mechanisms of governance and oversight.⁵⁰ The advanced principles pray to guide the CSO in advocating and awareness-raising activities.

ICoCA, in like manner, provides inspiration and support to civil society organisations in their role of monitoring and managing complaints and supporting victims of misconduct of private security companies' members or employees.⁵¹ The Civil Society Organization is obliged to contact the ICoCA in case of any alleged complaints and become a member of the association. All members of ICoCA must support and observe the code to improve governance, compliance with standards, and accountability of private security.⁵² Likewise, members of private security companies are committed to working together to increase compliance worldwide with international rules and standards for providing personal security services with the mandate of the ICoCA's of reporting, monitoring, and evaluation, including performance assessment.

⁴⁸ The International Code of Conduct for Private Security Service Providers (ICoC) 2010.

⁴⁹ Laura A. Dickinson, Government for Hire: Privatizing Foreign Affairs and the Problem of Accountability under International Law, (2005) William and Mary Law Review, 47.

⁵⁰ ASIS International, International Glossary of Security Terms. (2009) available at <http://www.asisonline.org/library/glossary/index.xml> [Accessed on July 30, 2023]

⁵¹ The International Code of Conduct for Private Security Service Providers (ICoC) 2021) 5-7

⁵² Ibid.

Other related appointments include verifying or providing data on complaints with the ICoC principles in operations Conducted by the PSCs.⁵³

The International Code of Conduct for private security companies provides for the detention of persons humanly under national and international law prohibiting torture or other cruel, inhuman, or degrading treatment or punishment, prohibition of child labour, sexual exploitation, and Gender-based violence.⁵⁴

2.1.3 UNIVERSAL DECLARATION OF HUMAN RIGHTS 1948

It is among the legal instruments adopted immediately after the Second World War. Private security service providers must adhere to most of the rights covered because fundamental human rights may be violated. The rights covered under this instrument are freedom from discrimination,⁵⁵ Right to life,⁵⁶ Freedom from torture,⁵⁷ Freedom from arbitrary detention,⁵⁸ Freedom of assembly, and so forth.⁵⁹

The UDHR is essential to this study as it sets out the international standard to be adhered to by private security service providers to enhance people's and their properties' security.

The United Republic of Tanzania has ratified UDHR; therefore, it forms part of the laws of Tanzania. Since states accept it, it acts as a yardstick in regulating the activities of private security companies and PSI in general. UDHR has been ratified by many states, including the United Republic of Tanzania, as it has been incorporated into different states' national constitutions and laws. However, it is adopted as a soft law and is not binding.

⁵³ Ibid.

⁵⁴ The International Code of Conduct for Private Security Service Providers (ICoC) 2021) r.38.

⁵⁵ Universal Declaration of Human Rights(adopted on 1948, came into force 1976) Art.2.

⁵⁶ Ibid Art.3.

⁵⁷ Ibid Art 5.

⁵⁸ Ibid Art 9.

⁵⁹ Ibid Art 20.

2.1.4 INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, 1966

The instrument was adopted to promote, protect, and enhance the first generation of human rights. The International Covenant on Civil and Political Rights (ICCPR) provides for civil and political rights.

The International Covenant on Civil and Political Rights (hereinafter, ICCPR) commits state parties to respect individuals' classical civil and political rights. Classical rights include the right to life,⁶⁰ prohibition of torture or cruel, inhuman, or degrading treatment or punishment, ⁶¹right to liberty and security,⁶² and equality before courts and tribunals.⁶³

Any private security service providers could violate these rights in exercising their duties. Therefore, this instrument is essential in regulating the private security industry.

The ICCPR is an essential human rights instrument because it is a binding law that Tanzania ratified on 11th June 1976. Since it is acute, Tanzania is duty-bound to comply with all standards set in the ICCPR, whereby all state organs are bound to adhere to those standards for effectively regulating the private security industry.

⁶⁰ The International Covenant on Civil and Political Rights (adopted on 16 December 1966 , Came into force 1976) Art.6.

⁶¹ Ibid Art 7.

⁶² Ibid Art 9.

⁶³ Ibid Art 14.

2.1.5 OPTIONAL PROTOCOL TO INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR) 1966

This instrument was adopted in 1966, establishing a system for the Human Rights Committee to receive and consider claims from individuals who may be victims of human rights violations by a state party to the covenant.⁶⁴

The Optional Protocol to ICCPR is relevant to private security service providers because the committees state that every signatory state is responsible for ensuring the delegated activities are exercised fully and conform to international obligations, particularly human rights.⁶⁵ For example, the committee investigated the torture of detainees in Abu Ghraib conducted by the United States of America. This instrument is relevant to this study because private security service providers can violate rights set out in the Instrument.

2.1.6 CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CAT) 1987

This instrument is an international human rights law treaty adopted on 10th December 1984 and came into force on 20th June 1978. It prohibits torture or any other inhuman or degrading treatment in the process of soliciting information from a suspect.

The CAT provides that state parties to the convention include in their training of law enforcement personnel to avoid torture and other inhuman treatment during the arrest, detention, and interrogation of suspect in their jurisdiction.⁶⁶ It mandates state parties to the convention to make a review of the interrogation rules, instructions, methods, practices, and arrangements on how

⁶⁴ Optional Protocol International Covenant on Civil and Political Rights (adopted on 1966, come into force on 1976) Art.1

⁶⁵ Kalma (n 111)153.

⁶⁶ Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment Art.10.

to treat a person subject to any form of arrest, detention, or imprisonment to prevent case or torture.⁶⁷

Furthermore, the state party is to be prompt and impartial to conduct an investigation whenever there is reasonable ground to believe that an act of torture has been committed in any jurisdiction.⁶⁸ It allows member states to include in their legal system redress and enforce the right to fair and adequate compensation, including the means for full rehabilitation as possible.⁶⁹

This instrument is relevant to this study because it mandates the state party to establish a legal system that regulates law enforcement agencies and other non-state actors like private security service providers in dealing with interrogation, arrest, and detention of suspects to avoid torture, inhuman, cruel, and degrading treatment.

2.1.7 INTERNATIONAL CONVENTION ON THE REGULATION, OVERSIGHT, AND MONITORING OF PRIVATE MILITARY AND SECURITY COMPANIES, 2010

In 2005, the Human Rights Council set up a 'Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of people to self-determination.'⁷⁰ In 2010, this group submitted a Draft Convention to regulate the activities of private military and security companies. Through Resolution 15/16, the United Nations Human Rights Council also established an open-ended intergovernmental working group to examine the possibility of developing an international regulatory framework for the regulation, supervision, and oversight of the activities of private military

⁶⁷ Ibid Art.11.

⁶⁸ Ibid Art 12.

⁶⁹ Ibid Art.14.

⁷⁰ Yu. Skuratova & Elena Korolkova 'Private Military and Security Companies' Moscow Journal of International Law, (2020)84.

and security companies, complementing the Draft Convention and considering the possibility of developing an international regulatory framework.⁷¹

In 2017, the Human Rights Council Resolution 36/11 established a new open-ended intergovernmental working group for three years to elaborate the content of an international framework to protect human rights and ensure accountability for abuses relating to the activities of private military and security companies.⁷²

2.1.8 OAU CONVENTION FOR THE ELIMINATION OF MERCENARIES IN AFRICA 1977

OAU adopted it in Libreville, Gabon, on 3rd July 1977 as a response to traditional mercenaries as opposed to the use of private military/security companies.⁷³ At the time, mercenaries were regarded as being partly responsible for supporting illegitimate colonial regimes and intimidating the ambitions of independence of the African peoples.⁷⁴

The Convention was purposely established to prohibit activities of mercenaries as defined under Article 1 of the Convention that is a person who trained locally or abroad to fight against an armed conflict,⁷⁵ take direct part in hostilities,⁷⁶ and is motivated to take part in the hostilities by desire for private gain or promised by the party to conflict to be compensated, is neither a national of a party to conflict nor a resident of territory controlled by a party to

⁷¹ Ibid.

⁷² ASIS Foundation, The ASIS Foundation Security Report: Scope and Emerging Trends: Executive Summary.(2005)<<http://www.asisonline.org/foundation/trendsinsecuritystudy.pdf>> accessed on July 30, 2023

⁷³ The OAU Convention for the Elimination of Mercenaries in Africa in Libreville, Gabon, on 3 July 1977.

⁷⁴ Ibid.

⁷⁵ Ibid Art.1.

⁷⁶ Ibid.

the conflict, is not a member of armed forces of party to the conflict and is not sent by a state or other than a party to the conflict.⁷⁷

This convention's deficiencies are compounded by the fact that only 28 of the 53 Member States of the AU have ratified the convention. Accordingly, the private security sector's more activities that are 'legitimate' are carried out in an environment with little or no regulation.

In 2017, the Human Rights Council Resolution 36/11 established a new open-ended intergovernmental working group for three years to elaborate the content of an international framework to protect human rights and ensure accountability for abuses relating to the activities of private military and security companies.⁷⁸

In other words, the private security industry offers excellent opportunities for former Military personnel, especially in conflict-infected countries in Africa and beyond.⁷⁹ In the absence of a working social reintegration scheme, former South African soldiers continue to serve as a recruitment pool for local and international companies, but now within a context that criminalizes their future employment opportunities.⁸⁰

The President of South Africa has assented to a new Act, which will replace the Foreign Military Assistance Act, namely The Prohibition of Mercenary Activities and Regulation of Certain Activities in Country of Armed Conflict Act.⁸¹ However, it will only become operational after a presidential proclamation in

⁷⁷ Ibid.

⁷⁸ ASIS Foundation, The ASIS Foundation Security Report: Scope and Emerging Trends: Executive Summary. (2005) available at <http://www.asisonline.org/foundation/trendsinsecuritystudy.pdf> [Accessed on July 30, 2023].

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Country of Armed Conflict Act, 2006 (Act No. 27 of 2006).

Africa's (DDR) processes could exacerbate the supply-side problem of private security companies and mercenaries.⁸²

2.2 DOMESTIC LAWS

This section analyses various laws governing the private security industry in Mainland Tanzania. These laws include the Constitution of the United Republic of Tanzania and other legislations as follows;

2.2.1 THE CONSTITUTION OF THE UNITED REPUBLIC OF TANZANIA

The Constitution of the United Republic of Tanzania is the mother law of the country, establishing all the Militaries in Tanzania. According to the Constitution, peace and security are union matters and are vested in the government of the United Republic of Tanzania.⁸³ Also, the Tanzania Police Force is the agency of the government, which, among other things, is responsible for the peace and security of people and their properties.⁸⁴ However, the Constitution does not directly mandate PSI to perform security services. Still, it is relevant to this study because the private security industry conducts some of the roles of the TPF.

2.2.2 POLICE FORCE AND AUXILIARY SERVICES ACT

The Act is the principal legislation governing the activities of the Police Force in Tanzania. Under this law, the primary function of the Tanzania Police Force is to preserve peace, maintain law and order, prevent and detect crime, apprehend and guard offenders, and protect properties.⁸⁵ The same law authorises the Inspector General of Police to administer the force throughout the United Republic of Tanzania.

⁸² Ibid.

⁸³ Ibid Art 3 (4).

⁸⁴ The Police Force and Auxiliary Services Act, Cap 322 [R.E 2002].

⁸⁵ The Police Force and Auxiliary Services Act, Cap 322[R.E 2002] s 5.

Under the general power given to the IGP under the Act,⁸⁶ the Inspector General of Police was made secular to improve the performance of the private security industry in Tanzania. However, under the general power given to the IGP by the law, such authority of the IGP to make secular is not directly stated. In most cases, the Inspector General of Police has been conducting the usual routine of verifying the criminal record of the intended employees, regulating uniforms, requirements for bank statements of each director of the company, and controlling how private security companies should be issued arms and ammunition.⁸⁷

2.2.3 COMPANIES ACT

The Company's Act is the law that provides all the requirements for establishing and registering private companies. The same rule has established the Business Licensing Agency, vested with the mandate of registering and de-registering all private companies in Tanzania.⁸⁸ Private security companies are among the companies that must be registered as regular companies with share capital and need to file annual returns to the Registering Agency.⁸⁹ Though the law does not provide for any other requirement, the agency has provided the procedural requirement that for the private security service providers to register, the applicant must obtain authorization from the Inspector General of Police.⁹⁰

The Companies Act is relevant to this study because it is the primary law that provides the procedures for registering all businesses in Mainland Tanzania, including private security companies providing security services.

⁸⁶ Ibid.

⁸⁷ Firearms and Ammunition Control Act, No. 2 of 2015. S.16.

⁸⁸ The Companies Act, Cap. 212[R.E 2019] s14.

⁸⁹ Ibid S 7.

⁹⁰ Ibid S.14 (4).

2.3.4 FIREARMS AND AMMUNITION CONTROL ACT

The Firearms and Ammunition Control Act is an Act for the general control and management of firearms and ammunition and licensing, possession, importation and exportation, transit, and dealing in brokering and tracing weapons and ammunition.⁹¹

This law provides an application for a license to possess firearms by a company to be made by the Chief executive officer.⁹² It prohibits an individual from using guns for security or any purpose firearms issued to another person.⁹³ Furthermore, the law authorises registering to issue a license for business purposes, a private company, or any other institution.⁹⁴

This law is relevant to this study because the Inspector General of Police is given power under this law to issue licenses to private security service providers to possess firearms for security activities.

2.3.5 CYBER CRIME ACT

This law is established to criminalise offences related to computer systems and information communication technologies and to provide for investigation, collection, and use of electronic evidence and matters pertaining there.⁹⁵

Cyber security is the application of technologies, processes, and controls to protect systems, networks, programs, devices, and data from cyber-attacks.⁹⁶ It aims to reduce the risk of cyber-attacks and protect against the unauthorized exploitation of systems, networks, and technologies. A robust cyber security regime is founded on a comprehensive cyber risk assessment programme to

⁹¹ The Firearms and Ammunition Control Act, No.2 of 2015.

⁹² Ibid s 10 (5).

⁹³ Ibid s 10 (7).

⁹⁴ The Firearms and Ammunition Control Act, No. 2 of 2015 s16 (b).

⁹⁵ Cyber Crime Act, No 14 of 2015.

⁹⁶ The Cyber Crimes Act No.14 of 2015, s 3

identify the gaps in an organisation's critical risk areas and determine the right actions to close those gaps.⁹⁷

Offences such as illegal access are prohibited by the law to a person who intentionally and unlawfully accesses or causes a computer system to be accessed.⁹⁸ It also criminalizes the illegal remains of a person who deliberately and illegally remains in a computer system or continues to use a computer system after an unauthorized time to use the computer system.⁹⁹ In addition, it criminalizes illegal interference with a computer system,¹⁰⁰ data espionage,¹⁰¹ and illegal interface with the computer system and the act shall be intentional and unlawful,¹⁰² and illegal device to be used to commit an offence.¹⁰³

The Cybercrime Act, the substantive law in this arena, is relevant to this study because private security service providers use computers and other technologies. Private security companies can also commit the offences established by this law in their daily activities.

2.3.6 NATIONAL SECURITY ACT

The National Securities Act is an Act that provides for better provision of state security that usually expresses and deals with espionage, sabotage, and other related activities prejudicial to the interest of the Country.¹⁰⁴ The Act clearly describes the desire to eliminate any individual from using any uniform that resembles the uniform of the Police Force and other law enforcement agencies.¹⁰⁵ However, the said law does not direct state prohibition to private

⁹⁷ Ibid s 34& 35.

⁹⁸ Ibid s 4(1).

⁹⁹ Ibid s 5 (1).

¹⁰⁰ Ibid s 7(1).

¹⁰¹ Ibid s 8 (1).

¹⁰² The Cyber Crimes Act No.14 of 2015, s 9.

¹⁰³ Ibid s 10 (1).

¹⁰⁴ The National Security Act of 1970.

¹⁰⁵ Ibid s 6(1), (a).

security guards, but this provision is relevant to this study since private security guards are not armed forces.

2.3.7 CRIMINAL PROCEDURE ACT

This Act is primary procedural legislation regarding criminal proceedings in Mainland Tanzania. The Criminal Procedure Act specifies the institutions that have mandated the arrest of a person suspected of having committed an offence with or without a warrant.¹⁰⁶ The same law provides for arrest by a private person, any person who has committed a crime in his presence.¹⁰⁷

However, the law does not directly mandate private security guards to arrest anyone who has committed an offence.

2.3.8 PEOPLE'S MILITIA (POWERS OF ARREST) ACT

This law gives the same powers to people militia to arrest in case of any breach of provision of written law and search as vested in Police Officers of the rank of constable.¹⁰⁸

People's militia, in most cases, is communities based on some sought of nature where the Tanzania People's Defense Force is training the indigenous to operate as crime foster actors of the community.¹⁰⁹ The same has a connection with the private security industry since one of the requirements to be employed as a security guard is that the applicant shall either be a Militia or Serviceman. Likewise, security guards must be trained on arrest before being employed in the private security industry. This Act is relevant to this research because it empowers people's militia to arrest as part of their duties, and this law has already provided this.

¹⁰⁶ The Criminal Procedure Act, Cap 20 [R.E 2022] s 11 and s 14.

¹⁰⁷ Ibid s 16.

¹⁰⁸ Peoples Militia (Powers of Arrest) Act, No 7, 1975 s.3.

¹⁰⁹ Ibid.

2.3.9 WARD TRIBUNAL ACT

The Ward Tribunal Act is another law enacted by the Parliament of the United Republic of Tanzania to provide for the jurisdiction of the ward tribunal, powers, practice, and procedures.¹¹⁰ Under the law, it established a ward tribunal with the primary function of securing peace and harmony in the area, which it established by mediating disputes among people to reach amicable and just settlement of disputes.¹¹¹

The provision above the law shows that peace and security are not the responsibility of the Tanzania Police Force alone but of every citizen, including private security actors. Therefore, this law is relevant to this study because it authorizes all citizens to maintain peace and security.

2.3.10 NATIONAL DEFENCE ACT

The Act regulates the issue of security in Tanzania. The National Defense Act has established various forces and means of governing the same. The primary department established by this Act is the National Service, which usually operates as the supplemental Force to the main Force.¹¹² However, the legislation has neither provided for industry regulations nor established the mechanisms for how the industry can function. In practice, the Tanzania Police Force, in regulating the private security sector, gives conditions to the applicant to provide security services to employ security guards who are either Militia or service members.

The issue of concern is that the law alone does not provide anything regarding regulating the private security industry. Still, it has a relation since service members are trained by Tanzania Peoples Defense Forces and employed as security guards by PSI.

¹¹⁰ The Ward Tribunal Act, No 7 of 1985 s 3 & 8.

¹¹¹ Ibid.

¹¹² The Ward Tribunal Act, No 7 of 1985, s 19 & 21.

2.3.11 TANZANIA INTELLIGENCE AND SECURITY SERVICE ACT

Tanzania Intelligence and Services is neither military nor paramilitary, but it is usually handled as a particular entity that cuts across various issues, especially those with state interests. The Service is under the supervision and control of the office of the president of the United Republic of Tanzania.¹¹³ The intelligence services' prime functions and responsibilities are to collect and disseminate all intelligence information concerning some issues of the state's interests. However, the said law does not directly regulate the private security industry, but there is a connection in the performance of their activities. Establishing a private security industry in Tanzania was supposed to be the product of intelligence information disseminated to the Tanzania Police Force to regulate and supervise it.¹¹⁴

2.3.12 BUSINESS NAMES (REGISTRATION) ACT

This law deals with establishing private security companies in Mainland Tanzania. Private security service providers required after starting to operate a security business shall make an application for a business name to the Registrar of Companies within twenty-eight days from the day of commencement of business. Still, for the firm commenced before the enactment of this Act, the statement of particulars shall be furnished after the expiration of two months and three months from the passing of this Act.¹¹⁵

The Act also provides for the manner and particulars of registration to include; the business name, general nature of business, where the registration to be effected is that of a firm, the present name and surname, any former name or surname, the nationality, and if that nationality is not origin, the nationality of origin, the age, the sex, the usual residence, and the other business occupation (if any) of each individuals who are partners and the corporate name. The

¹¹³ The Intelligent services Act, No 15 of 1996, s 14.

¹¹⁴ Ibid s 15.

¹¹⁵ The Business Names (Registration) Act, Cap 312 of 2013 s 8.

registered or principal office or principal office of every corporation which is a partner, where the registration is that of corporation, its corporate name and registered office, if the business to be registered commenced before the passing of this Act.¹¹⁶ The date of commence shall be stated, where the company to be registered is that of the firm, the names of every person empowered to operate the firms bank account or to sign, draw or endorse on behalf of the firm any bill of exchange, promissory note or other negotiable instrument or holding the firms general power of attorney, if the business is carried under two business names of both should be stated.¹¹⁷

Therefore, this law is relevant to this study since it provides procedures for registering names to private security service providers as part of the private security industry.

2.3.13 NATIONAL SECURITY COUNCIL ACT

This Act established the National Security Council, defence, security committees at various administrative hierarchies to regulate and coordinate national security matters, to establish machinery for individual persons, and public and private institutions to cooperate and participate effectively in defence and National security and provide for related matters.¹¹⁸ The Act establishes District security committees, which are mandated to consider applications for ownership of arms and explosives and make decisions per the laws or advise the Regional security committee on such applications.¹¹⁹

This law is relevant to this study because it provides for Regional and District security committees that deal with, among other things, considering applications for ownership of arms since some private security service providers use firearms in their activities.

¹¹⁶ Ibid.

¹¹⁷ Ibid s 6 (1) (a-h)and (2).

¹¹⁸ National Security Council Act, of 2010.

¹¹⁹ Ibid s 8(b) and 11(f).

2.3.14 THE ELECTRONIC AND POSTAL COMMUNICATION ACT

This Act establishes a comprehensive regulatory regime for electronic and postal communication services.¹²⁰ The law allows any person or company wishing to operate the electronic communications system in their duties to apply for a license from the authority.¹²¹ This law is relevant to this study because private security service providers, in their duties, use electronic communication.

3.0 SECURITY NORMS AND PRACTICES IN REGULATING PRIVATE SECURITY INDUSTRY

The private security industry deals with the protection of people and their properties as an assistant to public Police, therefore should adhere to security norms and practices such as standard training, and vetting of private security personnel before being allowed to perform security activities. Furthermore, private security service providers need education on laws regulating PSI, licensing and certification requirements under relevant laws, Monitoring and Enforce Adherence to Professional Standards and Code of Conduct, Penalties and Sanctions Imposed to Private Security Service Providers, and Challenges Faced by Regulatory Authority.

3.1 TRAINING OF PRIVATE SECURITY PERSONNEL

Training constitutes a basic concept in human resource development. It is concerned with developing a particular skill to a desired standard by instruction and practice.¹²² Training is a highly useful tool that can bring an employee into a position where they can do their job correctly, effectively, and conscientiously.¹²³ Training is the act of increasing the knowledge and skill of

¹²⁰ Electronic and Postal Communications Act, [R.E 2022]

¹²¹ Ibid. s 6(1).

¹²² Parliament Subcommittee on Security and Defense (SEDE) 'Private Security Companies in International Crisis Management Operations' European 2011) 8-9.

¹²³ Ibid.

an employee for doing a particular job. Training always categorized into various phases, the first phase according to security personnel is based on the basic training at the stage of first employment. The second phase is always taking place at the promotion where employees are being offered training packages depending on the level of position holding in the private security company. The last phase of training is in job training which focuses much on the remembrances and brain sharpening on the daily work performance within the private security company. Normally training is not an emergency phenomenon; it is in most cases scheduled and has a specific duration to attend as per every private security service employee.

Security guard training helps make sure that your security officers can effectively perform their duties, from protecting premises to dealing with various emergencies. It is also a good way to keep them from making mistakes that could harm your clients and legally damage your business reputation. According to the nature of security jobs performed by a security officer, their positions did require much training or qualifications.¹²⁴ But in most cases while employing private security personnel the employer and Police Force institutions put their eyes and focus only on general education development tests and a clear criminal record. In most cases, private security guards during their employment as security guards are not trained on how to use firearms, arrest, customer care and respect for human rights. The employers believe that since they are militia and service members there is no need to train them. Standard training is very important for all private security personnel since there is a need to be equipped with security norms and practices such as vetting, physical fitness and patriotism.

¹²⁴ European Parliament Subcommittee on Security and Defence (SEDE), Private Security Companies in International Crisis Management Operations' 2011) 8-9.

3.2 VETTING OF SECURITY PERSONNEL

Vetting is the examination of a person's background and private life to make sure an individual can be trusted to hold certain jobs or learn secret information.¹²⁵ Vetting varies depending on the reason behind vetting but this study involves background checks, assessment of competency, drug tests, and physical fitness and health checks.¹²⁶ One of the main things often examined during security vetting is criminal behaviour; this would include any previous convictions on a person's record. It might also include further investigations to make sure a person is not currently engaged in secret questionable behaviour. Another area of investigation is about a person's lifestyle and habits. The investigations will look at things like drug problems or a history of unreliable behaviour.

In Mainland Tanzania private security guards are not vetted during employment, the reason is that the owners are given conditions by the TPF to employ service members and militia. Under the permit, the condition is that only owners are subjected to vetting on criminal background checks without taking into consideration family background and lifestyle.¹²⁷

3.3 AWARENESS OF THE EXISTENCE OF A LEGAL FRAMEWORK GOVERNING PRIVATE INDUSTRY

Education is paramount for private security personnel to adhere to the laws governing the private security industry. Most private security administration and other personnel in the industry have little knowledge about the existing laws governing the private security industry. Most private security personnel from private security companies are not familiar with the laws regulating matters related to the operations of the private security industry apart from

¹²⁵ Muiyiwa B Afolabi, Intelligence and Security Studies Programme, (2017) Department of Political Science and International Studies, Afe Babalola University, Ado-Ekiti, Nigeria 62.

¹²⁶ Ibid.

¹²⁷ Interview by Lydia Mshare, Student, Faculty of Law, University of Dodoma (Nyerere Square, Dodoma 1st October, 2023)

knowing that they are registered through BRELA and issued permits by the TPF.¹²⁸ Education about laws governing PSI is essential because awareness can help players in the industry adhere to the laws to meet the goals of enhancement of security in society. Suppose personnel in the private security sector fail to know what does and doesn't. In that case, the regulatory authority will find it difficult to supervise and monitor the daily activities of private security service providers.

3.4 LICENSING AND CERTIFICATION FOR THE PRIVATE SECURITY INDUSTRY

The Companies Act covers registering private security businesses.¹²⁹ At the same time, the Inspector General of Police Secular¹³⁰ deals with the general governance of the private security industry in Tanzania however the secular does not provide conditions or criteria for the applicant to fulfil to be issued with a permit to run a security business.¹³¹

For effective monitoring of the operation of PSI, we still need adequate laws which provide for the criteria or conditions for the applicant to fulfil to be issued with a permit to provide security activities. It will enable the regulatory authority to set standards for the applicant to meet conditions for eligibility to operate security activities. An effective law could establish minimum standards for the applicant and qualifications, ensuring that private security personnel have the necessary skills and knowledge to perform their duties effectively.

¹²⁸ Interview by Lydia Mshare, Student, Faculty of Law, University of Dodoma (Nzuguni, Dodoma October, 2023)

¹²⁹ Companies Act, Cap 212 [R.E 2019].

¹³⁰ IGP Secular No.3/2009.

¹³¹ Interview by Lydia Mshare, Student, University of Dodoma, Faculty of Law, (PHQ Dodoma.03rd September, 2023.)

3.5 TRAINING OF PRIVATE SECURITY PERSONNEL

Matters related to licensing and certifications of private security businesses are covered by the Companies Act.¹³² At the same time, the Inspector General of Police Secular¹³³ provides issues associated with the training of private security guards. Training offered to private security guards does not cover aspects to be covered such as how to arrest, use firearms, physical fitness, patriotism, and respect for human rights, just to mention a few.¹³⁴

From that point of view, it can be said that most of the activities are regulated by BRELA under the umbrella of the Companies Act¹³⁵ and Inspector General of Police Secular.¹³⁶ However, the researcher believes that we still need adequate laws that will handle all issues related to training of private security guards to have qualified personnel to perform duties of protection of people and their properties. This will enable the consumers to hire qualified people who will provide quality services and contribute to reducing crimes. An effective law could establish minimum standards for training and qualifications, ensuring that private security personnel have the necessary skills and knowledge to perform their duties effectively.

Private security service providers are often contracted to provide security for businesses, schools, and other public places. An effective law would help to ensure that these personnel are adequately trained and equipped to handle security threats. It would also help to prevent private security guards from abusing their power or using excessive force. To protect the rights of private security guards, private security guards are often paid low wages and work in dangerous conditions.

¹³² Companies Act, Cap 212[R.E 2019]

¹³³ IGP Secular No.3/2009

¹³⁴ Interview by Lydia Mshare, Student University of Dodoma, Faculty of Law a (PHQ Dodoma) 03rd September, 2023)

¹³⁵ Companies Act, Cap 212 [R.E 2019].

¹³⁶ IGP Secular No.3/2009.

A comprehensive law would help to ensure that these workers have their rights protected, such as the right to a minimum wage, the right to a safe working environment, and the right to unionise and to regulate the use of weapons by private security guards. Private security guards in Tanzania are sometimes allowed to carry firearms. An effective law would help to regulate the use of these weapons, ensuring that they are only used in self-defence or to protect the public.

African Countries need to adopt a matrix approach to regulate the private security industry, which consists of the regulatory scheme at different levels, namely, the national, regional, and international, as well as within the industry. Effective national regulation would also comprise mandatory standards in health, safety, minimum wage, insurance, vetting, training, and criminal record checks.¹³⁷

Similarly, minimum standards should be addressed in every regulation, such as registration, licensing, training, and use of security and powers given to private security guards. That any regulatory framework does not regulate private security service providers and their employees in Zambia. This situation is thereby an explosion of national threat.¹³⁸

3.6 MONITORING AND ENFORCING ADHERENCE TO PROFESSIONAL STANDARDS AND CODE OF CONDUCT.

The Tanzania Police Force is mandated to monitor and enforce adherence to professional standards of the private security industry through the commission of community policing in the office of the Chief of Police Force and Regional Police Commander's Office. In the case of the code of conduct, this is treated by an individual private security service provider through self-regulation.¹³⁹ TPF is

¹³⁷ Beapark and Schulz (n 40)81-86.

¹³⁸ Ndugu (n 42) 1015 -1016.

¹³⁹ Interview by Lydia Mshare, Student, University of Dodoma, (Police headquarter, and Regional Police Commander office, Dodoma.14 November, 2023)

ineffective in monitoring adherence to professional standards because they found it challenging to sanction private security service providers due to a lack of provision of the law, which authorises them to enforce compliance with professional standards.¹⁴⁰

The Tanzania Police Force performs most activities since it is mandated to secure citizens and their properties. Private security firms often operate in various capacities, such as protecting events, businesses, or individuals. As these firms are entrusted with safeguarding people and property, it is crucial to ensure that they adhere to professional standards to effectively carry out their duties without compromising public safety.¹⁴¹ Through monitoring and enforcing adherence to professional standards, the TPF helps to prevent potential misconduct or negligence within the private security industry that could pose risks to public safety.¹⁴²

Furthermore, TPF finds it challenging to monitor the private security sector through desks/offices under Regional Police Commanders and in the Police headquarters because of the fast growth of the private security industry in Tanzania.¹⁴³ Through established desks/offices under Regional Police Commanders it is difficult to monitor and supervise the fast-growing PSI in Tanzania. Therefore, it is convenient for the TPF to expand its structure by establishing the Commission as a regulatory authority to regulate PSI in Tanzania since security is a union matter.¹⁴⁴

Private security firms are granted certain powers and authorities, such as making arrests or detaining individuals under specific circumstances.¹⁴⁵ However, these powers must be exercised responsibly and within legal

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

¹⁴² Interview by author, (14th November, 2023) Police headquarter, and Regional Police Commander office, Dodoma.

¹⁴³ Interview by author, (21st December, 2023) Police headquarters, Dodoma.

¹⁴⁴ Ibid.

¹⁴⁵ Bearpark and Schulz (n 40)81-86.

boundaries. Through monitoring and enforcing professional standards, the Police Force can hold private security personnel accountable for their actions and ensure that they operate within the confines of the law.¹⁴⁶

This accountability helps to maintain public trust in the private security industry and law enforcement agencies. It ensures that all individuals, including those in the private security industry, are subject to laws and regulations governing their conduct. The Police Force is a regulatory body that oversees compliance with these laws and regulations. Through monitoring and enforcing adherence to professional standards, the Police Force helps uphold the rule of law within the private security industry. It ensures that private security personnel act ethically, respect individual rights, and do not engage in illegal activities while carrying out their duties.

The above point is supported by institutional theory; it describes formal, informal, and legal aspects of governmental institutions: their formal and informal structure, legal powers, procedural rules, social behaviours, and functions or activities in public service delivery.¹⁴⁷ The institutional theory is relevant to this study since it shows the processes, influence, and reasons for institutional behaviours, policies, and institutional decision-making as organisations seek to implement and legitimise their projects and practices in ensuring practical and efficient public service delivery. Furthermore, it shows that for private security firms to survive in providing security services, the organisation or company needs to comply with the legal and regulatory framework; failure to adhere to the law may result in the cancellation of the business.

¹⁴⁶ Ibid.

¹⁴⁷ Bearpark and Schulz (n 40)81-86.

3.7 PENALTIES AND SANCTIONS IMPOSED TO PRIVATE SECURITY SERVICE PROVIDERS.

There is no specific code of conduct for the private security industry in Mainland Tanzania, apart from the sanctions imposed on private security service providers who operate contrary to the law, such as warnings and time to correct faults.¹⁴⁸ These sanctions do not help to improve compliance since they are not sanctioned in reality. From that point of view, it can be said that although there are no specific codes or rules or regulations governing the private security industry when they do misconduct, there are actions taken by the Police Force.¹⁴⁹

In addition, the Tanzania Police Force does not have the mandate to cancel permits issued to private security service providers who operate contrary to security norms and practices because no law authorises them to do so.¹⁵⁰ That is to say; the law should provide TPF the authority to cancel permits for private security service providers that operate contrary to the laws.

The sanctions are implemented to ensure accountability, compliance with regulations, and protection of individuals and property. Private security companies typically require a license to operate legally, and regulatory bodies or government agencies responsible for overseeing the private security industry grant this license. When a company acts contrary to the legal framework, authorities have the power to suspend or revoke its license.¹⁵¹ Private security companies that violate legal regulations may also face financial penalties in the form of fines. The amount of these fines can vary depending on factors such as the violation's severity, the company's size, and any previous offences.

¹⁴⁸ Interview by Lydia Mshare, Student, University of Dodoma, Faculty of Law, (Regional Police Commander office Dodoma. 22nd October, 2023),

¹⁴⁹ Ibid.

¹⁵⁰ Interview by Lydia Mshare, Student, University of Dodoma, Faculty of Law, (BRELA office through telephone, 22nd October, 2023)

¹⁵¹ Banda (n 33) 33.

Penalties serve as a deterrent and aim to discourage non-compliance with legal requirements.¹⁵²

4.0 CHALLENGES FACED BY REGULATORY AUTHORITY

Tanzania Police Force is a regulatory authority in regulating the private security industry in Mainland Tanzania. However, TPF is ineffective in governing the private security industry that is the major problem in the field.¹⁵³ Similarly, there is a problem of non-compliance to security norms such as vetting of personnel, standard training on how to use firearms, arrest, respect for human rights, physical, fitness and patriots since there is no law that provides effective sanctions that can deter the defaulters from violation of laws regulating private security industry.¹⁵⁴

Based on the above context, it suffices to argue that the ineffectiveness of regulatory authority challenges the significant impact of private security industry operations. But the remarkable challenge is the ineffectiveness of laws governing this sector.

There are two types of responses to the challenges of privatising the security industry. These are legal and regulatory frameworks at regional, national, and international levels.¹⁵⁵ It is important to establish legal and regulatory frameworks at regional, national, and international levels.

5.0 CONCLUSION AND RECOMMENDATIONS

The study concluded that the legal framework regulating the private security industry in Mainland Tanzania is not effective since the existing legal framework does not contain provisions that consider security norms and

¹⁵² Ibid.

¹⁵³ Interview by Lydia Mshare, Student, University of Dodoma, Faculty of Law, (BRELA office headquarter, Dar es Salaam 25th September, 2023).

¹⁵⁴ Ibid.

¹⁵⁵ Caroline Holmqvist, 'The Private Security Companies, the Case for Regulation' Stockholm International Peace Research Institute (policy paper No.9 2005) 59.

practices. The study recommends that there is a need to ensure that there is an effective legal framework system that regulates the private security industry in Mainland Tanzania. Finally, since there are other Mechanisms like the Inspector General of Police Secular which was established to supervise and improve the performance of private security industry in Tanzania it is the recommendation of this paper that the IGP secular be amended to include vetting of security personnel, standard training on how to use firearms, arrest customer care, patriotism, respect for human rights just to mention few. The study further recommends that there is a need to establish an independent regulatory authority to oversee and monitor the operation of PSI in Tanzania because security is a union matter.

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