



TUME YA KUREKEBISHA SHERIA ZANZIBAR

RIPOTI YA UTAFITI WA SHERIA YA LESENI NAMBA 3 YA MWAKA 1983

NAMBA 7/2022

**INAWASILISHWA KWA MHESHIMIWA WAZIRI WA NCHI, OFISI YA RAIS,
KATIBA, SHERIA, UTUMISHI NA UTAWALA BORA**

JANUARI, 2022

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UTAWALA BORA,
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Mapitio ya Sheria ya Leseni Nam. 03 ya mwaka 1983.**

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SHUKRAN

Tume inatoa shukrani kwa Wizara ya Biashara na Maendeleo ya Viwanda, kwa ushirikiano wao katika utafiti huu kupitia vikao vya wadau na kubainisha maeneo yenye mapungufu usimamizi na utoaji wa leseni Zanzibar. Shukrani za pekee kwa Katibu wa Wizara na Baraza la Usimamizi wa Leseni Zanzibar kwa ushirikiano katika kukamilisha utafiti huu.

Shukran kwa taasisi na Mamlaka za Leseni za Zanzibar na Mamlaka za leseni za Muungano zilizopo Zanzibar ambazo zimeshiriki katika vikao vya Tume na kutoa michango yao na uzoefu katika kutoa na kusimamia leseni.

Tume inawashukuru wafanyabiashara wa Zanzibar kupitia Jumuiya ya Wafanyabiashara kwa kushiriki na kutoa maoni yao katika matayarisho ya Ripoti hii pamoja na Mapendekezo.

Shukrani za pekee ziende kwa Makamishna wa Tume, Katibu wa Tume Nd. Mussa Kombo Bakari na wafanyakazi wa Tume ya Kurekebisha Sheria kwa kuongoza zoezi la utafiti huu na kufanya uchambuzi yakinifu na uandishi wa ripoti.

Uzoefu na changamoto zilizoelezwa kuikumba sekta hii vimeisaidia sana Tume kuweka misingi na Mapendekezo ya Tume, na kuhakikisha changamoto zilizopo katika utoaji na usimamizi wa leseni Zanzibar zinazingatiwa katika mapendekezo ya Tume.

VIFUPISHO VYA MANENO

AG	Antony General
BRELA	Business Registration and Licensing Agency
CCM	Chama cha Mapinduzi
EAC	East Africa Community
FDI	Foreign Direct Investment
GATT	General Agreement on Tariff and Trade
GATS	General Agreement on Trade in Services
SMEs	Small and Medium Enterprises
MKUZA	Mkakati wa Kuondoa Umasikini Zanzibar
MSMEs	Micro and Small and Medium Enterprises.
MTN	the Multilateral Trade Negotiations
ITO	International Trade Organisation

ICT	Information and Communication Technology
NGO	Non Governmental Organisation
PPP	Public Private Partnership
SLA	Seychelles Licensing Authority
RIA	Regulatory Impact Assessment
TEHAMA	Teknolojia ya Habari na Mawasiliano
EPZ	Economic Processing Zone
TZS	Tanzanian Shilling
WTO	World Trade Organization
ZIPA	Zanzibar Investment Promotion Agency
ZPRP	Zanzibar Poverty Reduction Plan
TCRA	Tanzania Communication Regulatory Authority
<i>JITAP</i>	The Joint Integrated Trade Assistance Programme
ZMCL	<i>Zanzibar Media Corporation Ltd</i>
ZEXA	<i>Zanzibar Exporter Association</i>
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MUHTASARI

Uchambuzi wa taratibu zilizopo katika utoaji wa leseni za biashara ni sehemu muhimu kwa maendeleo ya nchi na utekelezaji wa Mipango ya Maendeleo ya

Zanzibar. Ili kutathmini utaratibu wa utoaji leseni, kutambua shughuli muhimu zinazohitaji leseni, kuondoa hatua zisizo za lazima na kuchukua muda katika kupata leseni au vibali Tume imeona kuna haja ya kuifanyia mapitio Sheria ya Leseni Nam. 3 ya 1983.

Utoaji wa leseni za Zanzibar, kama ule wa nchi nyingi za Afrika Mashariki na nchi nyengine zinazoendelea, unatajwa kuwa na changamoto zinazokwamisha biashara binafsi na uwekezaji wa moja kwa moja na hivyo kurudisha nyuma maendeleo ya nchi. Vikwazo vya kiutawala na udhibiti vinazuia uwekezaji, wafanya biashara na biashara ndogo na za kati (SME) na kufanya utaratibu maalum wa usimamizi wa biashara kukosa usimamizi au utaratibu maalum.

Kupunguza taratibu za utoaji leseni na mzigo wa ada za leseni kwa wafanyabiashara ni mkakati muhimu wa Serikali kupitia Wizara ya Biashara na Viwanda, mkakati ambao unalenga kuweka mifumo shirikishi ambayo inaweza kupelekea mazingira bora ya biashara na uwekezaji na pia kuhimiza biashara za ndani na uwekezaji wa kigeni (FDI).

Utafiti huu unakusudia kutathmini taratibu za utoaji wa leseni, mamlaka zinazohusika, athari za mchakato wa mageuzi ya leseni na biashara Zanzibar na matokeo ya utafiti yataisaidia Serikali katika kurahisisha taratibu za utoaji leseni na utaimarisha mazingira ya biashara na kukuza urahisi wa kufanya biashara.

Utafiti huu pia unalenga kurekebisha na kuimarisha mifumo ya sheria, sera, taratibu za kiutawala na hatua zinazoathiri utoaji wa leseni za biashara ili kusaidia

ukuaji wa biashara na kuongeza ushindani kama sehemu kuu ya biashara shirikishi.

Mbinu mbalimbali katika utafiti huu zimezingatiwa ikiwemo uzoefu wa Kimataifa na nchi mbalimbali katika mageuzi ya utoaji leseni na kutathmini utaratibu wa utoaji leseni za biashara na mchakato wa mageuzi ili kuimarisha mazingira mazuri ya biashara. Tathmini hiyo pia inaeleza mifano ya mageuzi ya udhibiti wa utoaji leseni na uzoefu wa mageuzi ya nchi nyengine kama Tanzania Bara, Seychelles, Jamhuri ya Vanuatu, Botswana, na Tonga.

Aidha wadau kutoka taasisi mbalimbali na wafanyabiashara wa sekta binafsi katika sekta mbalimbali wameshirikishwa ili kukusanya taarifa kuhusiana na leseni za biashara.

Mwsisho, utafiti umebainisha maeneo mbalimbali ya kuimarishwa katika utoaji leseni ikiwemo uwepo wa taasisi nyingi za leseni ambazo haizna mwongozo unaohusiana na utoaji wa leseni.