AFRICAN PEER REVIEW MECHANISM

APRM COUNTRY REVIEW REPORT NO. 17

THE UNITED REPUBLIC OF TANZANIA

JANUARY 2013

AFRICAN PEER REVIEW MECHANISM

AFRICAN UNION

THE UNITED REPUBLIC OF TANZANIA

COUNTRY REVIEW REPORT NO. 17

JANUARY 2013

FOREWORD

I am pleased to present the APRM Country Review Report and the National Programme of Action of the United Republic of Tanzania. This is the Seventeenth Report to be peer-reviewed by the Forum of Heads of State and Government participating in the APRM.

Having voluntarily acceded to the governance monitoring mechanism on 26 May 2004, with the signing of the APRM Memorandum of Understanding, ratified by Parliament on 1 February 2005, Tanzania immediately embarked on its self-assessment process, which culminated in the Peer Review at the 18th Summit of the APR Forum on 26 January 2013 in Addis Ababa, Ethiopia. I congratulate the Government and People of the United Republic of Tanzania on their successful navigation through this complex, all-inclusive participatory process.

Since its formation in April 1964, the United Republic of Tanzania has made significant progress on the political, social and economic fronts. The country has successfully built a strong national identity in the midst of great ethnic, regional and religious diversity and has, enviably, enjoyed peace and political stability that has eluded some African countries for several decades.

As indicated in the Country Review Report, since 1995, Tanzania has been making progress in democratic governance through successful multiparty elections and peaceful transfer of political power in line with the Constitution. This commendable practice, which deepens and consolidates constitutionalism and the rule of law, is worthy of emulation. In the area of human rights protection and promotion, particularly with regard to the participation of women in public affairs, Tanzania has taken commendable steps to reinforce the role of women in decision-making, in the National Assembly, Local Councils and in the public service, generally.

On the economic front, the shift to market-led economy from the Ujamaa socialist experiment has yielded positive results. Over the last decade, Tanzania achieved appreciable economic growth rates averaging 7 per cent per annum. This encouraging economic growth reflects the implementation of sound economic policies, as well as the improvement of economic governance and management, by strengthening rule-based institutions, fighting corruption and fostering public participation in governance.

Notwithstanding such progress, there remains the challenge of translating the economic growth into a broad-based, pro-poor and inclusive development. The task ahead therefore consists in reducing poverty, as well as the high levels of inequality and youth unemployment. At a time when Africa is undergoing massive transformation and making steady progress in terms of economic growth, the APRM offers an unparalleled opportunity for consolidating the achievements made through the reforms already undertaken at the political, economic and social levels. It is for this reason that I urge all the social actors and development partners to contribute to the implementation of the Tanzania APRM National Programme of Action.

Once again, I would like to thank the Government and People of the United Republic of Tanzania, as well as the other countries participating in the APRM, and particularly my Peers in the APR Forum, for their commitment and support to the implementation of the APRM.

I thank the APR Panel of Eminent Persons for its leadership in the preparation of the Country Review Report of Tanzania. I extend the same gratitude to the APRM Secretariat, and the Strategic Partners of the APRM - United Nations Development Programme Regional Bureau for Africa (UNDP-RBA), United Nations Economic Commission for Africa (UNECA) and African Development Bank (AfDB) - for their contribution to the success of Tanzania's review process.

Ellen Johnson-Sirleaf
Chairperson of the APR Forum

COUNTRIES PARTICIPATING IN THE AFRICAN PEER REVIEW MECHANISM (APRM)

As of January 2013, the following 33 countries are participating in the APRM:

Algeria, Angola, Benin, Burkina Faso, Chad, Cameroon, Republic of Congo, Djibouti, Egypt, Ethiopia, Gabon, Ghana, Kenya, Lesotho, Liberia, Malawi, Mali, Mauritania, Mauritius, Mozambique, Niger, Nigeria, Rwanda, São Tomé and Príncipe, Senegal, Sierra Leone, South Africa, Sudan, Tanzania, Togo, Tunisia, Uganda and Zambia

APR PANEL OF EMINENT PERSONS

Professor Amos Sawyer (Liberia)
(Chairperson)

Barrister Julienne Ondziel Gnelenga (Republic of Congo)
(Member)

Barrister Akere T. Muna (Cameroon)
(Member and Lead Panelist for the Tanzania APRM Process)

Ambassador Professor Okon Edet Uya (Nigeria)
(Member)

Ambassador Ashraf Gamal (Egypt)
(Member)

Dr. Mekideche Mustapha (Algeria)
(Member)

Ambassador Fatuma Ndangiza Nyirakobwa (Rwanda)
(Member)

Ms Baleka Mbete (South Africa)
(Member)

APR SECRETARIAT

Mr. Assefa Shifa
Chief Executive Officer, a.i
APRM Secretariat
P.O. Box 1234, Halfway House 1685
Midrand, South Africa
Tel: +2711 256 3400
http://aprm-au.org

ACKNOWLEDGEMENTS

The Panel of Eminent Persons of the APRM (APR Panel) is pleased to present the Country Review Report (CRR) of the United Republic of Tanzania. This Report is the outcome of the collaboration and active engagement of various stakeholders and institutions.

The APR Panel wishes to thank most sincerely His Excellency, Dr. Jakaya Mrisho Kikwete, President of the United Republic of Tanzania (URT), for his unwavering commitment to the APRM process. He has given the Country Review Mission (CRM) all the support needed to carry out an independent review exercise.

The APR Panel extends its deepest gratitude to His Excellency Dr. Mohammed Gharib Bilal, Vice President of the Union, His Excellency Dr Alli Mohamed Shein President of the Revolutionary Government of Zanzibar, His Excellency Mizengo Kayanza Peter Pinda, Prime Minister of the URT, His Excellency Seif Shariff Hamad, First Vice President of the Revolutionary Government of Zanzibar, and His Excellency Ambassador Seif Alli Idd, Second Vice President of the Revolutionary Government of Zanzibar, for their commitment and support to the APRM process. The APR Panel is grateful that these leaders took time off their busy schedules to meet with the Country Review Team.

The Panel would also like to thank Hon. Bernard K. Membe (MP), Minister for Foreign Affairs and International Cooperation and APRM Focal point for Tanzania, as well as the National Governing Council (NGC), led by Prof. Hasa Mlawa, for producing a comprehensive Country Self-Assessment Report (CSAR) and for facilitating the work of the CRM. Our gratitude equally goes to Mrs. Rehema Twalib, Executive Secretary of the Tanzania APRM Secretariat, and her staff, for providing logistical support to both the Support and Country Review Missions.

The APR Panel extends its gratitude to all stakeholders the CRM met for their invaluable contribution to the content of this Report. We thank most sincerely the Lord Chief Justice and the Judiciary, Permanent Secretaries, the Speaker of the National Assembly and the Chairs of National Assembly Standing Committees. The Panel is also grateful to the non-state stakeholder groups, including civil society organisations, private sector representatives, women and youth groups, and political parties, whose representatives met with the CRM.

APR Panel members thank all who played a critical role in raising awareness about the APRM in Tanzania. Specific mention should be made of the role played by national media and various civil society organisations. Above all, the Panel is grateful to the people of the United Republic of Tanzania for their active participation in the sessions organised for the review mission.

The APR Panel would like to commend the work done by the Country Review Team (CRT), led by Barrister Akere T. Muna, member of the APR Panel of Eminent Persons. Barrister Muna led the Tanzania Peer Review Process with a strong sense of commitment, diligence, expertise and utmost calmness that have been the hallmarks of his distinguished and illustrious legal career. Credit goes equally to the efforts and hard work, talents, skills and professionalism shown by his team of outstanding experts who carried out the review of Tanzania. They are: Dr. Francis Chigunta, Prof. Adele L. Jinadu, Prof. Abdul Aziz Jalloh, Ms. Candy Wekesa Okoboi, Dr. Bernard Z. Dasah, Dr. Annie Chikwanha, Dr. Thomas Kibua, and Prof. Ameze Guobadia. Special thanks go to the experts from APRM Strategic Partners for their participation and invaluable contribution to the Tanzania review: Dr. Kojo Busia and Dr. Rose Aderolili from the United Nations Economic Commission for Africa (UNECA), Ms. Zemenay Lakew, Prof. Ahmed Mohiddin and Ms. Evelyn Edroma from the United Nations Development Programme (UNDP); as well as Mr. Baboucarr Koma and Mr. Dawit Makonnen from the African Development Bank (AfDB).

Lastly, the APR Panel would like to thank APR Secretariat staff under the leadership of Mr. Assefa Shifa, Chief Executive Officer of the APRM Secretariat, who worked tirelessly to ensure the success of the review mission and completion of this Report. Special thanks go to Dr. Rachel Mukamunana, Coordinator of the Tanzania Country Review Mission, Mr. Pierre Demba, and Ms. Arlette Yemek who arranged logistical support for the CRM.

TABLE OF CONTENTS

Countries Participating In The African Peer Review Mechanism (APRM) vi
Acknowledgements vii
Political Map of Tanzania xi
Country Fact Sheet xii
Acronyms and Abbreviations xxi
Executive Summary 1

CHAPTER ONE **21**
1. INTRODUCTION: THE APRM AND ITS IMPLEMENTATION IN TANZANIA 21
   1.1. THE APRM AND ITS PROCESS 21
      1.1.1. Objectives of the APRM focus areas 21
      1.1.2. The APRM Process 23
   1.2. THE IMPLEMENTATION OF THE APRM PROCESS IN TANZANIA 25
      1.2.1 The APRM Country Support Mission and the Follow-up Mission 26
      1.2.2 Methodology Used for the Country Self-Assessment 26
      1.2.3 The Country Review Mission 27
      1.2.4. Activities undertaken during the CRM 28
   1.3. Structure of the Report 29

CHAPTER TWO **31**
2. HISTORICAL BACKGROUND 31
   2.1. Brief Political History 31
   2.2. Political and Socio-economic Transformation in Tanzania 34
   2.3. Tanzania's Strong Pan-Africanism and its Role in the liberation of Southern Africa 40
   2.4. South-South Cooperation and Regional Integration 40
   2.5. Hosting War Refugees 40
   2.6. Peace Efforts in the Great Lakes Region and Beyond 40

CHAPTER THREE **41**
3. DEMOCRACY AND POLITICAL GOVERNANCE 41
   3.1. Overview 41
   3.2. Standards and Codes 42
   3.3. Assessment of the Performance of APRM Objectives 46

CHAPTER FOUR **111**
4. ECONOMIC GOVERNANCE AND MANAGEMENT 111
   4.1. Overview 111
   4.2. Standards and codes 112
   4.3. Assessment of performance of APRM objectives 113

CHAPTER FIVE **139**
5. CORPORATE GOVERNANCE 139
   5.1. Overview 139
   5.2. Standards and Codes 140
   5.3. Assessment of the Performance of APRM Objectives 142

TABLE OF CONTENTS

CHAPTER SIX **171**

6. SOCIO-ECONOMIC GOVERNANCE 171
   - 6.1. Overview 171
   - 6.2. Standards and Codes 172
   - 6.3. Assessment of the Performance of APRM Objectives 176

CHAPTER SEVEN **217**

7. CROSS-CUTTING ISSUES 217

REFERENCES

LIST OF TABLES

Table 1.1: Tanzania National Governing Council Membership Composition 25
Table 3.1: Signed Multilateral Treaties Pending Ratification as at August 2010 42
Table 3.2: AU Treaties and Protocols Pending Ratification as at June 2008 43
Table 3.3: Reporting Status of Human Rights Instruments 44
Table 3.4: Union Matters under the First Schedule, 1997 Constitution of the United Republic of Tanzania 54
Table 3.5: Participation Of Political Parties In General Elections (Election Results 1995 To 2010) 57
Table 3.6: Key Anti-Corruption Agencies in Tanzania 94
Table 4.1: GDP Growth (Per centages) 114
Table 4.2: Incidences of Corruption Reported 131
Table 5.1: Tanzania: Overall 'Ease of Doing Business Rank' (Out of 183 Economies) and the Ranking by Each Topic 144
Table 5.2: Tanzania's ranking on indices measuring ease of doing business 145
Table 5.3: Tanzania's Laws and Regulations Governing Businesses 146
Table 5.4: Summary of ILO-IPEC Integrated Labour Force and Child Labour Survey 2000/2001 150
Table 5.5: Record of Dispute Settlement for the Period Jan. 2006 – Dec. 2007 152
Table 5.6: Workman's Compensation Record (2005-2007) 153
Table 5.7. Child labour prevalence 155
Table 6.1: Summary of Actions taken by the Government of Tanzania to comply with Charters and Conventions 173
Table 6.2: Progress in MDGs at a Glance in Mainland Tanzania 184
Table 6.3: Progress in MDGs at a Glance in Zanzibar 185
Table 6.4: Net Enrolment Rates in Primary Education (Per cent) 190
Table 6.5: High Pupil Drop-out by Reason in Government and non-Government Primary Schools, 2011 191
Table 6.6: HIV Prevalence by Sex and Residence in Tanzania 2007/08 195
Table 6.7: Electricity consumption per capita (kWh) for SADC countries (2006-2008) 201

TABLE OF CONTENTS

able 6.8:	Sources of energy for cooking, Mainland Tanzania, by residence (per cent of households)	201
Table 6.9:	Comparative Distribution of Road Network in Kenya and Tanzania in 2007 (Per cent)	203
Table 6.10:	Road Conditions in Tanzania, 2010	204
Table 6.11:	Number of Leadership Posts and Proportion Filled by Women in 2004/05 and 2009/10	209

LIST OF FIGURES

Figure 3.1.	Proportion of respondents who heard or witnessed or experienced e lection-related violence	49

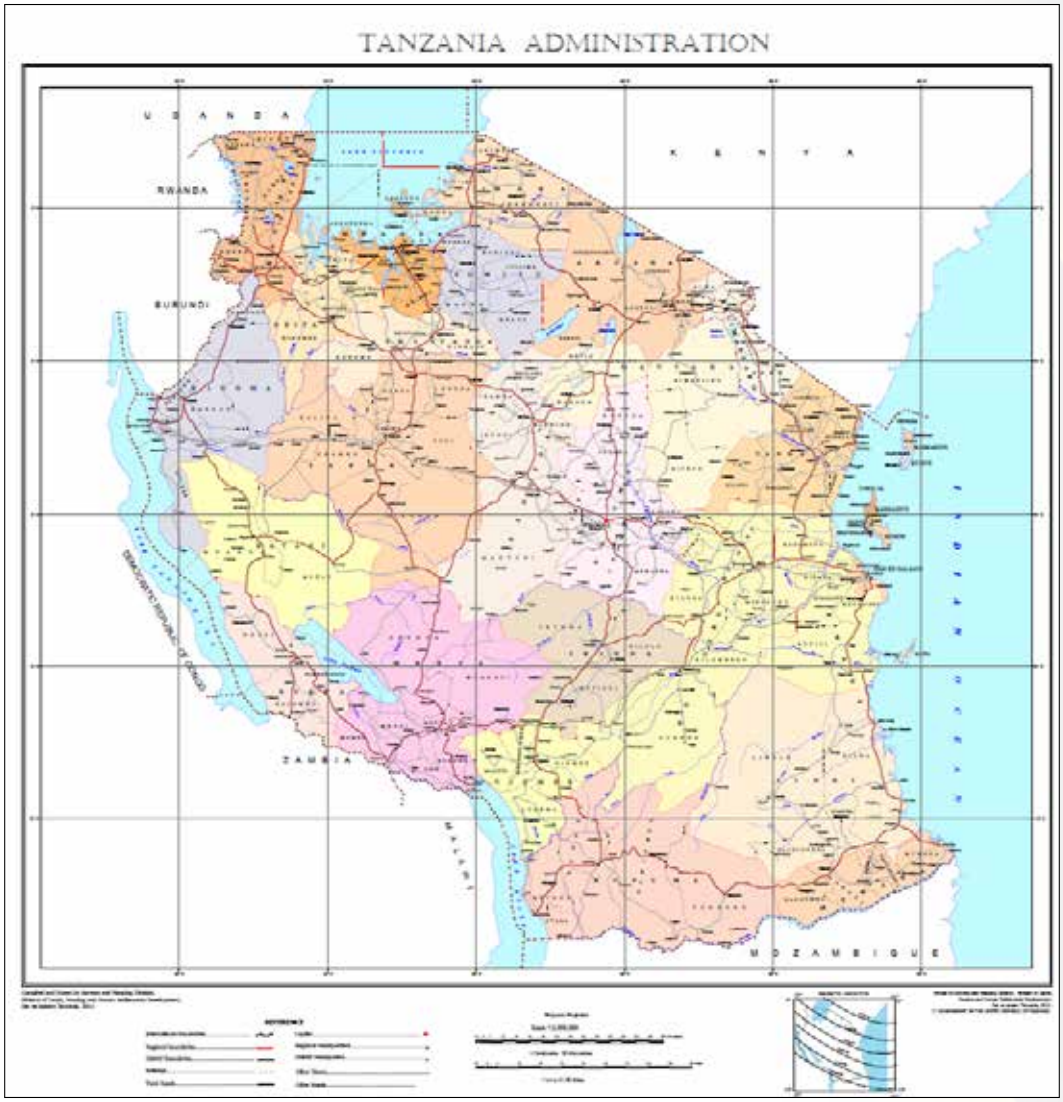
BOXES

Box 1.1:	Status of APRM implementation as of January 2013	23
Box 2.1:	Tanzania as the Cradle of Mankind	31
Box 2.2:	Best Practice: the Union of Tanganyika and Zanzibar	34
Box 2.3:	Best Practice: Political Reconciliation in Zanzibar	36
Box 2.4:	Best practice: Political stability and peaceful transfer of political power	39
Box 3.1:	*Best practice: the URT Declaration on Jurisdiction of the African Court of Human and Peoples' Rights*	73
Box 3.2:	Blogger's Perception of the Role of the Tracker System in the Fight Against Corruption in Tanzania	95
Box 3.3:	Tanzania's President Kikwete sacks ministers amid corruption scandal	98
Box 5.1:	What is Extractive Industries Transparency Initiative (EITI)	148
Box 6.1:	Absence of Inclusive Growth in Tanzania	183
Box 6.2:	Dodoma University (UDOM): A Success Story of Vision, Determination and Dedication	192
Box 6.3:	Best Practice: Maternity Waiting Home in Dodoma	194
Box 6.4:	Best Practice: Zanzibar success in the fight against Malaria	195
Box 6.5:	Best Practice: Village Community Banks (VICOBA)	202
Box 6.6:	Village by-laws and Transparancy in Land-use Planning in Tanzania	215

ANNEXES

ANNEXURE 1	Consolidated Government Response	238
ANNEXURE 2	National Programme Of Action of United Republic of Tanzania	281
	1) Democracy and Political Governance	281
	2) Economic Governance and Management	284
	3) Corporate Governance	309
	4) Socio Economic Development	336
ANNEXURE 3	The Peer Review Of The United Republic Of Tanzania At The 18Th Summit Of The Apr Forum On 26 January 2013, Addis Ababa Ethiopia	385

POLITICAL MAP OF TANZANIA



COUNTRY FACT SHEET | BASIC INFORMATION

Background	The United Republic of Tanzania was formed after the union of two Sovereign States, Republic of Tanganyika and People's Republic of Zanzibar in 1964. One-party rule came to an end in 1992 with the first multi-party elections held since independence.
Government President: Vice-President: President of Zanzibar: Prime Minister:	H.E. Dr. Jakaya Mrisho Kikwete H.E. Dr. Mohammed Gharib Bilal H.E. Dr. Ali Mohammed Shein Hon. Mizengo Peter Pinda
Location:	Tanzania is located in Eastern Africa between longitude 290 and 410 East and latitude 10 and 120 South. The eastern part of Tanzania borders on the Indian Ocean with a coastline of 1,424 km from Kenya to Mozambique. In the north, Tanzania borders on Kenya 769 km and Uganda 396 km while in the west, it borders on Rwanda 217 km, Burundi 451 km, and Democratic Republic of the Congo 459 km. In the south, Tanzania borders on Zambia 338 km, Malawi 475 km and Mozambique 756 km.
Area:	Mainland Tanzania: 945,090 sq. km.; Zanzibar: 2500 sq. km.
Resource Base:	Natural Resources: arable and pasture land; wetlands, inland water bodies (62,050 sq. km.) and the Indian Ocean. Forests and woodlands (3,350 sq. km). Mineral resources: gold, diamonds, nickel, coal, iron ore, gemstones, natural gas, caustic soda; small reserves of copper, silver, platinum; unconfirmed reserves of uranium. Planted area Mainland Tanzania: 1.5 million hectares during short rains, 5.7 million hectares during rainy season. Zanzibar: 11,100 hectares during short rains and 67,200 during rainy season.
Population:	41.9 million (Mainland 39.3 million; Zanzibar 1.2 million, 2008 est.) Female (51 per cent); Male (49 per cent) Age Structure: Under 15 years (40 per cent); 15-64 years (48 per cent); over 65 years (12 per cent)
Capital:	Dar es Salaam (Commercial Capital), Mwanza, Tanga, Arusha, Mbeya, Dodoma and Zanzibar.
Ethnic Groups:	About 120 ethnic groups, the largest representing 13 per cent; remaining large groups under 5 per cent each and minority of Asians and Europeans.
Languages:	Official languages: Kiswahili and English, with Kiswahili being the widely spoken and written language.
Regions:	21 Mainland and 5 Zanzibar
Districts:	133 in Mainland Tanzania and 10 in Zanzibar
Independence:	9 December 1961, Tanganyika; Zanzibar, 1963 (Revolution 1964)
Constitution	1977, amended in 1992 to allow multi-party political system (last amendment 2005); Zanzibar Constitution 1984, last amended 2010)
Executive:	The President - Head of State, Commander-in-Chief of the Armed Forces and Head of the Cabinet – heads the executive of the United Republic. The Vice President of the Union Government and the Prime Minister of the Union Government come immediately under him. Zanzibar has its President and the First Vice President and Second Vice President come under him.
Legislature:	After the 2010 General Elections, the National Assembly consists of 357 seats including elected MPs and Special seats. Out of these, 50 MPs are from Zanzibar. The 239 National Assembly members are elected by popular vote in single-member constituencies using the first-past-the post system. The House reserves 102 seats for women elected by their political parties on the basis of proportional representation among the political parties represented in the National Assembly. The Zanzibar House of Representatives indirectly elects 5 members and up to 10 members may be appointed by the President of URT.
Legal System:	The legal system is based on the English Common Law system, a legacy from British colonial times. The system of government, to a large degree, is based on the Westminster Parliamentary model.
Judiciary:	The Judiciary is formed by the various courts of judicature and is independent of Government. The Judiciary has five tiers, the Court of Appeal of the United Republic of Tanzania, the High Court for Mainland Tanzania. Magistrate courts are at two levels: the Resident Magistrate Courts and the District Courts, both of which have concurrent jurisdiction. Primary courts are the lowest in the judiciary hierarchy. Apart from sharing the Court of Appeal of the United Republic of Tanzania with Mainland Tanzania, Zanzibar has a distinct and separate legal system. Besides the High Court of Zanzibar, there are Magistrate Courts and Kadhi Courts.

THE STATE OF THE UNION

The United Republic of Tanzania (URT) is unique for being the only surviving pan-Africanist project involving the union of two independent African countries, through the adoption of a federal or quasi-federal constitution, which shares sovereignty between the countries involved in the union in a way that enables them to act directly on the citizens of the Union. Its uniqueness lies in the fact that it has proved to be the only surviving union or coming together by aggregation of two hitherto independent countries in Africa.

Similar experiments elsewhere in former colonies in Africa, Asia, and the Caribbean failed, notably: (i) the Ghana-Guinea-Mali Union [23 November 1958 to 1963]; (ii) the Mali Federation, bringing the French Sudan and Senegal together [4 April 1959 to 20 June 1960]; (iii) the Federation of Rhodesia and Nyasaland, bringing the Rhodesias and Nyasaland together [1 August 1953 to 31 December 1963]; (iv) the previous failed East African Community (bringing Kenya, Uganda and Tanganyika together); (v)The Senegambia Confederation, bringing Senegal and Gambia together [1 February 1982 to 30 September 1989]; (vi) the West Indies Federation, consisting of Antigua and Barbuda, Barbados, Dominica, Grenada, Jamaica, Montserrat, St Kitts-Nevis-Anguilla, Saint Lucia, St. Vincent and Trinidad and Tobago [3 January 1958 to 31 May 1962]; and, (vii) Malaysia, bringing together Malaya, Sabah, Sarawak and Singapore [16 September 1963 to 1965], with the exit of Singapore from the Federation.

It is the pragmatic division of sovereignty within the dual-government United Republic between the Union and Zanzibar, involving the transfer of some of their powers and functions by both Tanganyika and Zanzibar to a new central government - the URT; and, the fact that the Union survived since its establishment in 1964 that offer the URT as a commendable practice for attaining the Pan-African vision of African union - the United States of Africa. This was the vision that fired the imagination of the first generation of post-independence African leaders - Modibo Keita (Mali), Abdel Gamal Nasser (Egypt), Kwame Nkrumah (Ghana), Julius Nyerere (Tanzania), Leopold Sedar Senghor (Senegal), and Sekou Toure (Guinea-Conakry) - despite their differing views about how to achieve that vision.

A great deal of credit must be given to President Julius Nyerere, whose strategic vision of a gradualist approach to Pan African unity, and whose passionate commitment to a successful URT as a model for that approach, played a key role in nurturing, driving and sustaining the Union. He overcame the teething problems and serious misgivings in Mainland Tanzania and Zanzibar about this birthing process. He was adroit in using his combined role and authority as the leader of the CCM in a one-party or single-dominant party state, and as President of the URT, to neutralise autonomist tendencies in the form of demands for more self-government in both Mainland Tanzania and Zanzibar. President Nyerere remains an incomparably national iconic figure whose picture - alongside that of the current President - is prominently displayed in public buildings in the URT and who is popularly and affectionately referred to as *"the person who cared for us."* Whether his enduring legacy will transcend his vision and persona, to include a more durable union in practice will depend on the current political leadership's treatment of, and response to the ongoing national debate on the state and future of the Union.

The challenge for the current political leadership in the URT, in the absence of the towering figure of President Nyerere, is, therefore, the democratic management of diversity within the Union, given the historical and inherited significant diversities within each of the parties in the Union. The push and pull of unity and diversity, of containing forces of separateness, while strengthening forces of unity, remains a recurring feature of the Union. The return to a multi-party state has underscored this challenge even more dramatically by amplifying the voices of silent or intimidated groups who, in the hitherto single-party state, harboured or entertained serious questions about the state and nature of the Union.

A significant source of disquiet, especially in Mainland Tanzania, is the constitutional asymmetry granting Zanzibar a large measure of self-determination while denying the same to Mainland Tanzania, under the URT Constitution. On the other hand, Zanzibar expresses equally strong disquiet about the internal political asymmetry between the Union and Mainland Tanzania, from the dual perspective of population and geography, and the looming influence of Mainland Tanzania over the Union Government's economic and political institutions.
On-going national constitutional review processes offer, where necessary, an opportunity to re-structure the URT political architecture. Other important matters arising from the state of the Union, such as political and constitutional asymmetry,

and from the unfolding dynamics of the multi-party state and competitive electoral politics are also likely areas of review. These processes provide a unique opportunity to clear up misgivings and, where necessary, redress some grievances, long in gestation - if muted, about consolidation and the sustainability of the national experiment with diversity in unity, notably: (i) the legal foundations and legitimacy of the Union to reflect the popular will of Tanzanians; (ii) the resolution of conflict of laws between the Union Government and Tanzania Zanzibar; (iii) the review of the division of legislative competency between the Union Government and Tanzania Zanzibar, especially given the discovery of oil and other mineral resources in various parts of the Union. Any such review should match fiscal resources with legislative competency based on the new revenue-sharing provisions; (iv) the scope of Union competencies as applied to Tanzania Zanzibar, especially in relation to corruption, rights-promoting and election-related matters; and, (v) enhanced and entrenched political devolution by the Union Government to satisfy understandable demands from mainland Tanzania for some form of home or limited rule, if not shared sovereignty, on par with Zanzibar.

The prospects for improving institutions and mechanisms, and structures for managing diversity in Tanzania and building a durable Union, to ensure and move forward democracy and development in the manner outlined and analysed above, are bright, though challenging. Translating them into reality, however, requires deft political manoeuvering by a foresighted transformational leadership that practises politics, beyond preaching about it, as a public interest vocation. Such leadership must also give scope and encouragement to the open expression of voice on public matters, if it is to carry the population along in the exciting - if exerting - process of governance as a collective exercise in national self-development.

There is every reason to hope that the visionary leadership, the pragmatism and flexibility that have combined to make the URT a unique, Pan-Africanist project, will be sustained over the long term. As many have pointed out, this uniqueness, founded on rejecting blinkered nationalism as the way forward to African unity, and on the realisation that national, regional and continental unity must be driven by the people, is the lesson African countries must to learn from the URT.

TANZANIA MDG INDICATORS

Progress in MDGs at a Glance: Mainland Tanzania

MDG	Indicator	Baseline: 1990	Current status	2015 Target	Progress at a Glance
1. Eradicate extreme poverty and hunger	1.1 Proportion of population below ($1, PPP) (based on national income poverty line)	39	33.6 (2007)	19.5	
	1.1 Proportion of population below ($1, PPP) (based on national food poverty line)	21.6	16.6 (2007)	10.8	
	1.8 Under-5 Underweight (%) Children underweight (weight-for-age below 2SD) declined from 21.9 per cent in 2004/5 to 16 per cent in 2009.	28.8	22 (2005)	14.4	
	1.8 Under-5 Stunted (%)	46.6	38 (2005)	23.3	
2. Achieve universal primary education	2.1 Net enrolment ratio in primary education (%)	54.2	97.2 (2009)	100	
	2.2 Gross enrolment ratio in primary education (%)		112.7	100	
3. Promote gender equality and empower women	3.1 Ratio of girls to boys in primary school (%)	98	101	100	
	3.2 Ratio of girls to boys in secondary school (%) Gender parity in secondary education recorded significant progress. In 2010, the number of students in secondary schools (Forms 1 – 6) increased to 1,638,699 from 524,325 in 2005, equivalent to an increase of 1,114,374 pupils. The number of girls was 728,528, in 2010, (equivalent to 44.5 per cent) and boys were 907,171, (equivalent to 55.5 per cent)		105	100	
	3.3 Ratio of females to males in tertiary education (%) The number of students enrolled in government and non-government universities and colleges increased to 118,951 in 2010 (of which males were 76,936 and females 42,016)		68.0	100	
	3.4 Proportion of women among members of Parliament (%)		30.3	100	
4. Reduce child mortality	4.1 Under-five mortality rate (per 1,000 live births)	191	81 (2010)	64	
	4.2 Infant mortality rate (per 1,000 live births)	115	51 (2010)	38	
	4.3 Proportion of children vaccinated against measles		85	90	
5. Improve maternal health	5.1 Maternal Mortality Ratio (per 100,000 live births)	529	454 (2010)	133	
	5.2 Proportion of births attended by skilled health personnel (%)	43.9	63 (2008)	90	
6. Combat HIV/ AIDS, malaria and other diseases	6.1 HIV prevalence, 15-24 years	6	2.5 (2008)	<6	

MDG	Indicator	Baseline: 1990	Current status	2015 Target	Progress at a Glance
7. Ensure environmental sustainability	7.8 Proportion of population using an improved drinking water source (:% of rural population)	51	57.1 (2009)	74	
	7.8 Proportion of population using an improved drinking water source (:% of urban population)	68	83 (2009)	84	
	7.9 Proportion of people with access to improved sanitation (Rural/Urban)		88.9/98.5		
8. Develop a global partnership for development					

Key to colours: green = achievable; yellow = achievement probable; red – not achievable
Source: *Accelerating Progress towards the MDGs: Country Action Plan 2010-2015, Final Report*, URT, 2010.

Progress in MDGs at a Glance -Zanzibar

MDG	Indicator	Baseline: 1990	Current status	2015 Target	Progress at a Glance
1. Eradicate extreme poverty and hunger	1.1 Proportion of population below ($1, PPP) (based on national income poverty line)	61	44.41 (2010)	30.5	
	1.1 Proportion of population below ($1, PPP) (based on national food poverty line)	25	13.04 (2010)	12.5	
	1.8 Under-5 Underweight (%) Children underweight (weight-for-age below 2SD)	39.9	19.9 (2010)	19.9	
	1.8 Under-5 Stunted (%)	47.9	30.2 (2010)	23.8	
2. Achieve universal primary education	2.1 Net enrolment ratio in primary education (%)	50.9	81.5 (2010)	100	
	2.2 Gross enrolment ratio in primary education (%)		112.1	100	
3. Promote gender equality and empower women	3.1 Ratio of girls to boys in primary school (%)	98	0.99 (2007)	100	
	3.2 Ratio of girls to boys in secondary school (%)		0.96 (2007)	100	
	3.3 Ratio of females to males in tertiary education (%)		68.0	100	
	3.4 Proportion of women among members of Parliament (%)		30 (2010)	50	
4. Reduce child mortality	4.1 Under-five mortality rate (per 1,000 live births)	202	79 (2007/2008)	67	
	4.2 Infant mortality rate (per 1,000 live births)	120	54 (2008)	40	
	4.3 Proportion of children vaccinated against measles		95.8 (2009)	100	

MDG	Indicator	Baseline: 1990	Current status	2015 Target	Progress at a Glance
5. Improve maternal health	5.1 Maternal Mortality Ratio (per 100,000 live births)	377 - (1998)	279 (2010)	170	
	5.2 Proportion of births attended by skilled health personnel (%)	-	44.7 (2008)	90	
6. Combat HIV/ AIDS, malaria and other diseases	6.1 HIV prevalence, 15-24 years	6	2.5 (2008)	<6	
7. Ensure environmental sustainability	7.8 Proportion of population using an improved drinking water source (:% of rural population)	35	60 (2010)	67.5	
	7.8 Proportion of population using an improved drinking water source (% of urban population)	70	80 (2010)	85	
	7.9 Proportion of people with access to improved sanitation (Rural/Urban)	26/52	51/75 (2005)		
8. Develop a global partnership for development					

Key to colours: green = achievable; yellow = achievement probable; red – not achievable
Source: *MDGs Country Report,* 2011.

SELECT SOCIAL AND ECONOMIC INDICATORS

Macroeconomic indicators

	2010	2011	2012	2013
Real GDP growth	7	6.4	6.8	7.1
Real GDP per capita growth	4.1	3.4	3.7	4
CPI inflation	6.5	12.7	9	8.3
Budget balance % GDP	-7.1	-6.6	-6.6	-6.6
Current account % GDP	-7.8	-6.4	-4.9	-6.5

Figures for 2010 are estimates; for 2011 and later are projections

Public Finance (per centage of GDP)

	2003	2006	2007	2008	2009	2010	2011	2012	2013
Total revenue and grants	16.3	17.9	19.1	22.8	21.5	20.5	22.3	21.5	21
Tax revenue	9.8	11.5	13	14.7	15.8	14.6	14.7	14.4	14.3
Oil revenue	-	-	-	-	-	-	-	-	-
Grants	5.5	5.4	5	6.9	4.7	4.6	6.4	5.8	5.4
Total expenditure and net lending (a)	17.6	21.3	23	22.8	25.7	27.6	28.9	28.2	27.6
Current expenditure	13.2	15.7	16.1	14.9	17.7	19	18.1	17.8	17
Excluding interest	12.3	14.4	15	13.7	16.8	18.2	17.2	16.7	15.9
Wages and salaries	3.5	3.9	5	5	6.1	5.9	6.8	5.4	5
Interest	0.9	1.3	1.1	1.2	0.9	0.8	0.8	1	1.1
Primary balance	-0.4	-2.1	-2.8	1.5	-3.3	-6.3	-5.8	-5.6	-5.5
Overall balance	-13	-3.4	-3.9	0	-4.2	-7.1	-6.6	-6.6	-6.6

Figures for 2010 are estimates; for 2011 and later are projections
Source: Africa Economic Outlook, Tanzania 2012

Major Exports: (TShs. Billion)

	2005	2006	2007	2008	2009	2010
Coffee	83.6	92.8	143.3	124.1	150.0	162.3
Cotton	127.2	56.8	49.8	95.6	115.2	100.2
Sisal	8.2	9.3	7.4	18.5	-	11.1
Cashew	54.2	62.7	33.8	82.0	-	173.2
Cloves	9.6	10.0	10.6	16.0	18.5	11.3
Diamonds	28.4	28.0	23.1	23.8	21.2	12.1
Gold	654.7	968.0	672.1	897.9	1,058.	1,336.
Tobacco	91.4	129.1	116.9	210.2	116.9	178.7
Tea	28.8	41.7	48.3	50.3	88.1	68.7
Total	**1,086.**	**1,398.**	**1,095.**	**1,518.**	**1,552.**	**2,054.**

Major Imports by Commodity: (TShs. Billion)

	2005	2006	2007	2008	2009	2010
Food and Beverages	234.7	108.3	388.8	702.0	724.1	1,063.1
Oil	358.1	1,280.7	1,802.5	2,764.0	1,849.6	292.4
Building & Construction Material	329.2	247.7	513.7	948.6	804.9	248.3
Machinery	703.4	1,155.9	107.2	1,106.7	1,179.3	1,230.1
Transport Equipment	378	595.6	589.1	1,127.2	1,085.0	1,251.5
Others	1,121.2	2,153.8	3,895.5,	2,920.6	2,803.9	7,013.0
Total	**3,124.6**	**5,542.0**	**7,296.8**	**9,569.1**	**8,446.8**	**11,098.4**

TANZANIA SELECTED SOCIAL INDICATORS

1. Education

	2005	2006	2007	2008	2009	2010
Number of Schools						
Primary Schools	**14,257**	**14,700**	**15,446**	**15,673**	**15,727**	**15,816**
Public	14,053	14,440	15,122	15,257	15,301	15,265
Private	204	260	324	416	426	551
Secondary Schools	**1,745**	**2,289**	**3,485**	**3,798**	**4,102**	**4,266**
Public	1,202	1,690	2,806	3,039	3,283	3,397
Private	543	599	679	759	819	869
Higher Learning						
Public Full Universities	5	5	8	8	8	-
Public University Colleges	3	4	4	3	4	-
Private Universities	13	17	10	11	11	-
Private University Colleges	18	19	11	10	10	-

	2005	2006	2007	2008	2009	2010
Enrolment: Primary Schools						
Standard I						
Public ('000)	1,338	1,303	1,365	1,361	1,337	1,333
Private	10,418	13,399	13,708	19,161	21,448	23,805
Standard VII						
Public ('000)	515	690	809	1,055	1,047	932
Private	5,736	7,223	7,742	10,600	12,808	16,013

Female Enrolment as Percentage of Total Enrolment (Ctd)

Higher Learning Institutions

	2005	2006	2007	2008	2009	2010
1st year entrants (%)						
Public Universities & University Colleges	30.7	31.2	32.8	30.2	32.1	33.1
Private Universities	35.6	38	38.3	37.6	34	40.5
Technical Institutions	15.5	18.7	11.4	43.2	-	40.8

2. Health

Number of Health Facilities

	2004	2005	2006	2007	2008	2009	2010
Hospitals	217	219	219	230	232	240	240
Health Centres	434	481	481	565	594	578	687
Dispensaries	4,40	4,55	4,67	4,93	4,98	5,39	5,39
Total	**5,05**	**5,25**	**5,37**	**5,72**	**5,81**	**6,21**	**6,32**
Inhabitants / Hospital	168	170	171	166	162	167	-

ACRONYMS AND ABBREVIATIONS

ACRWC	African Charter on the Rights and Welfare of the Child
ACS	Agricultural Census Survey
ADR	Alternative Dispute Resolution
AfDB	African Development Bank
AGOA	African Growth and Opportunity Act
AIF	Agricultural Investment Facility
APR	Africa Peer Review
APRM	African Peer Review Mechanism
AQSRB	Architect and Quantity Surveyors Registration Board
ASP	Afro-Shirazi Party
AU	African Union
BEST	Business Environment Strengthening in Tanzania Scheme
BOT	Bank of Tanzania
BPFA	Beijing Platform for Action
BRELA	Business Registration and Licensing Authority
CAG	Controller and Accountant General
CBF	Common Basket Fund
CBF	Common Basket Fund
CBFSC	Common Basket Fund Steering Committee
CBRP	Community-Based Rehabilitation Programme
CCM	Chama Cha Mapinduzi
CDM	Cleaner Development Mechanism
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEO	Chief Executive Officer
CHMT	Council Heath Management Team
CHRAGG	Commission for Human Rights and Good Governance
CLMS	Child Labour Monitoring Systems
CMA	Commission for Mediation and Arbitration
CMA	Council for Mediation and Arbitration
CMSA	Capital Markets and Securities Authority
COMESA	Common Market for Eastern and Southern Africa
CPS	Cooperating Partners (CPs) Cooperating Partners
CRM	Country Review Mission
CRSP	Civil Service Reform Programme
CSAR	Country Self Assessment Report
CSI	Credit and Savings Institutions

ACRONYMS AND ABBREVIATIONS

CSM	Country Support Mission
CSO	Civil Society Organisation
CUF	Civic United Front
D by D	Decentralisation by Devolution
DC	District Council
DCC	District Consultative Committee
DP	Development Partners
DSE	Dar es Salaam Stock Exchange
EA	Executive Agencies
EAC	East African Community
ECOSOCC	Economic, Social and Cultural Council
ECSAFA	Eastern, Central and Southern Federation of Accountants
EECGS	Economic Empowerment Credit Guarantee Scheme
ELRA	Employment and Labour Act
EPA	External Payment Arrears
ERB	Engineering Registration Board
ESR	Education for Self-Reliance
ETP	Education Training Policy
FBOS	Faith-Based Organizations
FDI	Foreign Direct Investment
FTA	Free Trade Area
GoT	Government of Tanzania
GSP	Generalised System of Preferences
HPI	Human Poverty Index
IAS	International Accounting Standards
IASB	International Accounting Standards Board
ICRT	International Criminal Tribunal for Rwanda
ICT	Information Communication Technology
IDPs	Internally Displaced Persons
IFAC	International Federation of Accountants
IFRS	International Financial Reporting Standards
ILO	International Labour Organisation
IMF	International Monetary Fund
IPTL	Independent Power Tanzania Limited
ISA	International Standards on Auditing
ISOs	Informal Sector Operators

ACRONYMS AND ABBREVIATIONS

JAST	Joint Assistance Strategy for Tanzania
JSC	Judicial Service Commission
KWh	Kilowatt-hours
LGA	Local Government Authority
LGCDG	Local Government Capital Development Grant
LG-PSM	President Office-Public Service Management
LGR	Local Government Reforms
LGRP	Local Government Reforms Programme
LGRPP	Local Government Reform Policy Paper
LIC	Low-Income Countries
LLG	Low-Level Government
LSRP	Legal Sector Reform Programme
MAC	Mineral Advisory Council
MCDGC	Ministry of Community Development, Gender and Children
MDA	Ministries, Departments and Agencies
MEM	Ministry of Energy and Minerals
MFIs	Microfinance Institutions
MISF	Mining Inter-Stakeholders Forum
MKUTUKA	National Strategy for Growth and Reduction of Poverty (Kiswahili)
MKUZA	Poverty Reduction Plan for Zanzibar (Kiswahili)
MNRT	Ministry of National Resources and Tourism
MOFEA	Ministry of Finance and Economic Affairs
MoU	Memorandum of Understanding
MRALG	Ministry of Regional Administration and Local Government
MTEF	Medium-Term Expenditure Framework
MVC	Most Vulnerable Children
MW	Megawatt
NACSAP	National Anti-Corruption Strategy and Acton Plan
NAPA	National Adaptation Programme of Action
NAWAPO	National Water Policy
NBAA	National Board of Accountants and Auditors
NDC	National Development Corporation
NEC	National Electoral Commission
NED	Non-Executive Directors
NEEC	National Economic Empowerment Council
NEMA	National Environment Management Authority

ACRONYMS AND ABBREVIATIONS

NEMC	National Environmental Management Council
NEPAD	New Partnership for Africa's Development
NER	Net Enrolment Ratio
NGC	National Governing Council
NGOs	Non-Governmental Organisations
NHRI	National Human Rights Institution
NMP	National Microfinance Policy
NPF	Network Policy Forum
NPOA	National Plan of Action
NSGRP	National Strategy for Growth and Reduction of Poverty
NWSDS	National Water Sector Development Strategy
O&OD	Opportunities and Obstacles to Development
OAU	Organisation of African Unity
OCGS	Office of the Chief Government Statistician
ODA	Official Development Assistance
OECD	Organisation for Economic and Social Development
OMR	Optical Mark Recognition
OPRAS	Open Performance Review and Appraisal System
OSHA	Occupational Health and Safety Authority
OVC	Orphans and Vulnerable Children
PAC	Parliamentary Accounts Committees
PBZ	Peoples' Bank of Zanzibar
PCCB	Prevention and Combating of Corruption Bureau
PEDP	Primary Education Development Plan
PEFAR	Public Expenditure and Financial Accountability Review
PER	Public Expenditure Review
PETS	Public Expenditure Tracking Surveys
PFMRP	Public Financial Management Reform Programme
PHDR	Poverty and Human Development Report
PMO-RALG	Prime Minister's Office- Regional Administration and Local Government
POA	Plan of Action
PO-PSM	President's Office-Public Service Management
PO-RALG	President's Office for Regional Administration and Government Authorities
PPAA	Public Procurement Appeal Authority
PPP	Public-Private Partnerships
PPRA	Public Procurement Regulatory Authority

ACRONYMS AND ABBREVIATIONS

PPU	Procurement Policy Unit
PRS	Poverty Reduction Strategy
PRSP	Poverty Reduction Strategy Paper
PSLE	Primary School Leaving Examinations
PSRP	Public Sector Reform Programme
PWDs	Persons Living with Disabilities
RALG	Regional Administration and Local Government
RAS	Regional Administrative Secretaries
RCC	Regional Consultative Council
RECs	Regional Economic Communities
REDD	Reducing Emissions from Deforestation and Forest Degradation
REPOA	Research on Poverty Alleviation
RFSS	Rural Financial Service Strategy
RSs	Regional Secretariats
SACCOS	Savings and Credit Cooperative Societies
SADC	Southern African Development Community
SADCC	Southern Africa Development Co-ordination Conference
SAP	Structural Adjustment Programmes
SASES	Selective Accelerated Salary Enhancement Scheme
SED	Socio-economic Development
SEDP	Secondary Education Development Plan
SOEs	State-Owned Enterprises
STAMICO	State Mining Corporation
STD	Standard
SWO	Social Welfare Officers
TANU	Tanganyika African National Union
TATs	Technical Assessment Teams
TAYOA	Tanzania Youth Alliance
TAZARA	Tanzania-Zambia Railway Authority
TB	Tuberculosis
TCDD	Tanzania Coalition on Debt and development
TFAS	Tanzania Financial Accounting Standards
TGNP	Tanzania Gender Networking Programmme
TIRA	Tanzania Insurance Regulatory Authority
TISS	Tanzania Intelligence and Security Service
TMAA	Tanzania Minerals Audit Agency

ACRONYMS AND ABBREVIATIONS

TNBC	Tanzania National Business Council
TRA	Tanzanian Revenue Authority
TTCL	Tanzania Telecommunications Company Limited
TUCTA	Trade Union Congress of Tanzania
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
UNHCR	United Nations High Commission for Refugees
UNIDO	United Nations Industrial Development Programme
UPR	Universal Periodic Review
URT	United Republic of Tanzania
VICOBA	Village Community Banks
VRIP	Vital Registration Program and Insolvency Program
WDC	Ward Development Committee
WDCs	Ward Development Committees
WSDP	Water Sector Development Programme
WTO	World Trade Organisation
ZAD	Zanzibar Association of the Disabled
ZAMCOM	Zambezi Watercourse Commission
ZEC	Zanzibar Electoral Commission
ZNP	Zanzibar Nationalist Party
ZPPP	Zanzibar and Pemban People's Party
ZSGRP	Zanzibar's National Strategy for Growth

EXECUTIVE SUMMARY

THE APRM PROCESS

1.1 The Evolution of the APRM Process

i. In recognition of the imperatives of good governance for development, the Sixth Summit of the Heads of State and Government Implementation Committee (HSGIC) of the New Partnership for Africa's Development (NEPAD), held in March 2003 in Abuja, Nigeria, adopted the Memorandum of Understanding (MOU) on the African Peer Review Mechanism (APRM). In adopting this memorandum, the leaders pledged to promote and protect democracy and human rights by developing clear standards of accountability, transparency and participatory governance.

ii. In this regard, the APRM mandate is to ensure that participating country policies and practices conform to the values, principles, and codes and standards enshrined in the Declaration on Democracy, Political, Economic and Corporate Governance. It has, at its fulcrum, deepening democratic practices, strengthening achievements, disseminating best practices, and rectifying underlying deficiencies in governance and socio-economic development processes among AU member states. The purpose is to encourage and build transformational leadership on the African continent through a self-assessment process, constructive peer dialogue, and sharing information and common experiences.

iii. The APRM is open to all AU member states. Currently, 31 countries have voluntarily acceded to it, representing 652.7 million (about 74 per cent) of the total African population of 886.0 million. Accession entails undertaking to submit to periodic peer reviews and to facilitate such reviews. This includes commitment to implementing the National Programme of Action (NPOA) arising from the peer review, and operationalising the agreed parameters for good governance across the four thematic areas.

iv. On the eve of the African Peer Review Mechanism's tenth anniversary, to be celebrated next year, the mechanism is now widely acknowledged as NEPAD's most innovative endeavour pertaining to governance in Africa. APRM implementation over the years, albeit uneven in member countries, has generated valuable experiences and lessons on governance challenges in Africa. African countries are now able to benchmark aspects of good governance on the continent, using shared African and international norms and standards as the guiding framework, including citizens' participation in evaluating the way they are governed.

v. Through the APRM, African countries may learn from each other and further deepen African solidarity and governance. Governance monitoring capacity is being developed and partnerships are being created, facilitating greater advocacy for the APRM and showcasing Africa's innovative thinking about governance.

1.2 Tanzania and the APRM Process

vi. Tanzania is among 31 African countries participating in the APRM process. The country acceded to the mechanism on 26 May 2004, with the signing of the APRM Memorandum of Understanding, ratified by Parliament on 1 February 2005.

vii. The primary purpose of the APRM in Tanzania, as in other AU member states that have acceded to the mechanism, is to foster the adoption of policies, standards and practices that lead to political stability, high economic growth and sustainable development, by identifying shortcomings and reinforcing best practice.

viii. Upon acceding to the APRM, Tanzania immediately began operationalising and institutionalising the review process. This included the appointment of Hon. Bernard Camillus Membe (MP), Minister of Foreign Affairs and International Cooperation (MFAIC) as the Focal Point Person, with Foreign Affairs as the Focal Point Ministry. A National Governing Council (NGC) was also estalished, made up primarily of representatives from civil society organisations (CSOs). A National Secretariat was created to support day-to-day NGC operations while four

technical research institutions were identified to carry out the self-assessment exercise. The Government of Tanzania also made adequate budgetary provisions for the national process. To facilitate implementation, awareness-raising activities were initiated among key stakeholders, including Members of Parliament and Civil Society Organisations (CSOs). These developments clearly illustrate the United Republic of Tanzania's commitment to the process.

The APRM Country Support Mission and the Follow-up Mission

ix. The first Country Support Mission (CSM) to Tanzania was carried out in 2006. The overall CSM objective was to review Tanzania's progress in arranging to implement the peer review process. Three years later, after some delays in implemention, the APR fielded another mission to Tanzania – the Country Support Follow-up Mission (CSFM) – which visited the country from 3-4 March 2009. The CSFM agreed with the NGC on the road map for the Tanzanian process.

x. Through the four technical research institutions, the NGC prepared the Country Self-Assessment Report (CSAR), validated by national workshops. The CSAR, including the draft National Programme of Action (NPoA), was submitted to the APRM Secretariat in May 2009. The Report was sufficiently candid about the governance situation in Tanzania and met the APRM avowed objective of technical competence.

The Country Review Mission

xi. The Country Review Mission (CRM) was fielded from 2-23 March, 2012. It was made up of 21 prominent African experts in the four APRM thematic areas including experts from APRM strategic partner institutions – the African Development Bank (AfDB), the United Nations Economic Commission for Africa (UNECA), and the United Nations Development Programme (UNDP) – as well as members of the continental APR Secretariat.

xii. In the course of its work, the CRM met with key stakeholders in both Dar es Salaam, the capital, and in the regions. In Dar es Salaam, the team met: His Excellency President Jakaya Kikwete; His Excellency Vice President Dr. Mohammed Gharib Bilal (Union); His Excellency Seif Sharrif Hamad, first Vice President of Zanzibar; His Excellency Ambassador Seif Alli Iddi, Second Vice President of Zanzibar; and, senior government officials. It also interacted with representatives and officials from various institutions with a bearing on governance, including the Chief Justice, the Judges and the Attorney-General, the National Assembly, the Internal Revenue Authority, the Auditor General, the Central Bank, the Anti-Corruption Body, and various government departments. The CRM also held discussions with non-state stakeholder groups, including private sector representatives, civil society organisations, women's groups, and political parties. The CRM also held a meeting with Development Partners (DPs) operating in Tanzania.

xiii. The Review Team later split into two groups: Team A and Team B. Team A travelled to the following regions: Zanzibar in *Unguja* Urban West, Pemba South, Mtwara, Mbeya, and Dodoma.. Team B travelled to Kagera, Arusha, Songea and Kigoma. These regional visits allowed the CRM to interact with stakeholders on issues emerging from the CSAR and the recommendations contained in the NPoA.

xiv. In each region, sessions were held with state actors namely, various government employees such as Regional and District Commissioners, state attorneys, magistrates, teachers, ward executives, senior government agency officials, and non-state actors including political party leaders, parliamentarians, private business persons, farmers, civil society organisations, and other special groups like women, children, students' organisations, cooperative unions. The CRM benefited considerably from these visits which brought out the various views held by Tanzanians on the way the country is performing and the main challenges in the four thematic areas.

xv. In all the interactions with stakeholders at both the regional and national levels, it was made abundantly clear that the exercise was not limited to the Government and the public sector, but served as a holistic review of governance in Tanzania as a nation. While the Government – at both national and district levels – was undoubtedly a key strategic player, it was not the sole player. The CRM encouraged all the stakeholders to participate in the review and urged them to openly discuss governance issues in the four thematic areas. This Report reflects the

views and opinions expressed by Tanzanians as collected by the CRM during stakeholder meetings, data from government reports, as well as the CRM's own analysis of the state of governance in Tanzania.

2. HISTORICAL BACKGROUND

xvi. The United Republic of Tanzania (URT) is a large, peaceful and stable country. Boasting coverage of an area that is often referred to as 'The Cradle of Mankind', the country has successfully built a strong national identity in the midst of great ethnic, regional, and religious diversity. Since the formation of the Union in 1964, the country, enviably, remained unscathed by the ethnic rivalries and political upheavals that plague many countries on the African continent and, the neighbouring countries. Tanzania is home to over 120 ethnic groups that have co-existed harmoniously, on the whole, earning the country the distinction of being a model of stability on a continent where tribalism and civil strife are rife.

xvii. On 9 December 2011, Mainland Tanzania - formerly Tanganyika - celebrated its 50th independence anniversary. The month-long celebrations were both a symbolic demonstration of the country's progress since attaining political independence from Britain in 1961, and a reflection on the challenges ahead. In the course of its five decades of *uhuru* (independence), Tanzania has, without any doubt, made significant progress in eliminating poverty, ignorance and disease.

xviii. Tanzania has a proud and long history. Whilst not much is known about the hinterland during the pre-colonial era, historical accounts suggest that a dynamic interface always existed between the societies of both the interior and the coast, including Zanzibar and the surrounding islands, long before colonialism (Kimambo and Temu, 1997). German colonisation of Tanzania can be traced to the period when European missionaries and explorers visited various parts of pre-colonial Tanzania.

xix. After World War II, Tanganyika became a UN territory under British control. Over subsequent years, the territory moving gradually toward self-government and independence. The movement for independence was led by a group of people representing various ethnic groups under the leadership of the founding President of Tanzania, the late Julius Kambarage Nyerere. Soon after his return from studies abroad, Nyerere, fondly known as *'Mwalimu'* ('teacher' in Swahili), transformed the Tanganyika African Association (founded in 1929) into the more politically-oriented Tanganyika African National Union (TANU).

xx. In 1961, Britain agreed that Tanganyika would become an independent state. TANU easily won the general elections of 1958–60. In May 1961, Tanganyika became a self-governing territory under a new constitution, with Nyerere elected as President. The country became a Republic within the Commonwealth a year after independence. Tanganyika was the first East African state to gain independence.

xxi. Whereas Tanganyika achieved independence peacefully, Zanzibar's road to independence was littered with a long period of confrontation between the Arab-led Sultanate and the majority of the African peoples on the island (known as Shirazis), confrontations which continue to impact on the politics of the island to this day.

xxii. Zanzibar became independent from Britain (who had governed in cooperation with the Sultan) in December 1963. In January 1964, a revolution overthrew the sultanate post-independence government allowing members of the majority black population their first chance to hold political power, and the Government of Zanzibar proclaimed a Revolutionary Government. Sheikh Abeid Amani Karume became the President of Zanzibar and Chairman of the Zanzibar Revolutionary Council.

xxiii. The union of Tanganyika and Zanzibar was established on 26 April 1964 and the new country was formally named the United Republic of Tanzania (URT), in October 1964, when the Interim Constitution was adopted. The Union Agreement granted wide-ranging autonomy for Zanzibar.

xxiv. Julius Nyerere, the Founding Father of Tanzania, is widely regarded as a visionary nationalist, a pioneer of the African one-party state, and an advocate of African socialism who was committed to unity, peace and development. To further his aim for national unity, Nyerere merged TANU with the Zanzibar ruling Afro Shirazi Party (ASP) to form the *Chama Cha Mapinduzi* (CCM) or the Revolutionary Party on 5 February 1977. He also established ki-Swahili as the national language.

2.1 Political and Economic Development

xxv. Since independence, Tanzania has undergone significant political and economic transformations. These transformations stem from a series of socio-economic and political processes spanning the past four decades. Major political shifts have influenced the economic processes at the same time as the economic process has influenced the political shifts.

xxvi. Three phases mark the political and economic development of Tanzania. A characteristc of the first phase - from 1961 to 1967 - was the continuation of economic policies inherited from the colonial masters. The economy (industries, plantations, mines and other commercial activities) remained essentially in the hands of British and Asian businemen. According to Kaiser (1996), after Tanganyika independence, *"…efforts were made to implement a programme which depended on foreign investment to support massive, capital intensive industrialization and agricultural development projects"*. Government continued therefore, the inherited capitalist, market-oriented policies during the first years of independence. However, the expected fruits of independence did not materialise for the majority of the population.

xxvii. The second phase of political and economic transformation began in 1967. Facing the enormous challenges of poverty and underdevelopment, President Julius Nyerere sought to build a new nation based on principles of egalitarianism, socialism and self-reliance. The *Arusha Declaration* - proclaimed in 1967 - dramatically changed Tanzania's political and economic landscape. Drawing on a wide variety of traditional African values and European philosophies, President Nyerere developed a unique governing philosophy known as *'Ujamaa'*, or 'familyhood' in kiSwahili. The capitalist, market-led economy inherited at independence was replaced by a state-owned, centrally planned and controlled economy. All major means of production were nationalised. It is this philosophy that guided Tanzania on a path of peace and stability, and provided the social infrastructure and equitable economic development until the mid-1980s.

xxviii. The third epoch is marked by the end of the *Ujamaa* policy and implementation of World Bank Structural Adjustment programmes in the mid-1980s. Well intentioned as it might have been, the the success of the *Ujamaa* policy, was rather mitigated. Nationalisation of productive sectors of the economy, the bloated public sector and highly subsidised social services, coupled with the external shocks of the 1970s, plunged the country into an economic crisis in the early 1980s. In 1986, the political leadership finally agreed to the structural adjustment program (SAP) led by the World Bank and the International Monetary Fund (IMF). Tanzania has since experienced a remarkable political and economic transition from a socialist country, with a centrally planned economy, to a multi-party democracy with a liberal free market economy.

Political Transformation

xxix. The politics of democracy in Tanzania have undergone considerable changes from the one-party political system in which major groups in society were subordinated to the supremacy of the ruling party to multi-partism, from 1992, to greater freedom for various groups in society to express their interests outside the ambit of the single party.

xxx. After independence in 1961, the immediate challenge to TANU, the Party that led the country to independence, was to redefine its role from being in opposition to becoming a ruling party. The TANU Government inherited the very centralised bureaucratic structures of the colonial state that generally restricted civil society involvement and were based on social exclusion politics. In the process of transforming itself into a political party in power, the ruling party did not prioritize certain the basic democratic principles it had been fighting for.

xxxi. Democratic institutions were weakened as the ruling party took steps to reduce the power of local councils and cooperatives. Locally-based development initiatives such as self-help schemes were also eroded. In 1972, TANU endorsed a decentralisation exercise replacing district councils with a centrally-controlled administrative apparatus. Certain administrative powers were transferred from the central ministries to regional and district levels as an option towards democratising the decision-making processes. However, this exercise involved abolishing institutions such as town and city councils which were viewed as popularly established.

xxxii. By the end of the seventies, the Party had established the requisite institutions and structures to assert itself as the supreme organ of the state. The introduction of the one-party state further consolidated and centralised power within the ruling party. To form a sole ruling party in both parts of the Union, Nyerere merged TANU with the ruling ASP in Zanzibar to form the CCM (*Chama Cha Mapinduzi* or Revolutionary Party), on 5 February 1977. This was ratified in the new Constitution of 1977. The merger was reinforced by principles enunciated in the 1982 Union Constitution and reaffirmed in the Constitution of 1984.

xxxiii. As the sole legal political party for all of Tanzania, the CCM role was to direct the population in all significant political and economic activities and changes. In practice, Party and State were one. However, the economic crisis and the Economy Recovery Programme (ERP) – Tanzania's structural adjustment programme – eroded some of the ruling party's powers. Indeed, as Meena (2008) observes, the signing of the structural adjustment agreement between the International Monetary Fund (IMF) and Tanzania in 1986 was a major landmark in the country's political history.

xxxiv. The second set of reforms from the international financial institutions (IFIs) included 'liberalising' politics, in line with a market-driven economy. Thus, IMF/World Bank conditions included, among other things, liberalising the political system to reflect the redefined role of the state in creating a regulatory and legal environment supportive of a market-driven economy. Pluralist politics were favoured as they were considered to be supportive of the doctrine of a 'free' market economy.

xxxv. President Nyerere stepped down from office in October 1985. Ali Hassan Mwinyi, his Vice President, succeeded him. In 1990 President Ali Hassan Mwinyi appointed the Nyalali Commission to seek the population's views about a multi-party system. Although the majority preferred a one-party state, the commission recommended the establishment of a multi-party system. In October 1995, Tanzania's first multi-party elections since independence were held.

xxxvi. Self-governing Zanzibar (3.0 per cent of Tanzania's population) was long the tempestuous exception to Mainland Tanzania's peaceful politics. Serious irregularities and sporadic violence marred every election in Zanzibar since 1964. However, after years of abortive negotiations, the Civic United Front (CUF) - the main opposition party - and the ruling party were able to reach a power-sharing agreement. The outcome of the 31 July 2010 referendum set the stage for peaceful general elections. The power-sharing deal eliminated the winner-take-all system, giving the losing side one of two vice presidential slots and ministerial positions in proportion to seats held in the House of Representatives.

xxxvii. The state engineered and, to a large extent, controlled the process that led to a multi-party government in Tanzania. Being a state-engineered transition, just like else where on the continent, the pace has not been as fast as some would have wished, causing some to interprete this as a reluctance on the part of, the state to rewrite the political rules so that other actors may participate freely and fairly. This slow pace is often noticed in the area of rights protection and promotion, media freedom and the openess of the political system to free and fair competition.

xxxviii. Although successful multi-party elections were held in 1995, 2000, 2005, and 2010, multi-party politics are still dominated by the elite and at times translates into elite power struggles. Although civil society actors, including the youth, women's movements, religious organisations, and the media, have found entry points to influence the process, their influence remains limited. While the media has the potential to challenge the elite's control over the transition, it remains very vulnerable to repressive forces within the current political environment.

Economic Transformation

xxxix. In the course of the last five decades, Tanzania's political economy went through dramatic changes, characterised by shifts from a mixed market economy up to the mid-1960s, to a socialist-oriented economy following the *Arusha Declaration* in 1967. After 1985 came a shift towards a market-oriented and private sector-led economy. These changes had a tremendous impact on Tanzanian society and governance systems. Some of the changes are still controversial and their impact, the subject of popular public discourse.

xl. At independence in 1961, Tanzania was barely urban with some 95 per cent of the population residing in rural areas. Julius Nyerere, the founding President of Tanganyika, immediately declared disease, poverty and ignorance enemies of the newly independent state. The TANU Government put special emphasis on rural development and sought development strategies that could improve the well-being of the people. A World Bank Mission commissioned by the British colonial state recommended an approach to modernisation based on a market-led economy. This was adopted, although, by the end of the sixties, this approach had not yielded the expected results. The economy experienced what President Nyerere described as 'Growth without Development'. This is the context within which an alternative economic model was introduced through the *Arusha Declaration.*

xli. In February 1967, government issued the *Arusha Declaration*, a major policy statement calling for egalitarianism, socialism, and self-reliance. The Declaration promised a decentralised government and a rural development programme known as *Ujamaa* ('familyhood' in Swahili) through which cooperative village farms were created. Factories and plantations were nationalised and major investments made in primary schools and health care. Economic development was to be promoted through agricultural transformation and industrialisation. This development strategy was more in line with the prevailing 'basic needs' development approach. Private sector entrepreneurs were seen as exploiters and enemies of the state.

xlii. The *Ujamaa* socialist experiment was short-lived. The Tanzanian economy went into deep crisis from the mid-seventies into the eighties, expressed in high inflation rates, budget deficits, balance of payment problems, shortages of basic goods, and capacity under-utilisation in public enterprises. This, in turn, affected state capacity to manage and sustain social services, particularly health and education.

xliii. The crisis depicted a disintegration of the post-independence developmental and welfare-oriented state. Government ultimately yielded to pressure to adopt structural adjustment policies as the risk of economic collapse had grown considerably. Initially, the authorities reacted with unsuccessful home-grown adjustment efforts. In 1986, the Tanzanian authorities finally agreed to the first stabilisation and structural adjustment programme (SAP), guided by the World Bank and the International Monetary Fund (IMF). Since then, Tanzania has taken aggressive steps toward macroeconomic stabilisation and structural reforms.

xliv. Economic reforms have paid off. Annual GDP growth averaged 6.4 per cent over the past five years, exceeding 7.0 per cent in 2002 and 2003. Tanzania's growth rate of 6.3 per cent in 2004 is well above the rate achieved in Kenya (3.1 per cent) and in South Africa (3.7 per cent). It is also higher than the regression benchmark for countries with Tanzania's characteristics (5.2 per cent). This strong growth performance reflects the fruits of responsible monetary and fiscal policy, concerted reforms, rapid export growth, and significant debt relief.

The Absence of Inclusive Growth and Structural Transformation

xlv. Ironically, in Tanzania, as in other African countries in recent years, economic growth has not brought significant improvement in people's lives. This is the paradox of growth to which former President Nyerere referred in the sixties. Despite impressive growth, little was achieved in terms of substantial and sustained poverty reduction. The incidence of income poverty declined only marginally from 35.8 per cent in 2000/01 to 33.6 per cent in 2010. Income poverty (basic needs and food poverty) varies across geographical areas, with rural areas worse off. Tanzania's economy also remains donor-dependent while the major sectors of the economy - agriculture and industry - have remained largely untransformed.

2.2 Tanzania's Strong Pan-Africanism and its Role in the Liberation of Southern Africa

xlvi. On achieving independence, Tanzanian leadership focused on supporting other African nations' efforts to gain independence. Tanzania's participation and leadership in the African liberation struggle is of significant value. As a key member of the Frontline States - which included Zambia and Botswana - it contributed significantly to the independence of Southern African States by committing its scarce resources, diplomatic strength and military support. Nyerere carried liberation ideals forward into the rest of the continent and, with the leaders of the other few African countries that were independent in 1963, established the Organisation of African Unity (OAU), the predecessor of the African Union (AU)

xlvii. With independence, the Front Line States changed from a political to an economic mandate and Tanzania, under the leadership of Mwalimu Nyerere, was one of nine countries which came together in 1980 to establish the Southern African Development Coordination Conference (SADCC), transformed into the Southern African Development Community (SADC) on 17 August 1992.

2.3 Promoting South-South Cooperation and Regional Integration

xlviii. Tanzania championed some form of political union for African states and promoted a non-aligned stance toward the Cold War antagonists. To these ends, the URT played an important role in regional and international organisations. Julius Nyerere, Tanzania's first president, was one of the founding members of the Non-Aligned Movement. Additionally, Tanzania played an active role in the G-77 and in founding the Organisation of African Unity (OAU) and SADCC. Mwalimu Nyerere was personally active in many of these organisations, serving as OAU chairman (1984-85) and Chairman of the six front-line states. Tanzania is a member of the East African Community (EAC) which was formed in 1967 and failed in 1977. In March 1996, Tanzania, Uganda, and Kenya revived discussions about economic and regional cooperation. These talks culminated in the signing of the Treaty establishing the East African Community in November 1999, with headquarters in Arusha, Tanzania.

2.4 Hosting War Refugees

xlix. For decades, Tanzania hosted one of the largest refugee populations in Africa. The United Nations High Commission for Refugees (UNHCR) announced on 30 January 2007 that, for the first time in more than a decade, the population in Tanzanian refugee camps had dropped below 300,000. From 2002 onwards, more than 250,000 refugees returned to their homes from Tanzania. Over 220,000 Burundian refugees living in central Tanzanian settlements since 1972 were given the option to either return voluntarily to Burundi or become naturalised Tanzanian citizens. In 2009, Tanzania granted citizenship to 162,000 Burundi refugees. More than 200,000 Burundian refugees who fled to Tanzania in 1972 still remain.

2.5 Promoting Peace Efforts in the Great Lakes Region and Beyond

l. Tanzania has long promoted efforts to resolve chronic conflict, especially in the Great Lakes Region. Tanzania helped to broker peace talks to end the conflict in Burundi. On foreign policy, Tanzania played a leading diplomatic role in East Africa, hosting peace talks for factions fighting in neighbouring Rwanda culminating in the Arusha Peace Accord. The UN International Criminal Tribunal for Rwanda (ICTR) is located in the town of Arusha. In March 2008, the Tanzanian military led an African Union-authorised force to restore government authority on one of the islands of the Comoros archipelago. Tanzania's participation in United Nations or Africa Union peacekeeping missions includes deployments to Lebanon, Eritrea/Tanzania, Burundi, Southern Sudan, Seychelles, Sierra Leone, Cote d'Ivoire, Comoro and Sudan (Darfur).

3. SUMMARY OF FINDINGS IN THE THEMATIC AREAS

3.1 Democracy and Political Governance

li. From its inception, the URT experienced shifts in the extent of available political space. Expanding and contracting between political pluralism and competitive party and electoral politics, the country shifted from a single-party dominant multi-party to a one-party state, and then back to the single-party dominant multi-party state. Within this context, it could be said that post-independence Tanzania's political evolution was shaped by the desire to promote political stability and national unity, and provide for the basic necessities of its people, within an expanding framework of rights, duties and responsibilities.

lii. The 1977 URT Constitution, which re-established multipartism, was followed by the 1992 Political Parties Act, ushering in a hybrid, semi-presidential system of government that fuses elements of both the presidential and the parliamentary systems. This hybrid system has worked well so far, largely due to CCM's electoral dominance in the country through its control of both the presidency and legislature. The long years of single-party dominant and one party rule from 1961 to 1992 laid firm foundations for the executive branch and party dominance in the country, which remain rather apparent under multi-party rule, in spite of constitutional provisions for the separation of powers., Political succession has been predominantly peaceful if, at times, hotly contentious.

liii. Tanzania continues to make appreciable progress in peaceful political change, and in the promotion of constitutionalism, the rule of law and the promotion and protection of human rights. A noteworthy development in the promotion of human rights is in the area of women's participation in representation and decision-making, where the country has taken important steps to enhance the participation of women in public life, in the National Assembly, Local Councils and in the public services. In general, quotas for the representation of women in Zanzibar's House of Representatives have broadly followed the arrangements of the Union's National Assembly.

liv. In this regard, the country has ratified 144 international, continental and regional conventions, treaties, charters and declarations: complementary and key building blocks for a democratic state. A majority (104) of these instruments are multilateral, 22 are continental, and 18 are regional. Nineteen (19) instruments were signed but are yet to be ratified.

lv. However, much remains to be done to protect the human rights of citizens in the country and, especially after the return to a multi-party state, to agree on competitive party and electoral politics as a positive mechanism for managing national diversity. Allegations of human rights abuses by state functionaries and agencies, of police brutality and extra-judicial killings recurred throughout CRM stakeholder meetings in Dar es Salaam and in the regions. Other causes of concern over the human rights situation in the country stem from the prevalence of "mob justice" or "mob lynching," attacks on albinos, and residual but culturally-based discrimination against women.

lvi. Challenges inherent in promoting and protecting human rights are symptomatic of the wider challenge of forging sustainable democracy and development through constitutional government, the rule of law and political pluralism. A cause for concern in this respect is the fact that the 1977 URT Constitution and legislation provide for few democracy promoting institutions in the country. These are the Commission for Human Rights and Good Governance (CHRAGG), the Combating and Prevention of Corruption Bureau (PCCB), the Ethics Secretariat, the National Electoral Commission (NEC), and the Registrar of Political Parties, all of which have limited independence and work under considerable constraints. There is perhaps a compelling need to set up more such institutions, designed as horizontal institutions of accountability and transparency. Their role would then be to share the burden of promoting democracy, working within the confines of interrelated but specific functions in the areas of human rights, civic and political education, and public complaints. It is encouraging in this respect that government has set in motion a process of constitutional reform to confront this broad challenge, and matters arising therefrom.

lvii. The return to multi-party politics has provided the context for a re-examination of the URT's future, pertaining, especially, to its constitutional structure and the division of powers between the Union Government and the Government of Zanzibar, and the place for Mainland Tanzania within the Union. Under the 1977 URT Constitution [Article 1 and Article 2(1)], *"Tanzania is one State and is a sovereign United Republic,"* consisting of Mainland Tanzania and Tanzania Zanzibar. The Constitution [Article 4(3)] also provides for an entrenched division and

distribution of powers between Mainland Tanzania and Tanzania Zanzibar, evoking *"Union Matters as listed in the First Schedule to the Constitution, and …non-Union matters, which are all other matters not so listed."*

lviii. However, from CRM stakeholder consultations across the country, it transpired that public opinion is divided in Mainland Tanzania over the current status of the Union. Whilst some expressed the view that Zanzibar certainly enjoyed more autonomy than Mainland Tanzania, others were of the opinion that a separate government or governments should be created for Mainland Tanzania, replacing the present constitutional structure vesting matters relating to the Mainland under the legislative competence of the Union Government. In Zanzibar, there were misgivings, fuelled by the discovery of commercial quantities of crude oil in Pemba, about what Zanzibaris perceive to be their marginal position in the Union and progressive accretions in the Union Exclusive List over the years, to the disadvantage of Zanzibar.

lix. Another issue of concern is the threat to social stability posed by mounting internal conflicts over land. Land disputes in the country are primarily over ownership, land acquisition, and compensation; trespassing and third party land rights which plaintiffs are unable to enjoy or derive any benefit from. During the stakeholder consultations, the audiences criticised the policy encouraging large investments in land which appeared to be at the expense of small farmers. They also claimed that the inputs and views of affected, local communities were ignored. This policy has caused some violent outbreaks in rural areas.

lx. The dynamics of the new political economy, political pluralism, and multi-party politics, created new opportunities for the privileged few to amass wealth and deepened the marginalization and poverty of the people, in general. Unless these challenges are dealt with in an appropriate and timely manner, they could undermine the basic foundations of constitutional democracy, and the promotion of good political governance in Tanzania.

lxi. Ideological shifts and the consequential socio-economic transformations have impacted on the lives and livelihood of the people and, above all, on their perceptions, aspirations, and expectations about their role in the evolving national developmental and democratisation processes. The realities have given rise to rumblings in both state and society.

lxii. Tanzania must pursue ongoing constitutional review processes in a transparent manner that not only takes into account existing realities and those that are likely to emerge, but also ensures broad-based participation by the people. In other words, to a much greater extent than previous constitutional amendment processes, the on-going constitutional reform process should be people-driven. This means giving the people opportunities to participate fully and freely in these processes, and sound information about the issues and principles relevant to the discussions, debates and other forms of deliberations.

lxiii. The challenge of democracy and political governance in Tanzania ultimately boils down to a demonstration by the national leadership of their political will to grasp the opportunity of this constitutional review process to address matters arising from the new political order. This means sticking to the course with public policy reform, implementing redistributive policies to arrest and reverse deepening social and regional inequities, thereby establishing more lasting institutional mechanisms and processes to creatively manage diversity in the Union.

3.2 Economic Governance and Management

lxiv. Tanzania made good progress in promoting economic growth over the past five years, with annual growth rates averaging about 6.8 per cent. However, this growth did not engender broad-based pro-poor, inclusive development nor did it lead to structural transformations. Economic structures have not changed in recent years and industrial production remained stagnant. More importantly, poverty and inequality levels remain high, and unemployment is a major problem in rural areas and among the youth. The 2011/12 - 2015/16 economic development plan is intended to address these challenges. For significant progress towards meeting the goals of Vision 2025, Tanzania must make more vigorous policy and strategy implementation efforts, build the capacity for this, expand and deepen stakeholder consultation and coordination at all levels. Direct and explicit action must also address problems of poverty and inequality without relying on the trickle-down effects of economic growth. The prospect of imminent and significant revenue increases from new mineral discoveries offer an opportunity to actively promote broad-based, pro-poor national economic growth and development strategies. This will require sound financial discipline and focus on the part of the Government.

lxv. The creation of the Ministry of Finance and Economic Affairs in 2008 and the establishment of the Planning Commission in the Presidency are steps in this direction. Efforts have also been made to strengthen public financial management by improving the Medium-Term Expenditure Framework. Nonetheless, improvements are required to strengthen linkages between national development plans and annual budgets, and between development projects and recurrent expenditure. There are also calls for greater transparency and improved oversight by enhancing the capabilities of the Office of the Comptroller and Auditor General, and public procurement agencies and processes. Finally, there should be effective consultations over economic decision-making with all stakeholders, including the private sector and civil society.

lxvi. Significant progress was made in improving the financial landscape by increasing the number of banks and non-bank financial institutions. However, most of these financial institutions are concentrated in major cities. Access to credit is hindered by the onerous lending conditions demanded by these financial institutions. Government is committed to removing the remaining structural obstacles to financial sector development through the second generation of the Financial Sector Reform Programme.

lxvii. The Government of Tanzania has been making efforts to increase domestic resource mobilization by strengthening institutions such as the Tanzania Revenue Authority, expanding the tax base, and reviewing tax exemptions to reduce fraud. Revenue collection has improved but strengthening public financial management still remains a challenge. Measures to enhance PFM include, institutionalising Public Expenditure Tracking Surveys, eliminating loopholes in the tax regime, reducing the number of discretionary tax exemptions, and bringing the informal sector under the tax regime.

lxviii. As do most other African countries, Tanzania recognises the need to step up the fight against corruption. It has ratified important anti-corruption and money laundering instruments. The country also created important institutions that are championing the war against this vice.

lxix. The CRM notes Tanzania's impressive efforts to ratify and domesticate a wide range of standards and codes promoting good economic governance and management. The challenges facing the Government go beyond adoption, ratification, and domestication, and touch on effective and vigorous implementation. Improvements are required to fully associate Zanzibar in a formal and institutionalised setting in the process of adoption, ratification, domestication and implementation of standards and codes acceded to by the Union Government.

lxx. Speeding up regional integration is one of the strategies that the Government of Tanzania has adopted as a vehicle to attain national development aspirations. Tanzania's participation in both the East African Community (EAC) and the Southern Africa Development Community (SADC) potentially carries economic benefits, including the potential for increased trade and investment flows due to the elimination of both tariff and non-tariff barriers to trade.

lxxi. However, many challenges have been identified and will need to be addressed if the country is to attain the maximum benefits from integration. Low levels of competitiveness, the absence of adequate productive capacity, challenges accessing finance, and the poor state of infrastructure are but a few. The general lack of information among ordinary Tanzanians about business opportunities available to them remains a major problem that needs to be addressed. The ongoing process of creating a Free Trade Area among EAC, SADC, and the Common Market of Eastern and Southern Africa (COMESA) has brought a new dimension to the whole debate about the opportunities and challenges of integration.

3.3 Corporate Governance

lxxii. Tanzania's private sector is increasingly becoming a key partner in development, as is the case in many African countries. As a result, it has become critical for the Tanzanian Government to create a better environment for private sector development in order to build integrity and attract both local and foreign investors. On the other hand, the private sector has to accept and implement good corporate governance, for sustainability.

lxxiii. The concept of corporate governance in Tanzania is very much in its infancy owing to a young private sector. Even in Zanzibar, corporate governance as a subject has received little attention. One school of thought attributes this to the 'ideological dilemma faced by Tanzania after abandoning socialist ideologies and half-heartedly adopting market-driven economics. In this environment, local entrepreneurship is still timid and unambitious.

lxxiv. However, formal and established corporate governance frameworks govern listed companies on the capital markets. In addition, prudentially-regulated sectors - banking and insurance - have been compelled by their independent regulators to operate at high levels of governance.

lxxv. The assessment of Tanzania's corporate governance stance is premised on examining applicable international standards and codes and investigating the five following objectives: promoting an enabling business and regulatory environment; corporate citizenship; codes of business ethics; stakeholder treatment; and, accountability of corporations and directors.

lxxvi. Tanzania ratified and adopted the most significant international standards and codes as a preliminary step towards ensuring the promotion of good conduct and practices in corporate governance. However, the extent to which some of these standards and codes (particularly those concerned with fiscal transparency, effective banking supervision and budget transparency) are actually applied remains open to question. The differential approach to applying corporate governance standards between listed and unlisted entities, and between prudentially regulated entities and others, also points to the fact that recognised standards and codes are not fully complied with, especially among small to medium enterprises, which constitute the bulk of the corporate sector in Tanzania.

lxxvii. Economic liberalisation policies of the early nineties introduced dramatic shifts in Tanzania's corporate environment. Competition was introduced as a concept and Government compelled to play a more active role in creating a level-playing field for businesses and guaranteeing fair competition policies. Small-scale enterprises and the informal sector have assumed their place as the drivers of economic and social value, taking over from the state-dominated economy. Nevertheless, the private sector in Tanzania – although it has taken on this critical role - remains under-developed.

lxxviii. The extractive industry (especially gold mining) is by far the most developed component of the private sector. However, corporate governance in this sector needs to be strengthened. Specific attention needs to be paid to tax and royalty revenues which are said to be low. More regard also needs to be given to environmental concerns, as well as safeguarding against any abuse of both investor incentives and employee rights.

lxxix. The adoption of Codes of Business Ethics is premised on three levels: internal codes as set out in individual human resource manuals; secondly, external codes of ethics drawn and promoted by self-regulatory, professional bodies; and thirdly the codes of ethics that emanate from the interface between the private and public sectors. There is a high record of compliance with the internal codes for listed entities owing to stringent oversight on the part of the industry regulator. Conversely, business ethics codes enforceable by professional bodies have not been inadequately observed.

lxxx. In Zanzibar, the 2011 Good Governance Policy commits government to establishing effective mechanisms to ensure that business entities fully participate in development endeavors and comply with the legal obligations pertaining to stakeholders' rights. This policy is yet to be implemented and therefore one can only hope for speedy and successful implementation in order to protect shareholder, employee, community, supplier, and customer rights.

lxxxi. Capacity issues facing the National Board of Accountants and Auditors (NBAA), have affecting the levels of accountability on the part of corporations, directors and officers. However, the Dar es Salaam Stock Exchange established superior financial reporting and disclosure standards for all securities market intermediaries and listed entities. This ensures timely and accurate disclosure of financial and other information to the market, for informed decision-making. Other prudentially-regulated sectors - such as the banking and insurance sectors - have similar disclosure regimes prescribed by their respective regulators.

lxxxii. The absence of a functioning Corporate Governance Institute not only compromises the establishment and implementation of a national code in this regard, but also implies that the immense responsibility of ensuring corporate governance training and corporate behavioral change throughout the country rests with no one.

3.4 Socio-Economic Development

lxxxiii. Tanzania has taken significant steps towards sustained socio-economic development since achieving independence in 1964. National socio-economic development processes can be classified into three broad distinct phases. The first phase which began at the time of the *Arusha Declaration* in 1967 was the period of *Ujamaa* socialism.

lxxxiv. This policy placed the economy under state entrepreneurship and control: the blueprint and framework for socio-economic development and self-reliance. The policy implied that the economy would be determined by socialist-oriented economic and political policies. This led to the creation of a one-party system and state control over the economy. All major enterprises were nationalised. The capitalist, private sector, market-led economy inherited from colonial Britain at independence was replaced by a state-owned, centrally planned and controlled economy.

lxxxv. The extensive compulsory 'villagization' programme of the *Ujamaa* development philosophy promoted a certain degree of equity in society. Investments in social services at this phase of the country's socio-economic development have been fundamental to the current economic development and change in the country. They touched on all levels of education and health facilities. Although the period registered human capital growth, the economy and per capita incomes grew by 0.7 per cent per annum. Poor economic growth led to rising poverty.

lxxxvi. During the second phase of its socio-economic development, Tanzania abandoned those policies underpinned by state ownership and control over means of production and embraced a World Bank-supported Structural Adjustment Programme (SAP) that had been resisted up until then. The SAP introduced market-oriented and private sector-led growth policies as defining characteristics of national socio-economic development policy. Thus, between 1986 and 1995, Tanzania introduced partial reforms and liberalisation policies. These included: liberalisation of former state-owned enterprises nationalised during the *Ujamaa* era; liberalisation of exchange and trade regimes, agricultural marketing systems and domestic prices; and, the initiation of financial systems, parastatal and civil services reforms, and even political reforms with the introduction of multi-party democracy. Despite these reforms, large swathes of the economy were still dominated by public monopolies. Large fiscal deficits and low growth rates persisted throughout most of 1986 to 1995. Macroeconomic stabilisation and full structural reforms were introduced in 1996 to address these challenges to socio-economic development.

lxxxvii. Since then, the socio-economic development framework focus has been to re-organise and restructure economic institutions through well-articulated institutional frameworks, strategies and plans. One of the most significant plans in this regard is *Tanzania Vision 2025*: the overall policy and strategic framework for long-term socio-economic development. It was implemented on the basis of human-centred development for poverty reduction by 2025.

lxxxviii. Building on this plan, the government inaugurated a National Strategy for Growth and Reduction of Poverty (NSGRP I) known in *Kiswahili* as *Mpango wa Kukuza Uchumi na Kuondoa Umaskini Tanzania (MKUKUTA I)* for the period 2005/06 to 2009/10. This Strategy aimed at promoting high and shared growth, high-quality livelihoods, peace, stability and unity, good governance, high quality education, and international competitiveness. This Strategy has since been replaced by NSGRP II (MKUKUTA II) for the period 2010/11 – 2014/15.

lxxxix. Government has also acceded to some international and regional standards and codes in order to benchmark progress in socio-economic development against accepted international norms and practices. In some respects, Tanzania has put this into practice by establishing policies, institutions, programmes, and other mechanisms to ensure the implementation of adopted or ratified standards and codes. However, there has been no systematic and comprehensive approach to ratifying and implementing standards and codes.

xc. There is also a general lack of awareness among citizens about standards and codes signed, ratified or domesticated. More could be done, therefore, particularly in terms of increasing awareness and effective stakeholder participation through, among other things, adequate and appropriate civic education. Nonetheless, Tanzania has made appreciable progress towards achieving some major socio-economic targets set out in the Millennium Development Goals (MDGs).

xci. Ministries, Departments and Agencies (MDAs), local authorities and other stakeholders have implemented

interventions outlined in these plans and strategies in order to improve peoples' livelihoods. A commendable outcome of this process was GDP growth rates in excess of 6 per cent over eight consecutive years amidst a severe drought and the global financial and economic crisis. Tanzania is to be commended for notable improvement in access to education. Net primary enrolments increased from 59 per cent in 2000 to 87 per cent in 2008, and secondary net enrolments jumped from 6 per cent in 2002 to 30.8 per cent in 2010.

xcii. However, at a more fundamental level, the high GDP growth rates have not had a commensurate impact on rural poverty reduction, mostly due to relatively slow growth rates in the agricultural sector. As reported in the CSAR, the MDGs on eradication of extreme poverty, improvement of maternal mortality rates, and provision of improved drinking water sources to the rural population may not be achieved[1] by the target date of 2015.

4. CROSS-CUTTING ISSUES

xciii. The APR Panel has identified the following eight issues as recurring and interrelated for which Tanzania should adopt a holistic approach because of their wider impact on the quality of governance in all four thematic areas:

- Management of diversity and the state of the Union;
- Growth, poverty and inequality;
- Capacity constraints and implementation challenges;
- Land governance issues;
- Natural resource management;
- Aid dependency and sustainable development challenges;
- Governance within the framework of the EAC and SADC; and,
- Low levels of educational quality.

4.1 Management of Diversity and the State of the Union

xciv. With the return, in 1992, to a multi-party state, the dual issues of the constructive management of diversity and the state of the Union came to the fore of current debates on public affairs and the future of Tanzania. This future hinges on how constructively these interrelated issues can be managed because they pose inherent challenges and opportunities for moving the country forward with consolidated democracy and people-centered development. The successful management of these issues is critical for the country to sustain its political stability, economic development, and social cohesion among the various ethnic, regional, religious, class, and urban/rural divides. . In a sense, the return to the multi-party state was a strategic response to bottled-up tensions that took the form of economic, political, and socio-cultural pressures for new mechanisms to manage the diversity unleashed by the contradictions of the one-party state, and the departure of Mwalimu Julius Nyerere from the presidency.

xcv. The APR Panel notes that the constructive management of diversity in the country cross-cuts and requires action at various intersecting levels, especially the following:

- cultural (including ethnic, racial and religious);
- economic (including social),
- political; and,
- the state of the Union.

xcvi. The on-going national constitutional review processes must, therefore, be viewed as an opportunity to address and resolve the challenges and important matters arising from the unfolding dynamics of the multi-party state, the neoliberal opening up, and the expansion of economic and socio-political spaces in the country. The review process needs to be transparent and open; encouraging and grounded in the expression of the significant diversities that exist in the country, in ways that previous constitutional reviews had not been.

[1] *Tanzania Country Report on the Millennium Development Goals 2010*, p.vii, Dar es Salaam, 26 September 2011.

a. Growth, Poverty and Inequality

xcvii. This report notes that in recent years, Tanzania has made progress with macroeconomic stability and impressive economic growth. During the period under review, access to public services increased significantly and social indicators steadily improved, particularly in health and education. There have been also important investments in infrastructure, major institutional and legal reforms. However, latest survey findings on living conditions for the Tanzanian people suggest only marginal declines in aggregate poverty rates which remain high.

xcviii. A recurring theme of this report is the high level of poverty in Tanzania. According to available household survey data, 37 per cent of Tanzanians are still poor, and the MDG analysis in Tanzania indicates that MDG1 on halving poverty will not be achieved by 2015. Job creation has remained below expectations. Poverty levels are particularly high in rural areas - where the majority of Tanzanians live - and among the youth.

xcix. Related to the challenge of poverty in Tanzania is the issue of inequality: the gap between the rich and the poor. Inequality is a fundamental issue for human development. The Gini Index in Tanzania rose from 34.6 in 2000 to 37.6 in 2007 – a sign of growing income inequality.

c. Extreme inequalities in life opportunities have a direct bearing on what people can be and what they can do – that is, on human capabilities. Inequality also matters because it violates the widely-held notion that all people, wherever they are, enjoy certain basic rights. Deep disparities based on wealth, region, gender, and ethnicity are bad for growth, bad for democracy, and bad for social cohesion.

ci. The danger is that prevailing economic divisions in the URT may harden into permanent social divisions, setting in motion a self-perpetuating cycle of social disadvantages. The other concern is that rising inequities in resource distribution may erupt into social conflict. Moreover, inequalities in health, education and income impact on human development, deeply affecting social well-being.

cii. The APR Panel cautions that unless economic growth in Tanzania is more inclusive and broadly shared, the significant achievements of the last decade will not translate into sustained poverty reduction and economic empowerment for a majority of the people. Tanzania must vigorously pursue an inclusive growth agenda to share the benefits of growth equitably among all the groups of people who make up the Tanzanian population. In this respect, more debate and research is needed on how to optimise the poverty-reducing potential of growth.

b. Capacity Constraints and Implementation Challenges

ciii. Capacity building with a view to developing not only a capable state, but also a capable nation and society, should be at the heart of development processes in Africa. The essence of capacity, and a capable state and society, is the ability to identify goals and objectives and marshal all national resources to achieve them. This capacity building, sustainable development and societal transformation nexus has been widely recognised, and is embodied in NEPAD.

civ. As stated in the NEPAD Capacity Building Framework, due recognition must be given to the fact that capacity building is a goal not only for the state, but for the nation as a whole. Often, genuine, sound political and economic governance is negated by deficiencies in the capacities of other stakeholders, notably CSOs. These organisations fall short in their ability to act as effective advocates of the people and agents of development. Another area where these organisations often fall short is in their ability to address some of their challenges through their own efforts, rather than relying all, or most of the time, on Government or donors to solve these problems for them.

cv. Tanzania has developed considerable capacity to prepare its own development plans. This capacity is reflected in the country's plethora of national development policies and programmes. As noted in this report, Tanzania's National Strategy for Growth and Reduction of Poverty (NSGRP), commonly known by its Kiswahili acronym-MKUKUTA, and Zanzibar's National Strategy for Growth (ZSGRP), popularly known as MKUZA, are key guiding frameworks for promoting national development. They build on Tanzania's Development Vision 2025, with an increased focus on equitable growth and governance especially. The associated targets and poverty reduction outcomes are consistent with, and indeed in many cases, go beyond the Millennium Development Goals (MDGs).

cvi. However, although legislation and policies exist to promote governance in all four thematic areas, they are not always implemented. While institutions have been established, some function ineffectively. Well-intentioned and clearly articulated goals need to be followed through.

cvii. Another reason for the gap between plans and implementation, appears to be deficiencies and gaps in capacity. Accordingly, as a matter of top priority, the Government and people of Tanzania should focus on building state capacity to effectively and efficiently implement policies and programmes. There is also a need to build capacity for other stakeholders, especially CSOs, to transform them into change agents and effective advocates of the people.

c. Land Governance Issues

cviii. In recent years, large-scale acquisitions of farmland in Africa, Latin America, Central Asia and Southeast Asia have captured global media attention. Land that only a short time ago seemed of little interest to outsiders is now being sought by international investors to the tune of hundreds of thousands of hectares (IIED, FAO and IFAD, 2009). International press reports abound of these so-called 'land grabs' – whereby investment funds buy into agribusinesses – and are becoming a major problem in Africa. While international land deals are emerging as a global phenomenon, little is known about this phenomenon in sub-Saharan Africa. Primary and secondary data on land acquisitions in Africa is scarce and often of limited reliability.

cix. This is the background to land governance issues in Tanzania. In all the regions visited by the CRM, and especially in mining areas, there was a general consensus among stakeholders who spoke at the various CRM meetings about growing land problems in Tanzania and a call for comprehensive solutions.

cx. Without any doubt, land is central to livelihoods, the culture and identity of the majority of Tanzanians who depend on agriculture for their livelihoods. Despite Tanzania's large territory, rural people frequently experience land disputes and insecurity of land tenure. Land tenure is becoming a serious problem in the country. Media now reports of local people losing their land to foreign and commercial investors in Tanzania. This has given rise to the problem of internally displaced persons (IDPs), discussed in this report. According to local media reports, the IDP problem stems from the trading off of land without the consent of the local people.

cxi. These deals are often shrouded in secrecy so that the extent to which this is happening is not apparent, and also because it is not clear who is benefiting from these deals. Lack of transparency, and of checks and balances in contract negotiations, creates a breeding ground for corruption and deals that are far from being in the public interest. Insecure rights for state-owned land use, inaccessible registration procedures, vaguely defined productive use requirements, legislative gaps, and compensation limited to loss of improvements like crops and trees (thus excluding loss of land), all undermine the position of local people.

cxii. The APR Panel cautions that the Government of Tanzania should treat the land issue sensitively. Although on paper Tanzania seems to have progressive laws and procedures seeking to increase local voice and benefits, prevailing systems need to be improved to ensure equity in land ownership. Government needs to step up efforts towards adopting a responsive land tenure framework.

cxiii. If not handled properly, large-scale land acquisitions can have lasting repercussions on rural people's futures. They may lose the land, water and other resources that have supported their livelihoods for generations, while the jobs created in return may be few, short-lived, and low-paid.

d. Natural Resource Management

cxiv. Natural resource management and, more specifically, the management of mineral resources, hascome across as a matter of grave concern across all four thematic areas, and throughout the stakeholder consultations strong pronouncements were made. General sentiment points to the following nine areas of concern relating to the governance of natural resources:

- Overly generous tax advantages, tax evasion, and national revenue losses;
- 'Bad contracts';

- Low levels of accountability and transparency;
- Environmental irresponsibility;
- Inappropriate and inadequate CSR contributions;
- Low labour impact and human rights abuse;
- Low integration with other economic sectors;
- Crowding out local investors and weak economic impact; and,
- Government's lack of capacity to effectively regulate and administer the sector.

cxv. The Government of Tanzania should consider re-examining the new mining industry laws so as to to re-aasure stakeholders and the public at large that governance ills in the sector are being addressed.

e. Aid Dependency and the Challenge of Sustainable Development

cxvi. Tanzania is one of the highest recipients of aid in Africa. Although ongoing private-public partnerships in Tanzania will increase national self-reliance, more needs to be done to wean the country off foreign aid. Heavily dependent on international aid in a multidimensional, structural, and dynamic manner, Tanzania's finance, policy choices, institutional building, the culture of civil service and civil society organizations, all are affected. The same applies to the development and dynamics of political institutions and the economy. The fundamental question in the Tanzania case therefore no longer becomes how to manage aid dependency but how to drastically reduce it. Critical to this is how to use aid itself to help achieve this goal.

cxvii. The APR Panel suggests that Tanzania should seriously begin to address the issue of using aid to build strong and dynamic productive capacities. The outcomes of the Fourth High Level Forum (HLF-4) on Aid Effectiveness offer the United Republic of Tanzania an opportunity to ensure that it creates strong partnerships with development partners for effective development cooperation. But this will require strengthening country systems in terms of governance, proper planning and policies so that the country can make better use of its own resources, and the resources that come from development partners.

cxviii. The country should continue strengthening mechanism to cut bak aid and also seriously begin working on changing the structure and dynamics of its public expenditure to support and crowd in private investment and develop viable, sustainable, and competitive productive and trade capacities.

f. Governance within the Regional Framework of the EAC and SADC

cxix. The APR Panel notes that Tanzania's destiny has always been determined by its regional environment. This is for geographical, historical, social and cultural, ideological and political, and strategic reasons. These fundamentals have not changed and are not likely to do so in the foreseeable future. They are also inter-related and tend to reinforce each other. A key challenge facing the present political leadership and other key stakeholders in Tanzania is managing and shaping its regional environment to ensure that it plays a positive role in achieving the goals and aspirations of the people of Tanzania by maximising benefits to the country from regional integration.

cxx. Tanzania finds itself surrounded by eight African countries (Kenya, Uganda, Rwanda, Burundi, Democratic Republic of the Congo, Zambia, Malawi and Mozambique). Any developments affecting its neighbours are bound to impact on the situation within Tanzania, for better or for worse. This has become even more apparent with globalisation and the emergence of the global village. Improvements in transport and communications between Tanzania and its neighbours are reinforcing this trend. As a result, events affecting neighbours have an almost instantaneous impact on Tanzania, even if only for demonstration purposes. Comparisons are, and will inevitably be made which will, in turn, affect the expectations and demands of the people of Tanzania. Accordingly, whatever one may say about non-interference in the domestic affairs of other countries, Tanzania cannot remain indifferent to whatever happens to its neighbours.

cxxi. The current focus of attention among the political leadership, stakeholders, the media, and the general public in Tanzania is on weighing the pros and cons of Tanzania's membership of the new and enlarged EAC and SADC. Among key questions debated at discussion forums are the progress and pace of integration within the EAC,

notably the completion of the common market phase and the move towards a monetary union with a single currency; compatibility between membership in the EAC and SADC; and most important of all, how to ensure that Tanzania derives comparable gains to those of its partners from its membership in these two regional groupings.

cxxii. There is no doubt that Tanzania needs regional integration for its own political stability and prosperity. In addressing the issue of regional integration, Tanzania must keep in mind that partial and limited progress towards an economic union is inherently unstable and poses a number of challenges. The inherent logic is that, once a process of economic integration has been launched, and even when it is at the initial stages of a free trade area, preserving progress and gains requires more integration.

cxxiii. The debate on the readiness, willingness, and advisability of Tanzania's support for accelerated and higher levels of integration within the EAC has barely started. Government and non-government stakeholders alike need to thoroughly address these questions. Whether the region is truly ready for an advanced stage of economic integration, the degree to which the present level of economic integration is stable and sustainable, and what needs to be done to ensure a more equitable distribution of benefits, are important questions for which answers must be found. All dimensions of these questions must be thoroughly explored so that Tanzania moves forward with a broad national consensus and a very clear idea of what the future holds, the challenges ahead, and potential costs and benefits likely to result from this endeavor.

cxxiv. The costs and benefits to Tanzania from EAC and SADC membership are issues that have and will continue to play a prominent role in this reflection. The problem of the distribution of benefits is always a central feature in all efforts at economic cooperation and integration. It played an important role in the collapse of the first EAC in the seventies and is still of central concern today. In Tanzania, there is a widespread view that Tanzania is not gaining as much from its membership in the new and enlarged EAC and SADC when compared to its partners. The key measure of this has been trade imbalances and private foreign direct investment flows to the manufacturing sector, especially.

cxxv. However, this concern should not be taken too far. Calculations of gains and losses should be based not entirely on the short-term, but also on the medium and long-term. Secondly, the question must be whether the country would have been better off outside the regional organisation, even if other countries stand to gain more. Finally, calculations should not be limited to economic gains, but also to political, strategic, and diplomatic gains as these may be different from, and compensate for, purely economic calculations. In that case, a country may well be willing to make economic sacrifices to achieve other core values and interests. Indeed, this has been a key characteristic of successful regional integration schemes.

g. Low Levels of Educational Quality

cxxvi. The Country Review Mission's findings revealed low levels of educational quality in Tanzania. Primary school candidates' performance in basic skills acquisition - a good measure of quality education - has been deteriorating since 2005. Pass rates dropped from 70.5 per cent in 2006 to 54.2 per cent in 2007, and the downward trend continued from 52.7 per cent in 2008 to 49.4 per cent in 2009. These poor pass rates have, in turn, caused the transition rate from Standard (STD) VII to secondary school to decline. It fell, for example, from 56.7 per cent in 2007 to 50 per cent in 2009. Generally, boys tend to perform better than girls, with a pass rate of 59 per cent for boys compared to 48 per cent for girls in 2010, thus reducing opportunities for girls' selection into secondary education.

cxxvii. These inter-related issues have culminated in generating a poorly functioning educational system, producing graduates without sufficient requisite capacity, skills and ability to meet the demands of Tanzanian society. This situation prevents Tanzania from reaping the benefits of good quality education and has serious present and future consequences on all aspects of societal development. Quality education provides a foundation for development and the groundwork on which much of economic and social well-being is built. It increases the overall productivity and the intellectual flexibility of the labour force. Therefore, it is the key to increasing economic efficiency and social productivity.

cxxviii. Apart from truancy among pupils and massive increases in school enrolments under the Primary Education Development Programme (PEDP) and the Secondary Education Development Programme (SEDP), other factors account for this state of affairs in education. Some teachers have openly complained that they lack the requisite

skills to deal with certain topics in the revised primary school curricula. These factors have negatively impacted on educational quality. While inadequately trained teachers make poor and boring subject matter presentations, the high teacher-pupil ratios suggest overcrowded classrooms making it very difficult for teachers to pay enough attention to students.

cxxix. The challenge for the URT Government in addressing problems concerning the quality of education is to place stronger policy emphasis on equity issues by allocating more resources to underserved areas, supporting students from poor families, and maintaining higher retention rates for girls in the educational system. Also, although steps have already been taken for teacher training, still more efforts are needed to enhance teaching skills.

5. BEST PRACTICES

cxxx. Highlighted below are the best practices identified by the APR Panel for peer sharing and peer learning.

5.1 Democracy and Political Governance

The Union of Tanganyika and Zanzibar

cxxxi. The URT is unique for being the only surviving pan-Africanist project involving the union of two independent African countries, through the adoption of a federal or quasi-federal constitution, with shared sovereignty between the countries of the Union. Given the historical and inherited major diversities within each of the parties, the Union, therefore, offers useful lessons to countries seeking to join together, especially in terms of how to sustain diversity in unity.

Political Stability and Peaceful Transfer of Political Power

cxxxii. The United Republic of Tanzania is a peaceful and stable country that successfully built a strong national unity and significantly reduced the impact of ethnic or regional divisions. The use of Kiswahili as a national language largely contributed to this unity, which is Nyerere's legacy. Following the re-introduction of plural politics in 1985, Tanzania successfully held four presidential and parliamentary elections. Tanzania's Constitution provides for two presidential term limits of five years each. So far, at the end of each tenure, Presidents have left office without attempting to extend their term limits, as happens in some African countries. This practice has served to consolidate and deepen the democratisation process in the country. However, it is important to note that the peaceful transfer of power in Tanzania has taken place within the ruling party. The challenge will come when handing over power from one political party to another.

Political Reconciliation in Zanzibar

cxxxiii. Power-sharing arrangements entrenched in a Government of National Unity (GNU) were an innovative approach to bring the long standing political conflict in Zanzibar to an end. Under the new constitutional arrangement (Constitution of 2010), the party that wins the presidency in Zanzibar is required to form a government in collaboration with the party or parties represented in the House of Representatives. The party that takes the second position in the election gets the post of First Vice President and ministerial portfolios are distributed in proportion to the share of seats in the House of Representatives. This arrangement significantly reduces the political stakes involved in elections in a situation where electoral political competition was a zero-sum-game and a matter of life and death among the two main contending political forces on the islands.

URT Declaration on Jurisdiction of the African Court of Human and Peoples' Rights

cxxxiv. The United Republic of Tanzania is one of the first countries in Africa to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights which, in URT, came into force in February 2006. The URT made a declaration under Article 34(6) of the Protocol in June 2009 thus accepting the jurisdiction of the African Court in respect of direct access by individuals and NGOs. Only five African countries - including Burkina Faso, Ghana, Malawi and Mali - have made the optional declaration to date. The first case against the United Republic of Tanzania - on independent candidacy - was filed on 2 June 2011 by the Legal and Human Rights Centre (LHRC).

5.2 Socio-Economic Development

Zanzibar Success in the Fight against Malaria

cxxxv. Zanzibar's anti-malaria strategy, closely modelled on the World Health Organisation's Roll Back Malaria Initiative, was hugely successful. According to an official with the Zanzibar Malaria Control Programme, the Zanzibar Government successfully reduced malaria infections down to one or two cases per week. Until recently, malaria was the leading cause of death in Zanzibar. Mosquitoes breed easily in the many rice fields on both Zanzibar and the smaller island of Pemba. More than 90% of malaria cases are of the most virulent strain, from *Plasmodium falciparum* - the mosquito species that transmits malaria in Africa. Alongside treated bed nets, the other main plank of Zanzibar's battle against malaria is the use of Artemisinin-based Combination Therapy (ACTs).

Maternity Care for Expecting Mothers

cxxxvi. The APR Panel acknowledges Tanzania's good progress in health care service delivery. Government's policy of providing health centres in all districts of the Republic to support and care for pregnant women is commendable and a step in the right direction. This is intended to reduce high maternal mortality, a major health challenge in many African countries. Tanzania has very high levels of home deliveries. These deliveries are attributed to poor geographical access to health facilities, lack of a functioning referral system, and inadequate capital at health facilities in terms of space, skilled attendants, and equipment.

Village Community Banks

cxxxvii. In Tanzania, the Government's National Micro-finance Policy established the basis for a micro-financial system serving the low income sector of society to evolve. The policy also supported the establishment of various types of MFIs, including credit and savings institutions (CSI), credit only (not-for-profit organisations), micro-finance banks and private banks. One of these credit and savings institutions operating at the village level with very large coverage is a set of village community banks, popularly known as VICOBA for short. Village Community Banks are informal, village-based savings and credit groups promoted in mainly rural areas in various parts of the country. VICOBA is primarily a savings club with a membership of not more than 30 participants per group. The informality and flexibility of the VICOBA framework has made it possible to reach many people in Tanzania. The loans empower them to meet their small and short-term financial needs for income generating activities, social obligations, and financial emergencies, without having to resort to other sources for funds.

6. CONCLUSION

cxxxviii. After 50 years of independence, the United Republic of Tanzania has now reached the stage where its leadership and people can capitalise on its strengths emanating from the country's political legacy to engage the appropriate driving forces for development and effectively avoid major impediments that would hinder the development process.

Strengths

cxxxix. The country's key strengths include the following:

- Political stability and national unity;
- Religious and cultural tolerance;
- A youthful population; and,
- Minerals, land and other natural resources

Key Challenges

cxl. Notwithstanding the above strengths, Tanzania faces a number of challenges impeding the pace of growth and development. Key among these challenges are the following:

- Sustaining the Union between Tanganyika and Zanzibar;
- Clearly redefining the role of the state;
- Strengthening economic management and the investment governance framework;
- Promoting inclusive growth and structural transformation of the economy;
- Addressing implementation capacity gaps;
- Reducing aid dependency;
- Managing political and social change; and,
- Promoting empowerment and entrepreneurship.

CHAPTER ONE

INTRODUCTION: THE APRM AND ITS IMPLEMENTATION IN TANZANIA

"The mandate of the African Peer Review Mechanism [APRM] is to ensure that the policies and practices of participating states conform to the agreed political, economic and corporate governance values, codes and standards contained in the Declaration on Democracy, Political, Economic and Corporate Governance. The APRM is the mutually agreed instrument for self-monitoring by the participating member governments."

NEPAD/HSGIC/03-2003/APRM/MOU/Annex II

1.1 THE APRM AND ITS PROCESS

1. The APRM is an instrument voluntarily acceded to by Member States of the African Union (AU) as a self-monitoring mechanism for good governance. It was endorsed in 2003 by African leaders to complement the New Partnership for Africa's Development (NEPAD), adopted in 2001 as an African development blueprint to eradicate poverty and place African countries on the path of sustainable growth and development.

2. The African Peer Review (APR) process entails periodic reviews of the policies and practices of participating states to ascertain progress towards achieving mutually agreed goals and compliance with agreed political, economic and corporate governance values, codes and standards, as outlined in the AU's Declaration on Democracy, Political, Economic and Corporate Governance [APRM Base Document, Paragraph 15].

3. The APRM has, at its epicentre, the deepening of democratic practices, with a view to strengthening achievements, disseminating best practice, and rectifying underlying deficiencies in governance and socio-economic development processes in AU Member States. The aim is to encourage and build transformative leadership through a self-assessment process that is inclusive and participatory, constructive national dialogue, and the sharing of information and common experiences, in order to reinforce successful and exemplary practices among African countries.

4. The evaluation involves a dual process of self-assessment by the participating country, and of external independent evaluation, led by the APR Panel of Eminent Persons (APR Panel), culminating in a peer review by participating Heads of State and Government. The APRM is unprecedented both in scope and mandate. It assesses a country's performance in four substantive thematic areas:

    - Democracy and Political Governance;
    - Economic Governance and Management;
    - Corporate Governance; and
    - Socio-Economic Development.

1.1.1 Objectives of the APRM focus areas

5. The key objectives for each of the four thematic areas area listed below.

Democracy and Political Governance Objectives

i. Preventing and reducing intra- and inter-country conflicts;

ii. Fostering constitutional democracy; that is, periodic political competition and opportunity for choice, the rule of law, a Bill of Rights and the supremacy of the Constitution are firmly established in the Constitution;

iii. Promoting and protecting economic, social, cultural, civil and political rights as enshrined in all African and international human rights instruments;

iv. Upholding the separation of powers, including protecting the independence of the judiciary and of an effective Parliament;

v. Ensuring accountable and efficient public officeholders and civil servants;

vi. Fighting corruption in the political sphere;

vii. Promoting and protecting the rights of women;

viii. Promoting and protecting the rights of children and young persons; and,

ix. Promoting and protecting the rights of vulnerable groups, including displaced persons and refugees.

Economic Governance and Management Objectives

i. Promoting macroeconomic policies that support sustainable development;

ii. Implementing transparent, predictable and credible state economic policies;

iii. Promoting sound public finance management;

iv. Fighting corruption and money laundering; and,

v. Accelerating regional integration by participating in the harmonisation of monetary, trade and investment policies among the participating states.

Corporate Governance Objectives

i. Providing an enabling environment and effective regulatory framework for economic activities;

ii. Ensuring that corporations act as good corporate citizens with regard to human rights, social responsibility and environmental sustainability;

iii. Promoting the adoption of codes of good business ethics in achieving the objectives of the organisation;

iv. Ensuring that corporations treat all their stakeholders (shareholders, employees, communities, suppliers and customers) in a fair and just manner; and,

v. Making provision for the accountability of corporations and directors.

Socio-economic Development Objectives

i. Promoting self-reliance in development and building capacity for self-sustaining development;

ii. Accelerating socio-economic development to achieve sustainable development and the eradication of poverty;

iii. Strengthening policies, delivery mechanisms, and outputs in key social development areas (including education for all and combating HIV/AIDS and other communicable diseases);

iv. Ensuring affordable access to water, energy, finance (including microfinance markets, and information and communication technology to all citizens, especially the rural poor);

v. Ensuring progress towards gender equality, particularly equal access to education for girls at all levels; and,

vi. Encouraging broad-based participation in development by all stakeholders at all levels.

Box 1.1: Status of APRM implementation as of January 2013

The APRM is clearly the most innovative instrument for entrenching democracy and good governance in Africa. It is unprecedented in the history of governance in Africa. The key principle of the APRM process is to propel the citizen to the centre of public policy and governance practice in Africa by ensuring broad-based participation of all stakeholders in the review process. In so doing, it heightens public awareness of governance and development challenges, and builds national dialogue and consensus around critical governance issues.

The National Programme of Action (NPoA) that comes out of the review process provides an implementation framework for the state and stakeholders to address governance challenges and meet developmental goals. It is equally a monitoring tool for countries to track progress made.

The accession of Niger to the APRM during the Summit of the APR Forum held in Addis Ababa, in July 2012 brings the membership to 31. These are:

Algeria, Angola, Benin, Burkina Faso, Cameroon, Democratic Republic of the Congo, Djibouti, Egypt, Ethiopia, Gabon, Ghana, Kenya, Lesotho, Liberia, Malawi, Mali, Mauritania, Mauritius, Mozambique, Niger, Nigeria, Rwanda, São Tomé and Príncipe, Senegal, Sierra Leone, South Africa, Sudan, Tanzania, Togo, Uganda and Zambia.

Fifteen countries have completed the first review process and have been peer reviewed by the APR Forum. These are Ghana, Rwanda, Kenya, South Africa, Algeria, Benin, Nigeria, Burkina Faso, Uganda, Mali, Mozambique, Lesotho, Mauritius, Ethiopia and Sierra Leone.

Zambia and Tanzania have completed their self-assessment and received the Country Review Missions (CRM). Kenya was the first APRM Member State to begin the second review process in 2011. A number of countries, which for the last 4-5 years have been implementing their National Plan of Action (NPoA), are preparing for the second reviews. These include Ghana, Rwanda, Nigeria and South Africa.

1.1.2. The APRM Process

6. The APRM consists of five inter-related stages as elaborated in the base documents adopted by the Heads of States and Governments participating in the APRM:

Stage One

7. Once the country has signed the APRM Memorandum of Understanding for accession, the first stage involves preparations both at the country and Secretariat levels. It requires the country to establish structures for managing the peer review process at national level. The structures include the designation of a Focal Point and the establishment of a National Governing Council (NGC) composed of all key stakeholders including government, civil society, and the private sector. The country is then required to undertake a comprehensive national self-assessment involving all key stakeholders and grassroots constituencies. The findings of the assessment have to be validated nationally and a Country Self-Assessment Report (CSAR) is submitted to the APR Panel.

8. The country undergoing review is required to use the CSAR findings to prepare a draft National Programme of Action (NPoA) aimed at addressing identified shortcomings. The NPoA is then submitted to the APR Panel as an integral part of the CSAR. The primary purpose of the NPoA is to guide and mobilise the country's efforts in implementing the necessary changes to improve its state of governance and socio-economic development.[2]

[2] The NPoA is, thus, the country's key input to the peer review process. It serves to present and clarify national priorities; activities to prepare for, and participate in the APRM; and, the nature of the national consultations. The NPoA also indicates the programme implementation responsibilities of the various stakeholders - Government, civil society organisations, private sector, the judiciary, political parties, national assemblies, the media, women, youth, people with disabilities, trades unions, religious bodies, professional bodies, corporate entities and organisations (private, public and informal), academia, and research institutions.

9. As the country prepares its CSAR, including the NPoA, the APR Secretariat prepares a comprehensive background document on the country. Document preparation draws on up-to-date information from national, sub-regional, regional, and international sources. The background paper serves to cross-check the information from the CSAR.

10. On the basis of the CSAR, the NPoA, and the Background Papers, the APR Secretariat develops an *Issues Paper* outlining the key issues for the review process to focus on. The following are the main considerations in the preparation of the *Issues Paper.*

Stage Two

11. During the second stage, a Country Review Mission under the leadership of the APR Panel visits the country to carry out the widest possible range of consultations with Government, officials, political parties, parliamentarians, and representatives of civil society organisations, including the media, academia, trades unions, business and professional bodies [APRM Base Document, paragraph 18]. The main CRM objectives are: i) to learn about the different stakeholders' perspectives on governance in the country; and, ii) clarify issues identified in the Issues Paper and build consensus on how to tackle the different issues.

Stage Three

12. The main activity under Stage Three is drafting the Country Review Report. This drafting is informed by the CSAR and the NPoA, the Background Paper and the *Issues Paper*, as well as information made available to the CRM during the wide-ranging national stakeholder consultations.

13. The draft CRR takes into account the applicable political, economic and corporate governance and socio-economic development commitments made in the preliminary Plan of Action, identifies any remaining weaknesses, and recommends further action for inclusion in the final Programme of Action. The draft report will need to be clear and specific on required action wherever outstanding issues are identified.

14. The draft Country Review Report is first discussed and validated by the APR Panel. It is then sent to the Government concerned to verify the accuracy of the information. Government is given an opportunity to respond to the findings and put forward its own view on how the shortcomings could be rectified. These responses are appended to the CRR. At this stage, the country finalises its NPoA, taking into account the Report's conclusions and recommendations.

Stage Four

15. Stage Four involves the submission by the APR Panel of the CRR, together with the country's final NpoA, to the APR Forum for peer review and, subsequently, for implementation according to the APR Forum's mandate. If the country demonstrates a strong will to rectify identified shortcomings, it is incumbent on participating governments to provide assistance to the extent they can, and to urge development partners and agencies to come to that country's assistance.

Stage Five

16. The final stage of the APRM process entails the formal publication and presentation of the country review report to various institutions, after examination by the APR Forum. Key institutions include the regional and sub-regional structures, such as the Regional Economic Community (REC) to which the country belongs, the Pan-African Parliament, the African Commission on Human and Peoples' Rights, the Peace and Security Council, and the Economic, Social and Cultural Council (ECOSOCC) of the AU.

1.1.3. APRM Principles

17. The APRM depends on a number of essential factors and principles to be truly effective. These include, *inter alia:* national ownership and leadership by the participating country; inclusiveness and broad-based participation; accountability; technical competence; credibility; and, freedom from political manipulation.

18. Rules and procedures incorporating these principles have been developed to guide all stakeholders through the review process. They include the APRM Base Documents; the 'Guidelines for Countries to Prepare for and to Participate in the APRM' (Country Guidelines); and, the Standard Questionnaire for APRM assessment that is sent to all countries.

1.2. THE IMPLEMENTATION OF THE APRM PROCESS IN TANZANIA

19. Tanzania acceded to the APRM by signing the MoU on 26 May 2004 and the national Parliament ratified the MOU on 1 February 2005. The review process in Tanzania commenced with the appointment of Hon. Bernard Kamillius Membe (MP), Minister of Foreign Affairs, as the APRM National Focal Point for Tanzania. Awareness-raising activities were carried out with key stakeholders, including Members of Parliament and civil society organisations (CSOs), to facilitate implementation.

20. This process resulted in the establishment of the NGC, an inclusive body with members from government, civil society and the private sector, as shown in Table 1.1.

Table 1.1: Tanzania National Governin g Council Membership Composition

Name	Designation	Institution
1. Prof. Hasa Mlawa	Chairman	University of Dar es Salaam
2. Ms. Oliva Kinabo	Vice Chairperson	Tanzania Episcopal Conference
3. Mr. Said M. Muhammed	Member	Ministry of Constitutional Affairs and Good Governance-Zanzibar
4. Mr. Mathew Mhina Mwaimu	Member	Ministry of Justice and Constitutional Affairs
5. Mrs. Rosemary Jairo	Member	Commission on Human Rights and Good Governance
6. Mr. Anthony Ngaiza	Member	Media
7. Prof. Ibrahim Shao	Member	University of Dar es Salaam
8. Dr. Salim Nasser	Member	Private Sector, Zanzibar
9. Mr. Willigis Mbogoro	Member	Tanzania Federation of Cooperatives
10. Mr. Samson Chemponda	Member	National Business Council
11. Sheikh Suleiman Lolila	Member	Tanzania Muslim Council (BAKWATA)
12. Mrs. Thecla Shangali	Member	Public Service Commission
13. Mr. Nestory Masswe	Member	Tanzania Non Governmental Organizations (TANGO)
14. Hon. John Magalle Shibuda	Member	Tanzania Parliament (opposition side)
15. Hon. Martha Jachi Umbulla	Member	Tanzania Parliament (for ruling party)
16. Mr. Palemon G. Rujwahula	Member	Tanzania Confederation of Disabled Groups (SHIVYAWATA)
17. Prof. Ruth Meena	Member	Tanzania Gender Networking Programme (TGNP)
18. Mr. J.G. Wilson Mallya	Member	Tanzania Farmers Association
19. Mr. Peter Joseph Masika	Member	Tanzania Youth Alliance (TAYOA)

*One position is vacant due to the untimely death of current member Mr. Elvis Musiba, Tanzania Private Sector Foundation-TPSF

Source: Compilation by APRM Mission, March 2012.

21. A National Secretariat was set up to support day-to-day operations while four technical research institutions were identified to undertake the self-assessment exercise. The Government of Tanzania also made adequate budgetary provisions for the national process. These developments fully epitomise the United Republic of Tanzania's commitment to the process.

1.2.1 The APRM Country Support Mission and the Follow-up Mission

22. The first Country Support Mission (CSM) to Tanzania was undertaken in 2006. The overall objective of the CSM was to review Tanzania's progress in arranging to carry out the peer review.

23. Three years later, delays in implementing the APRM process led the APR Panel to organise a follow up mission – the Country Support Follow-up Mission (CSFM) to Tanzania – which visited the country on 3 - 4 March 2009. The team was led by Prof. Adebayo Adedeji, member of the APRM Panel of Eminent Persons at the time and leader for the Tanzania governance assessment process.

24. This visit was necessary because a long time had elapsed since the 2006 Country Support Mission. In the course of the Follow-up Mission, members of the National Governing Council, State and Non-State Actors and the proposed Technical Research Institutions worked with the team on the self-assessment process. The CSFM agreed with the NGC on the road map for the Tanzanian process. In this road map, Tanzania was to be peer reviewed in January 2010. However, this did not happen for a number of reasons, including the Tanzania general elections that were held in October 2010.

1.2.2 Methodology Used for the Country Self-Assessment

Technical Assessment Teams

25. Four Technical Assessment Teams (TATs) were selected to carry out the governance assessment in the four thematic areas. Three came from the following departments at the University of Dar es Salaam: the Department of Political Science and Public Administration (Democracy and Political Governance); the Department of Economics (Economic Governance and Management); and, the Faculty of Arts and Social Sciences (Corporate Governance). The Assessment of governance in the Socio-economic Development thematic area was done by the Research on Poverty Alleviation (REPOA). Also a team of experts from the University of Dar es Salaam's Statistics Department carried out expert- and household-level perception surveys. The four TATs were tasked with preparing the CSAR.

26. Household and expert opinion surveys were conducted in all 26 regions of Tanzania (both Mainland Tanzania and Zanzibar) to elicit people's opinions on governance. A different survey for corporate organisations was conducted with a view to establishing gaps in governance and best practice in their country operations. Opinions and investigations on governance submitted by key social groups, mostly made up of leading CSOs, were also incorporated into the reports. Finally, the opinion survey findings were incorporated into the desk research and discussed by stakeholders. The reports were then subjected to quality assurance and validation by stakeholders. Finally, the thematic area reports were consolidated into a single report: the Country Self Assessment Report (CSAR) with its accompanying Preliminary National Program of Action (NPoA), aimed at addressing the identified gaps in governance.

27. For the expert survey, a total of 110 experts were interviewed. This included 3 experts from each of the 25 regions and 35 experts from Dar-es-Salaam Region. It was also planned that at least one woman be selected from each region and that at least 17 women be selected from Dar-es-Salaam region.

28. For the Household Survey, a sampling procedure similar to the 2002 Population and Housing Census was used to select rural and urban areas for sampling purposes. The sample had a total of 65 sampling locations out of which 48 were in rural areas and 17 in urban areas. The sample also took into account gender balance that is, out of the total of 42 respondents required from each rural location, 21 were women and the other 21 were men. Similarly, out of the 34 respondents required from each of the urban locations, 17 were women and the

other 17 were men. The total number of households sampled in the country was 2,594: roughly 23 per cent of the sampled population in urban areas and 77 per cent in rural areas. A total of 2,559 households were covered against the planned number of 2,594 households, an excellent coverage rate.

Validation of the Country Self Assessment Report

29. The Country Self Assessment Report (CSAR) was validated throughout the Country in 5 national and 9 regional validation workshops. The CSAR, including the draft National Programme of Action, was submitted to the APRM Secretariat in May 2009. In all, the 500-page CSAR was sufficiently candid about the governance situation in Tanzania. The Report also meets the APRM avowed objective of technical competence. The six-stage methodology adopted in coming up with the Report is apt and highly recommended to other countries embarking on their Self-Assessment.

1.2.3 The Country Review Mission

30. The Country Review Mission was fielded from 2 – 23 March 2012 and led by Barrister Akere Muna, Lead Panelist for Tanzania. It comprised 21 prominent African experts in the four thematic areas of the APRM. These included independent consultants, experts from APRM Strategic Partners (UNECA, UNDP and AfDB) as well as staff members of the APR Secretariat, as indicated hereunder.

A. APR Panel

- Barrister Akere Muna, Lead Panelist for Tanzania (Cameroon)

B. Independent Technihcal Consultants

Democracy and Political Governance

- Prof. Jinadu Adele, Nigeria;
- Dr. Annie Chikwanha, Zimbabwe;

Economic Governance and Management

- Dr. Abdul Aziz Jalloh, Sierra Leone
- Dr. Thomas Kibua, Kenya

Corporate Governance

- Ms. Candy Wekesa Okoboi, Uganda;
- Prof. Ameze Guobadia, Nigeria;

Socio-economic Development

- Dr. Bernard Z. Dasah, Ghana;
- Dr. Francis Chigunta, Zambia;

C. Partner Institutions

African Development Bank (AfDB)

- Mr. Baboucarr Koma
- Mr. Dawit Makonnen

Economic Commission for Africa (ECA)

- Dr. Kojo Busia
- Dr. Rose Aderolili

United Nations Development Programme (UNDP)

- Prof. Mohiddin Ahmed
- Ms Evelyn Edroma

D. APR Secretariat

- Dr. Rachel Mukamunana (Tanzania Country Coordinator and Coordinator, Political Governance, APRM Secretariat, South Africa); and,
- Mr. Pierre Demba (Research Analyst, Socio-economic Development, APRM Secretariat, South Africa).

1.2.4. Activities undertaken during the CRM

31. The National Focal Point and the national APR Secretariat facilitated the work of the Country Review Team in Mainland Tanzania and Zanzibar.

32. In the course of its work, the CRM met with senior Government officials in the thematic clusters. It also interacted with representatives and officials of various institutions with a bearing on governance, including Cabinet, the Judiciary and the Attorney General, the National Assembly, the Internal Revenue Authority, the Auditor General, the Central Bank, the Anti-Corruption Body, and various Government departments. The CRM also held discussions with non-state stakeholder groups, including private sector representatives, civil society organisations, women's groups, and political parties. The CRM also held a meeting with development partners.

33. In Dar es Salaam, the Team met with the following during the month of March 2012:

- Technical Assessment Teams (TATs), Dar: 3rd March
- Non state actors in Dar: 4th March;
- State Actors, Dar: 5th March;
- Focal Point Hon. Bernard Camillus Membe, Minister, Dar: 5th March;
- His Excellency Seif Sharrif Hamad, first Vice President of Zanzibar: 6th March;
- His Excellency Ambassador Seif Alli Iddi , Second Vice President of Zanzibar: 6th March;
- His Excellency Jakaya Kikwete, President of the URT: 7th March;
- His Excellency Dr. Mohammed Gharib Bilal, Vice President (Union): 16th March;
- A meeting with the governance group representing the development partners in Tanzania: 16th March.
- Leaders of political parties: 17th March;
- Judges of High Court and Court of Appeal including the Chief Justice: 17th March;
- Chairpersons of Parliamentary Standing Committees including Hon. Speaker Anne Makinda: 17th March; and,
- Zanzibar State and non-state actors: 18th March
- Permanent Secretaries: 19th March
- Business Community: 19th March;and
- Debriefing H.E. Jakaya Mrisho Kikwete, the President of the URT: 20th March

34. The Country Review Team split into two groups. Team A travelled to the following regions: Zanzibar, Pemba, Mtwara, Mbeya, and Dodoma. Team B travelled to Kagera, Arusha, Songea, and, Kigoma.

35. In each region, as a general rule, the teams met with two types of stakeholders (in combined or separate meetings):

- State actors comprising various government employees such as district commissioners, state attorneys, magistrates, teachers, ward executives, senior officials of government agencies; and,
- Non-state actors including leaders of civil society organizations, political parties, private business persons, farmers, leaders of women's organisations, and other special groups like children, students organisations, cooperative unions.

His Excellency President Jakaya Mrisho Kikwete and His Excellency Vice President Dr. Mohammed Gharib Bilal (Union) with members of the Tanzania Country Review Mission Team.

1.3. Structure of the Report

36. The report is divided into seven chapters. This introductory chapter is followed by Chapter Two, which provides an overview of Tanzania as a backdrop to the report. Chapters Three to Six evaluate developments and challenges in the four APRM focus areas (Democracy and Political Governance; Economic Governance and Management; Corporate Governance; and, Socio-Economic Development), respectively. Each of these chapters has two sections: the first analyses compliance with and implementation of the APRM codes and standards, while the second assesses the APRM's objectives for that thematic area. Each section begins with a summary of the Country Self-Assessment Report (CSAR), followed by the Country Review Mission (CRM) findings and finally, provides the APR Panel's recommendations on the identified challenges. Best practices are highlighted in boxes. Chapter Seven discusses critical cross-cutting issues, considered as such because of their wider impact on governance and thus, requiring holistic, immediate and urgent attention.

CHAPTER TWO

HISTORICAL BACKGROUND

37. Tanzania has a proud and impressive history. Spanning an area that is often boasted of as 'The Cradle of Mankind'[3], the United Republic of Tanzania is a large, peaceful and stable country that has successfully built up a strong national identity in the midst of great ethnic, regional, and religious diversity. Enviably, the country remained unscathed by the ethnic rivalries and political upheavals that plague many countries on the African continent. Tanzania hosts over 120 ethnic groups, co-existing harmoniously to a large degree, and earning the country the distinction of being known as a beacon of stability on a continent rife with tribalism and civil strife.

38. In 2011, Mainland Tanzania, formerly Tanganyika, celebrated its 50th independence anniversary. The month-long celebration was a symbolic celebration of progress since political independence from Britain in 1961 and, at the same time, was a reflection on challenges that lie ahead. In the course of its five decades of *uhuru* (independence), Tanzania has, without any doubt, made significant progress in eliminating poverty, ignorance and disease.

Box 2.1: Tanzania as the Cradle of Mankind
There is a general consensus amongst scientists that the origins of humanity are to be found in the Great Rift Valley which dominates the landscape of much of East Africa. Northern Tanzania's Olduvai Gorge has provided rich evidence of the area's prehistory, including fossil remains of some of humanity's earliest ancestors. In 1959, Dr. L. S. B. Leakey, a British anthropologist, discovered the fossilised remains at Olduvai Gorge in NE Tanzania of what he called *Homo habilis,* who lived about 1.75 million years ago. Tanzania was later the site of Paleolithic cultures.

39. However, as President Jakaya Mrisho Kikwete stressed during the independence celebrations, Tanzanians still have a very long way to go in the struggle for national development. Addressing the nation at the climax of celebrations marking the 50th independence anniversary of Mainland Tanzania, President Kikwete stated that the country had experienced rapid economic and social transformation when compared to its situation during 77 years of German and British colonial rule. In the early part of the 20th century, Tanganyika was part of *Deutsch Osta Afrika* (German East Africa) that included Burundi and Rwanda for 34 years until 1918, when Britain assumed control of the territory.

40. For a better appreciation of Tanzania's remarkable achievements, especially the peace and political stability that the country has enjoyed over the last five decades, knowledge of the historical perspectives and the contemporary context is required. Below is a summary of the United Republic of Tanzania's history from the pre-colonial period to the present day.

2.1. Brief Political History

Pre-colonial

41. During the pre-colonial period, the territory known today as 'Mainland Tanzania' was linked to the coastal region through trade. Although not much is known about the hinterland, oral history indicates that indigenous people and their trade caravans travelled across the territory from the coast. These are the same routes along which Arab traders used to move inland in search of slaves and ivory. Those following the southern route obtained mainly

[3] The earliest recorded footsteps of hominoid man at Olduvai Gorge, in the Ngorongoro Highlands, bear witness to the very beginnings of mankind.

slaves and ivory, while along the more northerly routes ivory was the chief commodity purchased. As a result, the Swahili language (a blend of the Bantu language and an extensive Arabic vocabulary) and culture gained new adherents across pre-colonial Tanzania. Two thirds into the 19th century, several European missionaries and explorers visited various parts of Tanzania, notably Mount Kilimanjaro, Tabora, Lake Victoria, and Lake Nyasa.

Colonialism

42. The colonisation of present day Tanzania can be traced back to German imperial ambitions. As the scramble for African territory among the European powers intensified in the 1880s, Carl Peters and other members of the Society for German Colonization signed treaties with some African chiefs (1884–85) in the Tanzanian hinterland. By an agreement with Great Britain in 1886, Germany established a vague sphere of influence over Mainland Tanzania, with the exception of a narrow strip of land along the coast that remained under the suzerainty of the sultan of Zanzibar. He leased it to the Germans.[4] The German East Africa Company (founded 1887) governed the territory called German East Africa.[5] As the Company had proved to be an ineffective ruler, the German Government took over the country (which by then included the coast) in 1891 and declared it a protectorate.[6] However, the African tribes deeply resented the German presence, particularly when harsh forced labour methods were used to cultivate the new and alien crops. The result, in 1905, was a widespread popular rebellion which became known as the *Maji Maji* rising[7]. From 1905 to 1907, the *Maji Maji* revolt against German rule engulfed most of south-east Tanzania. It is estimated that about 250,000 Africans lost their lives from German military campaigns and the lack of food.[8]

43. During World War I, British and Belgian troops occupied most of German East Africa (1916). After the war ended, the treaty of Versailles, in 1919, granted Britain a League of Nations mandate to govern the former German East Africa – which acquired a new name, Tanganyika.[9] British policy from the 1920s encouraged indigenous African administration along traditional lines, through local councils and courts. A legislative council was also established in Dar es Salaam, but African members were not elected to this until after World War II. By then, local political development was an obligation under the terms of the 1947 UN trusteeship under which Britain placed Tanganyika.

The rise and triumph of nationalism

44. After World War II, Tanganyika became a UN territory under British control. In later years, Tanganyika gradually moved towards self-government and independence. The movement for independence was led by a group of people representing various ethnic groups under the leadership of the revered former Tanzanian President, the late Julius Kambarage Nyerere. Son of a chief, a convert to Roman Catholicism while studying at Makerere college in Uganda, and later an undergraduate for three years at Edinburgh university, Nyerere returned to Tanganyika in 1953.[10] The following year, he and Oscar Kambona transformed the Tanganyika African Association (founded in 1929) into the more politically-oriented Tanganyika African National Union (TANU). From the start, its members featured prominently in elections to the legislative assembly.

45. On 29 March 1961, Britain agreed that Tanganyika would become an independent state. TANU easily won the 1958–60 general elections. In May 1961, Tanganyika became autonomous and Nyerere became Prime Minister under a new constitution. Full independence was achieved on 9 December 1961. Nyerere, fondly known as *Mwalimu,* then aged 39, was elected President when Tanganyika became a Republic within the Commonwealth, a year after independence. Tanganyika was the first East African state to gain independence. Tanganyika later joined with Zanzibar to form Tanzania.

[4] A second Anglo-German agreement (1890) added Rwanda, Burundi, and other regions to German East Africa.

[5] The Company's aggressive conduct resulted in a major resistance movement along the coast by Arabs, Swahili (whose main leaders were Abushiri and Bwana Heri), and other Africans, that was only defeated with German Government help.

[6] However, it was not until 1898, with the death of Mkwawa, the Hehe ruler who strongly opposed European rule, that the Germans succeeded in controlling the country.

[7] *Maji* is the Swahili for 'water'. The rising got its name because a belief spread among the African workers that a magic potion of water, castor oil, and millet seeds could turn German bullets to water.

[8] The German commander, General von Götzen, used a strategy hardly more humane than that of his colleague von Trotha in Namibia, whose brutality had caused an international outcry only a year previously. Von Götzen decided that in the long term only famine would bring the rebellious native workers to heel. He instructed his troops to move through the country, destroying crops, removing or burning any grain already harvested, and putting entire villages to the torch.

[9] Increasing numbers of Africans worked for a wage on plantations, especially after 1945, when economic growth began to accelerate. Also after 1945 Africans gradually gained more seats on the territory's legislative council (which had been established in 1926).

[10] At the time, Nyerere, a school teacher, was one of only two Tanganyikans educated abroad at university level.

Revolution in Zanzibar

46. Zanzibar today refers to the island of Zanzibar, also known as *Unguja,* and the neighbouring island of Pemba.[11] Both islands fell under Portuguese domination in the 16th and early 17th centuries but were re-taken by Omani Arabs in the early 18th century. The height of Arab rule came during the reign of Sultan Seyyid Said who moved his capital from Muscat to Zanzibar, and encouraged the development of clove plantations, using the island's slave labor.

47. Under the Sultanate, the Arab population comprised the ruling class and landed aristocracy. Arabs, primarily from Oman, seized large tracts of land on *Unguja* (except in the less fertile far north of the island) to set up highly profitable spice plantations.[12] Dispossessed indigenous Zanzibaris (known as Shirazis) became agricultural workers, sharecroppers, or semi-serfs. The plantations were also worked by slaves or former slaves, originating from the Mainland. There was also significant mainland migration to the islands, especially *Unguja,* to work menial jobs during the boom years of the spice trade.[13] The Afro-Shirazi population of *Unguja* mostly resented their Omani and British rulers.[14]

48. The British ruled Zanzibar on behalf of the Sultan, not on behalf of his subjects. Their policies explicitly favored Arabs and Asians over Shirazis and mainland Africans (in that order). The Heligoland-Zanzibar Treaty of 1890 made Zanzibar and Pemba a British protectorate. British rule through a Sultan remained largely unchanged from the late 19th century until 1957, when elections were held for a largely advisory Legislative Council. A series of pre-independence elections revealed two camps: the anti-Sultanate, Africa-oriented and secular Afro-Shirazi Party (ASP), with its stronghold in the densely populated areas of *Unguja*; and, the pro-Sultanate, Arab World-oriented, and explicitly Islamic Zanzibar Nationalist Party (ZNP) and its Pemban ally (the Zanzibar and Pemban People's Party - ZPPP), supported by most Arabs, Asians, far northern Ungujans, Pembans, and those who worked for the state. The ASP consistently received a slightly larger share of the popular vote, but the ZNP and its ally received more seats because they were more predominantly represented in a greater number of constituencies.

49. In November 1960 the British Parliament approved a new constitution for Zanzibar. The first elections to the newly-established Legislative Council were held in January 1961 and ended in a deadlock. Further elections, held in June, were marred by serious rioting and heavy casualties. Ten seats were won by the ASP, representing mainly the African population; 10 by the ZNP; and 3 by the ZPPP, an offshoot of the ZNP. The ZNP and ZPPP combined to form a Government with Mohammed Shamte Hamadi as Chief Minister. In December 1963, Zanzibar became independent and the British handed power to the two parties friendliest to the Sultanate and the status quo: the ZNP and ZPPP.

50. In January 1964, one month after independence from Britain, Zanzibar (specifically *Unguja)* experienced a bloody uprising against the institutions of the Sultanate, the ZNP/ZPPP Government, the Arab and Asian communities, and any Shirazis considered friendly to the state (such as ZNP members and Pembans). The ASP leadership and its allies assumed control under a 'Supreme Revolutionary Council' and extended their control to Pemba (which had not participated in the uprising).[15] Sheikh Abeid Amani Karume became the President of Zanzibar and Chairman of the Zanzibar Revolutionary Council until his assassination on 7 April 1972. After a few months, the ASP leadership accepted an offer of union with Tanganyika (forming the nation of Tanzania).

[11] Zanzibar, population about 1.3 million (3 per cent of Tanzania's population), consists of two main islands and several small ones just off the Tanzanian coast. The two largest islands are *Unguja* (often referred to simply as Zanzibar) and Pemba. Zanzibaris, together with their socio-linguistic cousins in the Comoros Islands and the East African coast from modern-day southern Somalia to northern Mozambique, created Swahili culture and language, which reflect long and close associations with other parts of Africa and with the Arab world, Persia, and South Asia.

[12] Zanzibar and Pemba became world-famous for their trade in spices and became known as the Spice Islands; in the early 20th century, they produced approximately 90 per cent of the world's supply of cloves. Zanzibar was also a major transit point in the East African and Indian Ocean slave trade. The island attracted ships from as far away as the United States which established a consulate in 1833. The United Kingdom's early interest in Zanzibar was motivated by both commerce and an apparent determination to end the slave trade.

[13] In 1822, the British signed the first of a series of treaties with Sultan Said to curb this trade, but not until 1876 was the sale of slaves finally prohibited.

[14] Shirazis from the northern tip of *Unguja*, the nearby island of Tumbatu, and Pemba enjoyed symbiotic commercial relations with the new Arab arrivals and their Sultanate. They were not dispossessed of their lands. They mostly prospered under the Omanis. Pemban and far northern *Unguja*n Shirazis tended to identify their interests with the Sultanate.

[15] Pemba was ruled by "Commissars" who used floggings, forced labor, and public humiliation to enforce their will over a hostile population.

The birth of modern Tanzania

51. On 26 April 1964, Tanganyika united with Zanzibar to form the United Republic of Tanganyika and Zanzibar. The country was formally named the United Republic of Tanzania (URT) on 29 October of that year. The name Tanzania is a portmanteau of *Tanganyika* and *Zanzibar.* Under the terms of this union, Mwalimu Julius Kambarage Nyerere became the first President of the URT while Sheikh Abeid Aman Karume became the Vice President of the URT, in addition to his position as the President of Zanzibar and the Chairman of the Zanzibar Revolutionary Council. Although formally united with the mainland, Zanzibar retained considerable independence over domestic affairs.

52. Zanzibar has its own President and a legislative body known as the House of Representatives. The Parliament of the URT has members of parliament from both Zanzibar and Mainland Tanzania. Zanzibari members in the Union Parliament include those directly elected from Zanzibar's electoral constituents, Special seats for women and those appointed by the President of the URT. Zanzibar is responsible for all issues that concern it as a country, except for twenty-two 'Union Matters'.

53. Julius Nyerere became a visionary nationalist committed to the creation of unity, peace and development in the emerging young nation. To form a sole ruling party in both parts of the union, he merged TANU with the Zanzibar ruling ASP to form the CCM (Chama cha Mapinduzi or Revolutionary Party), on 5 February 1977. To further his aim for national unity, Nyerere established Kiswahili as the national language.

54. As the sole legal political party for Tanzania, CCM had the role of directing the population in all significant political and economic activities. In practice, party and state were one. On 5 February 1977, the union of the two parties was ratified in a new constitution. The merger was reinforced by principles enunciated in the 1982 Union Constitution and reaffirmed in the Constitution of 1984.

Box 2.2: Best Practice: the Union of Tanganyika and Zanzibar
The URT is unique for being the only surviving pan-Africanist project involving the union of two independent African countries, through the adoption of a federal or quasi-federal constitution, which shares sovereignty between the countries involved in the union. The Union, therefore, offers useful lessons to countries seeking to join together, especially in terms of how to sustain diversity in unity, given the historical and inherited significant diversities within each of the parties in the Union.

2.2. Political and Socio-economic Transformation in Tanzania

55. Since independence, Tanzania has undergone significant political and economic transformation. This stems from a series of socio-economic and political processes over the past four decades. Major political shifts influenced economic processes at the same time as the economic processes influenced political shifts.

56. There were three distinct phases in Tanzania's political and economic development. The first phase runs from 1961 to 1967, the main characteristic being continuity with economic policies inherited from the colonial masters. The economy (industries, plantations, mines and other commercial activities) remained essentially in the hands of British and Asian businemen. According to Kaiser (1996), after Tanganyikan independence, *"…efforts were made to implement a programme which depended on foreign investment to support massive, capital intensive industrialization and agricultural development projects".* The capitalist, market-driven orientation continued during the first years of independence. However, the expected fruits of independence did not materialise for the majority of the people.

57. The second phase of political and economic transformation began in 1967. Facing the enormous challenges and imbalances brought about by capitalism in a largely rural and poor country, President Julius Nyerere sought to build a new nation based on the principles of egalitarianism, socialism and self-reliance. The *Arusha Declaration* - proclaimed in 1967 - dramatically altered Tanzania's political and economic landscape. Drawing on a wide variety of traditional African values and European philosophies, President Nyerere developed a unique governing philosophy known as *'Ujamaa'*, or 'familyhood' in Kiswahili. The capitalist, market-led economy that was inherited at independence was replaced by a state-owned, centrally-planned and controlled economy. All the major means

of production were nationalised. It is this philosophy that guided Tanzania on a path of peace and stability, and provided social infrastructure and equitable economic development until the mid-1980s.

58. Following the *Arusha Declaration*, the scope of the state expanded rapidly into virtually every sector. Government experimented with several approaches to agricultural and rural transformation (*Wangwe*, 2011). The state controlled the economy and owned all major enterprises. Tanzania also made considerable strides towards human capital development during that period but progress along this path seems to have been stretched to its limits towards the end of the 1970s.

59. Efforts aimed at promoting self-reliance through *Ujamaa* encountered numerous economic challenges. Although macroeconomic balances were reasonably sustainable during the 1976-78 period, major deteriorations had already emerged during the last two years of the decade. Towards the end of the 1970s and in the early 1980s, Tanzania experienced a deep economic crisis. This crisis was a reflection of the disintegration of the post-independence *Ujamaa* developmentalist and welfare-bestowing state. The Government ultimately yielded to pressures to adopt the World Bank led-policy reforms, generally referred to as structural adjustment programmes (SAPs). The adoption of SAP detonated a major paradigm shift in the political economy of Tanzania, resulting in a move away from a socialist regime to a market-oriented economic system. This marked the beginning of the third phase of Tanzania's political and economic transformation.

Political transformation

60. The politics of democracy in Tanzania underwent a considerable evolution from the one-party political system - in which major groups in society are subordinate to the supremacy of the ruling party - to multipartism, from 1992, bringing greater freedom to various groups in society and enabling them to express their interests outside the ambit of the single party.

61. After independence in 1961, the immediate challenge for the Party was to redefine its role from that of an opposition to a ruling party *(Ibid.).* The TANU Government inherited the highly centralised bureaucratic structures of the colonial state, with its attendant restrictions on political freedoms and civil society involvement, all based on the politics of social exclusion. In the process of transforming itself to a ruling political party, TANU slowly eroded some of the basic democratic principles it had been fighting for.

62. By the end of 1970s, the Party had established the institutions and structures for it to assert itself as the supreme organ of the state. Democratic institutions were weakened as the ruling party took steps to reduce the power of local councils and cooperatives as well as eroding locally based development initiatives such as self-help schemes (*Wangwe*, 2011). In 1972, TANU endorsed a decentralisation exercise, which replaced the district councils with a centrally-controlled administrative apparatus.

63. The introduction of the one-party state further consolidated and centralised power within the ruling party. President Nyerere proceeded to merge TANU with the ruling ASP of Zanzibar to form the *Chama cha Mapinduzi* (CCM). To further his aim for national unity, Nyerere established ki-Swahili as the national language. On 5 February 1977, the union of the two parties was ratified in a new constitution. The merger was reinforced by principles enunciated in the 1982 Union Constitution and reaffirmed in the Constitution of 1984.

64. As the sole legal political party for all of Tanzania, CCM had the role of directing the country in all significant political and economic activities. In practice, party and state were one. However, the economic crisis and the Economy Recovery Programme (ERP) – Tanzania's structural adjustment programme – eroded some of the ruling party's powers. Indeed, as Meena (2008) observes, the signing of the structural adjustment agreement between the International Monetary Fund (IMF) and Tanzania in 1986 was a major landmark in the country's political history.

65. The second set of reforms from the international financial institutions (IFIs) included 'liberalising' politics, in line with the market-driven economy (*Meena, 2008; Wangwe, 2011*). IMF/World Bank conditions included, among other things, a liberal political system to reflect the redefined role of the state in creating a regulatory and legal environment supportive of a market-driven economy. Pluralist politics were favoured as they were considered to be supportive of a free market economy doctrine.

66. In October 1985, Mwalimu Nyerere, a pioneer of the African one-party state, leader of the non-aligned movement and an advocate of African socialism, stepped down from office. Ali Hassan Mwinyi, his Vice President, succeeded him. Nyerere retained his position as Chairman of the ruling CCM party for five more years until 1990 when he handed that responsibility over to Mwinyi. However, he remained influential in Tanzanian politics until his death in October 1999.

67. Running unopposed, Mwinyi was elected President of Tanzania in 1985. In 1990, President Mwinyi appointed the Nyalali Commission to seek peoples' views on a multi-party system. Although the majority of the people preferred a one-party state, the Commission recommended the establishment of a multi-party system *(Meena, 2008).* In October 1995, Tanzania's first general multi-party elections were held since independence.[16]

68. In the 1995 elections, the ruling party won comfortably amid accusations of widespread irregularities and its candidate, Benjamin William Mkapa, was subsequently sworn in as the new President of Tanzania. Contested elections in late 2000 led to a massacre in Zanzibar in January 2001. In the October 2000 elections, Mkapa was re-elected. In 2005, Mr Jakaya Mrisho Kikwete of the *Chama Cha Mapinduzi* Party and Foreign Affairs Minister won the presidential elections, with 80 per cent of votes cast.

69. Tanzania held its fourth multi-party general elections on 31 October 2010. The ruling CCM party faced its most serious competition in the multi-party era. President Kikwete was re-elected with 61.7 per cent of the vote. The Chadema party, for the first time, garnered most of the opposition votes. Chadema's presidential candidate, Willibrod Slaa, took 27 per cent of the vote, while the Civic United Front (CUF)'s Ibrahim Lipumba received 8 per cent. Voter turnout – at 42 per cent - was by far the lowest in Tanzanian history. Hitherto, at least 70 per cent of registered voters had cast ballots.

70. The CCM retained its absolute majority in Parliament, with nearly 80 per cent of the seats. With a total of 47 seats – 24 elected and 23 'special seats' for women – Chadema for the first time displaced CUF as the official opposition and selected its Chairman, Freeman Mbowe, as opposition leader. The new Parliament selected Ms. Anne Makinda as Tanzania's first woman Speaker of Parliament. Makinda, a Member of Parliament since 1975 and former minister, had served as Deputy Speaker since 2005.

71. On the other hand, self-governing Zanzibar (3.0 per cent of Tanzania's population) has long been the tempestuous exception to Mainland Tanzania's peaceful politics. Until recently, serious irregularities and sporadic violence marred every election in Zanzibar since 1964. However, after years of abortive negotiations, the main opposition party - CUF - and the ruling party were able to come to a power-sharing agreement. The outcome of the 31 July 2010 referendum set the stage for peaceful general elections in Zanzibar. The power-sharing deal eliminated the winner-take-all system, giving the losing side one of two vice presidential slots and ministerial positions in proportion to the number of seats garnered in the House of Representatives.

Box 2.3: Best Practice: Political Reconciliation in Zanzibar

The entrenchment of power-sharing arrangements in the form of Government of National Unity (GNU) has been an innovative approach to end the long standing political conflict in Zanzibar where the society was politically and socially polarized from the colonial era, the polarization which continued after independence and further revived and intensified following the introduction of multiparty politics in 1992. After years of intense debates between the CUF and CCM, the two political parties finally reached a power-sharing agreement. Under the new constitutional arrangement, the party which wins the presidency in Zanzibar is required to form a government in collaboration with the party or parties which have representation in the House of Representatives. The party which takes the second position in the election gets the post of the First Vice President and ministerial portfolios are distributed in proportion to the share of seats in the House of Representatives. This arrangement significantly reduces the political stakes involved in elections in a situation whereby electoral political competition was a zero-sum-game and a matter of life and death among the two main contending political forces on the Islands

[16] In 1990, a coalition of ethnic and cultural groups of Zanzibar demanded a referendum on independence. They declared that the merger with the Mainland Tanzania, based on the now defunct ideology of socialism, had transformed Zanzibar from a bustling economic power into a poor, neglected appendage. Their demands were neglected.

72. In the 31 October 2010 elections, Ali Mohamed Shein - Zanzibar CCM presidential candidate - won with 50.1 per cent of the vote. Seif Sharif Hamad, runner-up CUF presidential candidate, received 49.1 per cent. Shein selected Hamad as his First Vice President and Seif Ali, the former Union Deputy Foreign Minister, as his Second Vice President.

73. In discussing the political history of Tanzania, it is important to note that the process, which led to the multi-party system of government in the country was engineered and largely controlled by the state. As some analysts have observed, political transformation processes could have been faster. This slow pace, just like in many other emerging democracies of Africa, has been attributed to the fact that the process has been state-driven, and the state being reluctant to rewrite the political rules for other actors to participate freely and fairly. Since the introduction of the politics of plurality, there has been a reluctance to guarantee many rights, characterised by a strong interest in controlling the media and a hesitance to open up the political system to free and fair competition *(Shivji,* 1991; *Meena*, 2008).

Economic transformation

74. In Tanzania, four major phases of economic policies affecting economic growth and socio-economic development can be identified. The first phase is from 1960 to 1967, when the country implemented a pro-growth market-driven economic policy based on the colonial economic model. The second phase was the implementation of the *Arusha Declaration* - from 1967 to 1986 - a socialist model emphasising policies of social equity and self-reliance with state involvement for managing key sectors of the economy. The third phase involved the implementation of Structural Adjustment Programmes (SAPs) - from 1986 to 2000 -which were to lay the foundation for the economic liberalisation. The current phase covers the period from 2000 onwards: a fully liberalised economy with some attempts to balance social equity concerns, good governance, and poverty reduction strategies.

The growth model (1960-1967)

75. Tanzania inherited an agrarian economy from the colonial state, with more than 90 per cent of the population living in rural areas. Julius Nyerere, founding President of Tanganyika, declared poverty and ignorance – the rampant disease - the immediate enemies of the newly-independent state. Development strategies were expected to usher in improved well-being for the people in terms of material welfare, health status, as well as literacy levels. A modernisation approach recommended by a World Bank Mission[17] was adopted. However, by the end of the sixties, neither the transformation approach nor the improvement approach arising from the adoption of the World Bank Mission Report had yielded the expected results (*Meena, 2008; Wangwe, 2011*). Although annual Gross Domestic Product (GDP) grew by 6 per cent, this had no significant impact on people's livelihoods since real per capita income increased by only 1 per cent per annum. The economy experienced what President Nyerere called *"Growth without Development"* (Nyerere, 1968). This is the context within which an alternative economic model was introduced through the .

The Arusha Declaration: Socialism and self-reliance

76. The *Arusha Declaration* of 1967 marked a significant policy shift away from a market-driven economy - with its emphasis on economic growth - towards a state-controlled economy emphasising social equity. The State was to play a greater role in managing the economy and distributing the benefits from the production systems. The Declaration was anchored in the traditional African philosophy of friendship, mutual respect and shared responsibilities.

77. Two strategies lay behind the implementation of the Declaration: nationalisation of major means of production and, creation of *Ujamaa* villages. The latter aimed to improve the livelihoods of the majority of men and women, while the former aimed to build up state capacity to regulate the economy and hence, distribute the accrued benefits. Unlike the previous village settlement schemes adopted immediately after independence, the *Ujamaa* villages programme covered a wider spectrum of the rural population. The village was not only considered a

[17] The mission was commissioned by the British colonial state.

basic unit of production, but also a social entity that provided social space for people's participation in their own development processes.

78. A socialist approach – African socialism – based on the notion of *Ujamaa* became the ideological basis guiding subsequent economic policies. Through the *Ujamaa villages*, Government sought to channel resources to local areas as a means of improving the well-being of its people. Purposeful measures were undertaken to invest public resources in human development, particularly in health, education and water supply. During this period, Tanzania made considerable achievements in human development *(Wangwe, 2011).*

79. In the health sector, a national health policy was formulated in the early 1970s with the overall objective of providing comprehensive basic health services to all citizens equitably, and as close to the people as possible. Health policy implementation was supported by many donors. By 1974/75, almost 9 per cent of total government expenditure was being channeled into the health sector (UTR: 1974/05). The result was the rapid physical expansion of health care facilities.

80. In the field of education, Tanzania took deliberate measures to transform the pyramidal structure inherited from the colonial system. In 1960, only one quarter of the total school age population had been enrolled in primary schools, and of the total adult population, only about 10 per cent were literate. By 1984, however, universal primary education had been more or less achieved - with gender parity - while adult literacy had increased from 10 per cent in 1961 to 60 per cent in 1981, and by 1987, had reached 85 per cent (URT 1987).

81. The implementation of the *Arusha Declaration* was supported by many Western donor agencies, including the World Bank, as it coincided with a global paradigm shift that advocated a pro-poor development agenda (Meena, 2008). According to Meena, in the 1970s, the total volume of foreign aid rose dramatically from US $51.2 million in 1970 to a peak of US $ 701.9 million in 1981. Total aid as a share of GDP rose from an average of 7.2 per cent in the period 1970-73 to 10.9 per cent between 1974 and 1976.

82. However, both the pro-poor approach of the seventies and the *Ujamaa* philosophy were short-lived because of the subsequent economic crisis. Towards the end of the 1970s and in the early 1980s, Tanzania experienced a deep economic crisis in which major macroeconomic variables were out of balance: high inflation rates, budget deficits, balance of payment problems, shortage of basic goods, and inefficiency in public enterprises. This, in turn, affected State capacity to manage and sustain social services, particularly health and education.

83. The crisis depicted a disintegration of the post-independence development-provider welfare state. Government ultimately yielded to pressure to adopt SAPs under the looming risk of economic collapse. Initially, the authorities reacted with unsuccessful home-grown adjustment efforts. In 1986, the Tanzanian authorities finally agreed to the first stabilisation and structural adjustment programme (SAP), guided by the World Bank and International Monetary Fund (IMF).

Structural Adjustment Programmes

84. In 1986, Government signed a standby agreement with the International Monetary Fund and a structural adjustment programme agreement with the World Bank. The subsequent Economic Recovery Programme (ERP) sought to move the country from partial liberalisation - depicting the home-grown reform programmes - into full-fledged liberalisation and stabilisation. To this end, the ERP focused on doing away with price controls, introducing market reforms, exchange rate liberalisation, fiscal reforms, and public sector downsizing - laying off large numbers of workers from the government sector and state-owned enterprises. In 1989, reforms entered a second phase known as ERP II (1989-1991). The new reforms maintained the focus on trade liberalisation, exchange rate liberalisation, and macroeconomic stability. Reforms were also extended to include the banking system, agricultural marketing, government administration, and the civil service, as well as social service sectors. The main critique of ERP is that it did not address the social dimensions of the economic crisis.

85. In 1997, the Tanzanian Government produced its first National Poverty Eradication Strategy. This strategy aimed to eradicate absolute poverty and attain a poverty-free society with improved social conditions and general welfare, by the year 2025. Poverty reduction strategy papers culminated in the adoption of Vision 2025 and the

first and second generation of poverty reduction strategies that have attempted to incorporate social, economic and political integration dimensions.

86. The realisation that policy reform processes initiated in the mid-1980s had no underlying long-term, nationally-owned development philosophy was the premise for the crafting of Vision 2025. The plan was for Tanzania to become a middle-income country with a high level of human development, free from abject poverty by 2025. Vision 2025 implementation is buttressed on good governance and economic competitiveness.

Absence of inclusive growth and structural transformation

87. Economic reforms in Tanzania have paid off. Annual GDP growth averaged 6.4 per cent over the last five years, exceeding 7.0 per cent in 2002 and 2003. Estimates put Tanzania's growth rate at 6.8 per cent in 2012 and 7.1 per cent in 2013. This strong growth performance reflects the fruits of responsible monetary and fiscal policy, concerted reforms, rapid export growth, and significant debt relief.

88. Ironically, in Tanzania, as in other African countries in recent years, economic growth did not translate into a significant improvement in people's lives. This is the paradox of growth, which former President Nyerere talked about in the 1960s. Despite impressive growth, little was achieved in terms of substantial and sustained poverty reduction. The incidence of income poverty only declined marginally from 35.8 per cent in 2000/01 to 33.6 per cent in 2010. Income poverty (basic needs and food poverty) varied across geographical areas, and was skewed against the rural areas. Tanzania's economy also remains donor-dependent while major sectors of the economy - agriculture and industry - have remained largely untransformed.

89. This underscores the view that socio-economic reforms do have important implications for societal transformation. However, these outcomes were not given due consideration in the reform processes in Tanzania. This Report observes that the patterns of thought prevailing in Tanzanian society were not sufficiently articulated to guide institutional change and socio-economic transformation in the country. In the absence of a well-articulated and universally understood guiding framework for national social transformation, it is not surprising that many Tanzanians feel left out, as expressed in various stakeholder meetings. This is a major challenge for Tanzania as it transits from a socialist to a market-driven economy. Admittedly, Tanzania's desired socio-economic transformation was articulated in Tanzania Vision 2025. But, as this Report shows, more needs to be done to mobilise the people of Tanzania to achieve the shared goals clearly delineated in Vision 2025.

90. The key lesson that emerges from the above observations is that the Tanzania's past holds important lessons for the present and the future. As the country consolidates its democratisation process and deepens the growth process, it is important for Tanzania to build on its legacy of equitable development and egalitarianism. This could prove critical to addressing the current problems of poverty, unemployment and inequality in the country.

Box 2.4: Best practice: Political stability and peaceful transfer of political power
The United Republic of Tanzania is a peaceful and stable country, which has successfully built a strong national unity and reduced significantly the impact of ethnic or regional divisions. The use of Kiswahili as a national language has largely contributed to this unity, which is Nyerere's legacy. Following the re-introduction of plural politics in 1985, Tanzania has successfully held four Presidential and Parliamentary elections. Tanzania's Constitution provides for two presidential term limits of five years each. At the end of their tenure, the Presidents have so far left office without attempting to extend their term limits, as has happened in some African countries. This practice has served to consolidate and deepen the democratization process in the country. However, it is important to note that the peaceful transfer of power in Tanzania has taken place within the ruling party. The challenge will come when it comes to handing over power from one political party to another

2.3. Tanzania's Strong Pan-Africanism and its Role in the liberation of Southern Africa

91. On achieving independence, Tanzania's leadership focus was on supporting the efforts of other African nations to gain independence. Tanzania's participation and leadership in the African liberation struggle is of significant value. As a key member of the Frontline States, which included Zambia and Botswana, it contributed significantly to Southern African States' achievement of independence by committing its scarce resources, diplomatic strength and military support. Nyerere pursued the ideals of liberation in dealings with the rest of the continent and, with the leaders of the few other African countries that were independent in 1963, established the Organisation of African Unity (OAU).

92. With independence, the political mandate of the Front Line States changed to an economic one and Tanzania, under the leadership of Mwalimu Nyerere, was one of nine countries that came together in 1980 to establish the Southern African Development Coordination Conference (SADCC), transformed into the Southern African Development Community (SADC) on 17 August 1992..

2.4. South-South Cooperation and Regional Integration

93. Tanzania championed some form of political union for African states, and promoted a non-aligned stance toward the Cold War antagonists. The URT accordingly played an important role in regional and international organisations. Julius Nyerere, Tanzania's first president, was one of the founding members of the Non-Aligned Movement. Furthermore, Tanzania played an active role in the G-77, the founding of the Organisation of African Unity (OAU), and SADCC. Mwalimu Nyerere was personally active in many of these organisations and served as Chairman of the OAU (1984-85) and Chairman of the six front-line states. Tanzania is a member of the East African Community (EAC) which was formed in 1967 and failed in 1977. In March 1996, Tanzania, Uganda, and Kenya revived economic and regional cooperation discussions. These talks culminated in the signing of the Treaty establishing the East African Community in November 1999, with headquarters in Arusha, Tanzania.

2.5 Hosting War Refugees

94. Long a host to substantial refugee populations, Tanzania was overwhelmed by refugees from the war in neighbouring Burundi in the 1990s. For decades Tanzania hosted one of the largest refugee populations in Africa. The United Nations High Commission for Refugees (UNHCR) announced on 30 January 2007 that, for the first time in more than a decade, Tanzania's refugee camp population had dropped below 300,000. More than 250,000 refugees went back home from Tanzania since 2002. Over 220,000 Burundian refugees who lived in refugee settlements in central Tanzania since 1972 were given the option to either return voluntarily to Burundi or be naturalised as Tanzanian citizens. In 2009, Tanzania granted citizenship to 162,000 Burundi refugees. More than 200,000 Burundian refugees who fled to Tanzania in 1972 still remain.

2.6. Peace Efforts in the Great Lakes Region and Beyond

95. Tanzania has long promoted efforts to resolve chronic conflicts, especially in the Great Lakes Region. Tanzania brokered peace talks to end the conflict in Burundi. On foreign policy, Tanzania played a leading diplomatic role in East Africa, hosting peace talks for the factions fighting in neighbouring Rwanda up until the Arusha Peace Accord. The UN International Criminal Tribunal for Rwanda (ICTR) is located in the town of Arusha. In March 2008, the Tanzanian military led an African Union-authorised force onto one of the islands in the Comoros archipelago to restore Government authority. Tanzania's participation in United Nations or African Union peacekeeping missions include deployments to Lebanon, Eritrea, Burundi, Southern Sudan, Seychelles, Sierra Leone, Côte d'Ivoire, Comoros and Sudan (Darfur).

CHAPTER THREE

DEMOCRACY AND POLITICAL GOVERNANCE

3.1 Overview

96. Since its inception, the URT alternated between the opening up and shrinking of the space for political pluralism and competitive party and electoral politics, as the country moved from a multi-party state to a one-party state, and then back to the multi-party state. From independence onwards, Tanzania's political evolution was shaped by the desire to promote political stability and national unity, and meeting the basic necessities of the people within an expanding framework of constitutionalism and the rule of law.

97. Tanzania continues to make appreciable progress in: (i) the peaceful management of conflict, political change and political succession; (ii) the promotion of constitutionalism and the rule of law; (iii) the promotion and protection of human rights; and, (iv) public sector reforms. However, there is still the need for strengthening political pluralism, especially competitive party and electoral politics, and managing the country's rich diversity.

98. In the area of political pluralism, the Commission for Human Rights and Good Governance (CHRAGG), the Combating and Prevention of Corruption Bureau (PCCB), the National Electoral Commission (NEC), and the Registrar of Political Parties, all need strengthening in view of the limitations and constraints that adversely affect their independence and resource capacities. Beyond strengthening these institutions, more such institutions also need to be established. They would be designed as horizontal institutions of accountability and transparency, to share the burden of democracy-promotion - in the areas of human rights, civic and political education, and public complaints. Indeed, such institutions are increasingly becoming the practice in several African countries, such as Ghana, Kenya, and South Africa.

99. When considering the management of diversity, there is the danger to social stability posed by rising internal conflicts over land in the country. The most common types of land disputes centre around (i) ownership; (ii) trespassing; (iii) benefits of third party land rights; and (iv) land acquisition and compensation. Furthermore, the dynamics of the country's adoption of a market-driven economy created a number of contradictions, throwing up new opportunities for the privileged few to amass wealth, while deepening poverty for the people as a whole.

100. Attention must be paid to these realities and the contradictions they continue to generate in a timely and appropriately manner. They may otherwise undermine the basic foundations of constitutional democracy and good political governance in Tanzania.

101. It is encouraging in this respect that the constitutional reform process to meet the broad challenges of strengthening political pluralism and diversity management was set in motion in 2011.

102. The constitutional reform process also provides an opportunity to strengthen the structure and the division of powers within the URT. This would address and resolve lingering issues raised by stakeholders during CRM consultations calling for more autonomy for Mainland Tanzania and Zanzibar. In Mainland Tanzania, stakeholders want more powers to be devolved to the regions; while in Zanzibar, stakeholders demand more autonomy.

103. Tanzania must pursue the on-going constitutional review process in a transparent manner that not only takes into account existing realities but also those likely to emerge. The process must also ensure broad-based popular participation. The reason for this is that the current process, much more so than previous constitutional amendment processes, should be people driven. It should provide opportunities for the people to participate fully and freely, properly informed about the new Tanzania's constitutional and political architecture and its design principles.

104. Ultimately, rising up to the challenge of democracy and political governance in Tanzania requires the country's leadership to demonstrate political will that takes advantage of the constitutional review process and addresses

matters arising from the return to the multi-party state and the adoption of market-driven economy. This means pursuing a redistributive public policy, designed to arrest and reverse deepening social and regional inequalities in the country, and establish more lasting institutional mechanisms and processes to manage diversity in the Union more creatively.

3.2 Standards and Codes

I. Summary of the CSAR

105. The CSAR shows that by 2008, Tanzania had ratified several international and regional instruments relating to refuges, psychotropic substances, narcotic drugs, hostage-taking, terrorism, stockpiling and use of chemical weapons, organized crime, nuclear testing, manufacturing and trafficking in firearms and ammunition, the elimination of mercenaries and migration.

II. Findings of the CRM

106. International, continental and regional conventions, treaties, charters and declarations are complementary and key building blocks for a democratic and developmental state. Adopting and implementing these commitments enables Africa to confront its governance, democracy and human rights challenges in a concerted and integrated manner at international, continental, regional and national levels.

107. Tanzania has ratified 144 instruments relating to several essential issues for promoting peace and enhancing democracy and development. As reflected in the CSAR, most (104) of these instruments are multilateral, 22 are continental and there are 18 regional ones. (Refer to Annex on Instruments). However, Tanzania has not completed the processes leading to domestication, reports the CSAR. Nineteen (19) instruments were signed but are yet to be ratified, or their status is not indicated (Tables 3.1 and 3.2). A significant amount of time elapses between signature and ratification. For example, the International Tribunal for the Law of the Sea's Agreement on Privileges and Immunities was signed in 1998, and ratification is still in progress. This points therefore to the need for the demonstration of the political will and the reinforcement of the institutional capacity to ensure follow up on the domestication process and implementation of international and regional instruments.

Table 3. 1 Signed Multilateral Treaties Pending Ratification as at August 2010

No.	Name	Date of Signature	Responsible Institution	Status
1.	International Convention for the Protection of All Persons from Enforced Disappearance, New York, 20 December, 2006	29/09/2008	Home Affairs	Not provided
2.	Vienna Convention on the Representation of States in their Relations with International Organisations of a Universal Character, Vienna, 14 March, 1975	29/03/1976	Justice	Not provided
3.	Convention on Cluster Munitions, 2008	03/12/2008	Home Affairs, Defence	Not provided
4.	Agreement on Privileges and Immunities of the International Criminal Court, 2002	27/01/2004	Justice, Foreign Affairs	Ratification process in progress
5.	Agreement Relating to the Implementation of Part XI of the Convention on the Law of the Sea, 1994	No signature required	Justice, Lands, Foreign Affairs	Not provided
6.	Agreement on Privileges and Immunities of the International Tribunal for the Law of the Sea, 1977	17/12/1998	Justice, Foreign Affairs	Ratification process in progress

Source: Legal Affairs Unit, Ministry of Foreign Affairs and International Cooperation, March 2012.

Table 3.2: AU Treaties and Protocols Pending Ratification as at June 2008

No	Name of the Treaty/ Protocol	Status	Remarks/Responsible Institution
1	Additional Protocol to the OAU Convention General Convention on Privileges and Immunities, 1980	Not signed	Responsible Ministry is Foreign Affairs
2	Phyto-Sanitary Convention for Africa, 1967	Not signed	
3	Constitution of the Association of African Trade Promotion Organizations, 1974	Not signed	Ministry of Industry and Trade is in the process of signing and ratification
4	Inter- African Convention on Establishing an African Technical Co-operation Programme, 1975	Signed on 10/08/2009	Cross-cutting. We suggest MFAIC should take the initiative to sign and ratify
5	Agreement for the Establishment of the African Rehabilitation Institute, (ARI), 1985	Not signed	Responsible Ministry not yet identified
6	Convention for the Establishment of the African Centre for Fertilizer Development, 1985	Not signed	Ministry of Agriculture to commence procedures to sign and ratify
7	African Convention on the Conservation of Nature and Natural Resources, (Revised Version), 2003	Signed 2003	Ministry of Natural Resources to commence procedures to ratify this Agreement
8	Protocol to the African Union Convention on the Prevention and Combating of Terrorism, 2004	Signed 2005	Process for ratification underway
9	The African Union Non-Aggression and Common Defence Pact, 2005	Not signed	MFAIC has reminded Defence to act on this Instrument
10	African Youth Charter, 2007	Signed 2008	We recommend that procedures towards its ratification should commence.
11	African Charter on Democracy, Elections and Governance, 2007	Not signed	Process for signing and retification underway

Source: Legal Affairs Unit, Ministry of Foreign Affairs and International Cooperation, March 2012

108. The CRM received no updated information on the status of ratified instruments with respect to the remaining steps in the process of incorporation into national law. Under its dual legal system, Tanzania must domesticate binding instruments if they are to be enforceable at national level. While the country has been slow to domesticate them, some provisions of these instruments were incorporated into national law, with several modifications. Some of the recently enacted laws are found not to be in alignment with the minimum standards in international and regional instruments, namely: the NGOs Act, the Prevention of Terrorism Act, and the Proceeds of Crime Act. The domestication of ratified instruments remains the ultimate confirmation of Government commitment to the values and principles it has signed up.

109. The CRM learnt of an institutionalised Government process for domesticating international and regional binding instruments. When an instrument is ratified, the line ministry with that responsibility initiates the process of domestication along with other relevant stakeholders. However, the CRM noted with concern the fragmented

nature of reporting as different ministries and agencies share responsibilities for monitoring progress on ratifications and managing compliance. The Ministry of Foreign Affairs is the coordinating ministry while line ministries - with support from the Ministry of Justice and the Law Reform Commission - take responsibility for incorporating the ratified instruments into national law.

110. Human Rights instruments, unlike other instruments, impose reporting obligations on Member States. The CRM established that Tanzania does not have a good record of reporting on compliance with the ratified human rights instruments. For those instruments that it has ratified, the updated status of Tanzania's compliance with reporting obligations as at 2008 showed a number of long overdue reports (Table 3.3). These include reports on the ICESCR (due since 1990), the ICCPR report (since 2002), to CEDAW (since 1998) to CERD (since 1987), and those to the CRC (since 2004).

Table 3.3: Reporting Status of Human Rights Instruments

No.	Instrument	Report last submitted	Year Report was considered or will be considered
1	The International Covenant on Civil and Political Rights (ICCPR)	2007	2009
2	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	2007	2009
3	International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	2004	2005
4	International Covenant on Economic, Social and Cultural Rights (CESCR)	2009	To be considered in November 2012
5	Convention on the Rights of the Child (CRC)	2004	2006
6	CRC Optional Protocol on the Involvement of Children in Armed Conflicts	2007	2008
7	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	2007	2007
8	The African Charter on Human and Peoples' Rights Report	2008	
9	African Charter on the Rights and Welfare of the Child	2004	

Source: Legal Affairs Unit, Ministry of Foreign Affairs and International Cooperation, March 2012.

111. Persistent delays in reporting and submitting reports to treaty monitoring bodies is worrying and should be addressed. The CRM was informed that the reasons for this include: lack of a permanent and capable staff assigned to focus on drafting reports; and, an expanded workload for key Ministries. The challenge for Tanzania is to complete the backlog of reports based on an uneven schedule, and with a rising number of initial and separate periodic reports as more instruments are ratified.

112. The CRM noted Tanzania's successful participation in the Universal Periodic Review (UPR) where it presented a national report on the state of human rights to the 12th Session of the Human Rights Council. The ultimate value of the UPR lies in the extent to which recommendations are fully and promptly implemented and do improve human rights at the national level. Overall, there was no evidence about which UPR recommendations Tanzania supported and how Government and other national actors such as Parliament and CSOs intended to implement them.

113. Tanzania urgently needs to ratify the instruments listed below to address the following concerns: natural resources management; water and environmental pollution; the impact of climate change; sustainable livelihoods for the youth and their need to participate in decision-making; the potential impact of terrorism in the region; and, insecurity from piracy along the East African coast. The instruments below would assist in the sustainable management of natural resources, managing any conflicts that may arise as investments increase, combating

terrorism and promoting the youth:

i) The African Convention on the Conservation of Nature and Natural Resources (2003);
ii) The Protocol to the AU Convention on the Prevention and Combating of Terrorism (2004);
iii) The African Youth Charter (2007); and,
iv) The EAC Protocol on Environment and Natural Resources.

114. In the course of CRM discussions, repeated concerns were expressed about torture and other forms of ill treatment, insalubrious detention conditions, the continued application of the death penalty, and poor service delivery at community levels. Government should, therefore, sign and ratify some core instruments, which include:

i) The Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (1984) and its Optional Protocol committing States to preventing and prohibiting torture;
ii) The two Optional Protocols to the International Covenant on Civil and Political Rights which allows individuals to submit complaints directly to the UN Human Rights Committee and which calls for the abolition of the death penalty;
iii) The International Convention on the Protection of the Rights of Migrant Workers and Members of their Families (1990);
iv) The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (2003);
v) The Agreement on Privileges and Immunities of the International Criminal Court (2002);
vi) The Kampala Declaration on Prison Conditions in Africa (1996); and,
vii) The Declaration and Plan of Action on Control of Illicit Drugs Trafficking and Abuse in Africa (2002).

115. The new African Governance Architecture currently being put into place by the AU brings with it additional operational instruments for which government capacity building will be required. These are central to enhancing democratic governance, responding to electoral violence that could be a harbinger of unconstitutional changes in power, increasing respect for human rights, and improving public services on the continent. They include:

i) The African Charter on Democracy, Governance and Elections (2007);
ii) The African Public Services Charter (adopted by the AU in January 2011); and,
iii) The African Human Rights Strategy (also adopted by the AU in January 2011).

III. Recommendations

116. The APR Panel recommends that the United Republic of Tanzania:

- Establish a robust and functional monitoring mechanism that tracks the signing, ratification and domestication processes of various instruments, and to monitor actual compliance with these instrumentsl *[Ministry of Foreign Affairs and International Cooperation, Ministry of Justice and Constitutional Affairs, CSOs]*
- Ensure that the domestication process is inclusive and involves as much public input as possible; *[Ministry of Foreign Affairs and International Cooperation, Ministry of Justice and Constitutional Affairs, CSOs]*
- Promptly take action on the UPR recommendations by placing them within broader national development policy and planning frameworks for them to become fully operational; *[Ministry of Foreign Affairs and International Cooperation, Ministry of Justice and Constitutional Affairs, CSOs]* and,
- Develop a time-bound plan and provide adequate financing, staff and information resources to the MDAs in charge in order to reduce the substantial number of overdue reports on the United Nations and African Union human rights instruments. *[Ministry of Foreign Affairs and International Cooperation, Ministry of Justice and Constitutional Affairs, CSOs]*

3.3. Assessment of the Performance of APRM Objectives

Objective One: Prevent and Reduce Intra- and Inter-country Conflicts

I. Summary of the CSAR

Intra-state conflicts

117. According to the CSAR, the URT managed to maintain peace in the country by employing both formal and informal conflict resolution mechanisms to resolve a broad range of conflicts. A culture of bargaining and persuasion clearly became entrenched in the country's political culture. For instance, the use of influential interlocutors contributed significantly to resolving political tension and post-election violence in Zanzibar with the adoption of the *Muafaka* Peace Accords I and II (1999 and 2001) and *maridhiano* (2009).

118. The CSAR noted the political and economic disagreements between Zanzibar and Mainland Tanzania in the URT. Local mediation institutions were established to address the problems, a series of agreements were signed, and several pieces of new legislation enacted to quell the economic disputes.

119. The perception and conviction of a departure from the original intent of the Union - as stated in the *Articles of the Union* –sparked debate over its legitimacy and the way the Union functions. These revolve around the nature of the Union Government: whether or not it referred to two or three Governments, a unitary or a federal structure, and accusations that the original Agreement list of 11 union matters was 'unconstitutionally' extended to 22 matters. The question of Zanzibar's sovereignty within the Union resulted in Zanzibar's demand for clarification of its status within the Union. Although it enjoys relative autonomy when it comes to managing its domestic affairs, it is not recognized as a sovereign country that can engage in external affairs. The CSAR pointed out that Zanzibar's quest for a separate, sovereign identity has led it to demand constitutional amendments and the right to membership in international organizations. The CSAR further noted that amendments to Articles 1 and 2 of the Constitution of Zanzibar were interpreted as contravening the Union Constitution, thereby raising questions about the extent to which current Union structures are sustainable.

120. A current major resource conflict is over which Government - the URT or Zanzibar - has or should have legislative competence over oil and gas exploration around the Pemba Islands in Zanzibar. The URT Constitution does indeed stipulate that oil and gas are Union matters, yet there is no agreed revenue-sharing formula. Zanzibar rejected the revenue-sharing proposal from an external advisor and in 2010, its House of Representatives passed a resolution reiterating the position that oil and gas would be a preserve of Zanzibar and thus not a Union matter.

121. The CSAR observed the problems attendant to managing the transition to a multi-party dispensation evident from conflicts between the ruling party and the new opposition parties over the current Constitution. It claims that it does not adequately address the needs of multi-party politics. Currently, violent clashes between members of various political parties have been confined to election campaigning periods. Nevertheless, the CSAR noted the potential for an escalation in levels of politically-related violence amongst competing political parties.

122. Election-related violence in Zanzibar in 1995, 2000, and 2005 left the inhabitants divided and these crises are believed to have triggered other conflicts. For instance, in May 2008, a group of Pemba elders submitted a petition to the United Nations calling for the island's secession from Zanzibar and the Union. They cited marginalisation of the region, amongst other issues.

123. Political parties are rocked by intra-party conflicts between different factions or camps. These conflicts are reportedly driven by abuse of financial resources namely, grants given to political parties *(ruzuku wars)*, or by controversy over leadership styles or personal political ambitions.

124. The CSAR observed the tension caused by the jurisdictional authority of presidential appointees: District Commissioners and the District Councillors elected to the District Councils won over by the opposition in the 2000 General Elections. In addition to making it impossible for the councils to function effectively, these clashes have raised questions about the separation of powers between the appointed DC's office and elected District Councillors. Similarly, Central Government and Local Councillors clashed over the apportioning and location of newly-established council headquarters.

125. The CSAR highlighted several other cases of intra-state conflict in Tanzania. They include the following: (i) on-going conflicts over trading locations between a unit of the security sector, the Field Force Unit, and the petty traders and food vendors who sell their wares on the streets; (ii) violent conflicts between artisanal miners and AFGEM - the South African-owned mining company - and several other gold mining companies. As a general rule, these clashes have led to human rights abuses with several miners shot dead or gravely wounded; (iii) conflicts between pastoralists and agriculturalists over the use of land in the central and southern parts of the country; and (iv) simmering, although not very pronounced, religious cleavages between Christians and Muslims, and inter-denominational conflict between the fundamentalists and conventionalists among both Muslim and Christians.

126. The CSAR drew attention to the low level of citizen awareness of conflict resolution mechanisms available in the country and how they work. The public seems to prefer to turn to the courts for conflict resolution. However, dialogue and recourse to interlocutors such as religious institutions and mediation by councils of elders or forums are also commonly used as conflict prevention or resolution mechanisms. Government officials and political leaders are the least-favoured option for resolving conflicts in the society.

Inter-state conflict

127. According to the CSAR, the URT ratified and acceded to several regional and international instruments relating to conflict prevention, management and resolution. The instruments include (i) the SADC Organ on Politics, Defence and Security Cooperation (Article 9, 1996); and (ii) the International Conference on the Great Lakes Region (IC/GLR) that spearheaded the *Dar es Salaam Declaration* (DD) on Peace, Security, Stability and Development. The country has also contributed to Peace Support Missions under the auspices of the United Nations or the African Union in Lebanon, Eritrea/Tanzania, Southern Sudan, Sierra Leone, Côte d'Ivoire, Comoros, and Sudan (Darfur).

128. The CSAR took note of the few interstate (border) land conflicts that are usually resolved bilaterally, especially in the Kagera region bordering on Uganda.

II. Findings of the CRM

Intra-state conflicts

129. Ever since independence, of the countries in the East African sub-region, Tanzania's record for maintaining internal peace and harmony is commendable. Internal disputes or political rumblings and conflicts experienced in recent years reflect the teething pains of a transition to a market-driven economy from a socialist-oriented economy, and to a multi-party state from a one-party state. The form these recent disputes, rumblings and conflicts have taken is illustrated in the paragraphs that follow.

130. Stakeholder consultations by the CRM showed that public opinion in Mainland Tanzania is divided over the current status of the Union. Many stakeholders claim that Zanzibar enjoyed more autonomy than Mainland Tanzania because, unlike Mainland Tanzania, it has legislative competence over non-Union matters whereas, under the present Constitution of the URT, legislative competence over non-Union Matters - in so far as they relate to Mainland Tanzania - is vested in the Government of the United Republic.

131. Opinions varied, however, on what would need to be done to address the constitutional asymmetry between Zanzibar and Mainland Tanzania arising from the lack of competence over non-Union Matters by Mainland Tanzania. Non-Union Matters are not listed under the First Schedule to the Constitution of the URT as Union Matters. While some stakeholders in Mainland Tanzania advocated for more autonomy in the form of political devolution to the regions and districts in Mainland Tanzania, other stakeholders canvassed for the creation of one or more Governments, with legislative competence over non-Union matters, in Mainland Tanzania. The CRM, therefore, believes that unless this constitutional asymmetry is creatively addressed, it will remain a potential source of intra-state acrimony.

132. Another set of disputes and conflict revolves around land. Land has remained under state control since

independence. The Land Act of 1999 and the Village Land Act of 1999 largely kept the status quo. State lands may be transferred to other users but radical title ultimately remains vested with the State (article 6 of the Land (Amendment) Act 2004).

133. The most common types of land disputes in the country have been over: Ownership; Trespassing; the Denial of Enjoyment and Benefitting of Third Party, Land Rights, Land Acquisition and Compensation[18]. Most of the land disputes occurred in Songea, Moshi, Bukoba, Arusha, Pwani, and Tarime districts.

134. Many speakers at the stakeholder consultations held by the CRM across the country criticised the investment approach to land use. It failed for not adequately, if at all, considering the views of affected local communities prior to making large-scale land allocations to investors, and to expatriates. In the absence of such consultations, violent outbreaks were often triggered by large-scale investments. For example, evictions carried out to accommodate investors met with local opposition and resistance in many communities of the displaced. In 2002, 135 villagers, assisted by the Legal and Human Rights Centre (LHRC), filed a human rights violation case before CHRAGG against the Serengeti District Commissioner and Officer Commanding District for forced evictions.

135. There is confusion over the entire investment and compensation regime. Legally, villagers must be fairly compensated by the Government when village land is transferred to general land yet, in practice, things have been different: investors were reported to compensate villagers directly. It is, therefore, common for displaced communities to contest the entitlements due to them as beneficiaries. Chapter Six of this Report, under Objective 4 provides further elaboration on the (i) acquisition of large tracts of land by investors and politicians as land ownership by rural households declines; (ii) increases in filings sparked by land dispute cases; and (iii) the negative impact of land disputes on job creation, poverty reduction, and social stability in the country.

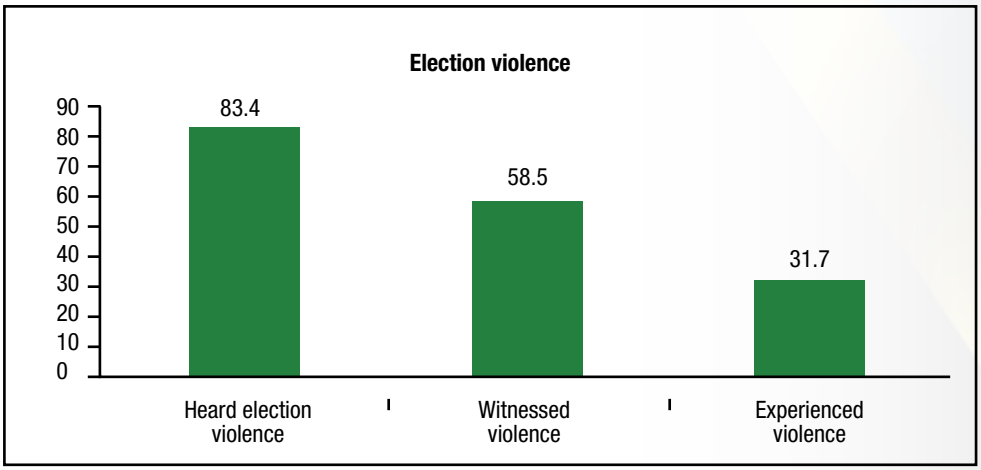
136. To a certain extent, dwindling pastures from the effects of climate change, population increases, and different land use patterns create a different type of land dispute. Pressure on the land increases as pastoralist communities encroach on farm land. The CRM was informed of instances where this form of 'trespassing' triggered violence, especially in Arusha, Manyara and Morogoro.

137. The transition from a one-party state to a multi-party state engendered another type of dispute, in the form of sporadic election violence. The 2005 general elections were marred by more violent events than were experienced and reported during the 1995 and 2000 general elections. These incidences usually involved the police and opposition party supporters who usually contest electoral outcomes and procedures. As illustrated in Figure 3.1, more than 50 per cent of the respondents in a survey reported witnessing election-related violence and over 66 per cent thought it highly likely that more such conflicts could erupt in the future.[19]

[18] The Impact of Land Disputes on Economic/Business Activities in Tanzania, Ministry of Lands Housing Human Settlement and Development, Office of the Registrar of Lands and Housing Tribunals, Dar es Salaam, 2011.

[19] The study was conducted in the following 12 locations where the highest number of incidents had been reported in the past and/or more recently: *Arusha, Mara, Tarime, Shinyanga, Kahama, Kigoma, Morogoro, Mbeya, Lindi, Mtwara, Unguja and Pemba. See University of Dar es Salaam, Mapping and Analysis of 2010 Election-Related Incidents of Violence.* Research Report, The College of Arts and Social Sciences, University of Dar es Salaam, December 2011.

Figure 3.1: Proportion of respondents who heard or witnessed or experienced election-related violence



Source: *University of Dar es Salaam, Mapping and Analysis of 2010 Election-Related Incidents of Violence.* Research Report, the College of Arts and Social Sciences, University of Dar es Salaam, December 2011.

138. The CRM wishes to highlight another underlying source of tension that may pose a challenge to internal cohesion if not properly addressed. While it can be affirmed that different religions in the country co-exit peacefully, however, during stakeholder consultations, the CRM noted a strong desire among Muslims across the country to have Khadi Courts handle their civil matters such as divorce, marriage and inheritance. The Indian community formulated similar demands, asking for special courts to handle their civil matters.

Interstate conflicts

139. The occasional boundary dispute occurs between Tanzania and neighbouring countries. Natural resource management bodies have been unable to resolve some of these disputes over shared trans-boundary resources like water. One such dispute is between Tanzania and Malawi. Malawian investors are accused of exploring for oil and fishing on the Tanzanian side of Lake Nyasa in Mbinga District. While Tanzania claims that the boundary is in the middle of Lake Nyasa - which lies within the country's territory - Malawi contests this claim. The origins of the conflict date back to the colonial period when Germany first placed the border along the shore. Subsequent modifications under British rule shifted the boundary to the middle of the lake.

140. Tanzanians and DRC citizens also have disputes over fishing rights in Songea, with the Congolese accused of illegally entering Tanzania to fish in Tanzanian rivers. At CRM stakeholder meetings in Bukoba, Arusha and Kigoma, participants called attention to cross-border cattle rustling disputes along the Tanzanian and Kenyan border, especially in Tarime district. It is alleged that stolen cattle area moved to both Kenyan and Tanzanian markets from the sparsely-populated land of the Serengeti plains to the Kenyan border[20]. Security in the region has been threatened by small arms and light weapons that are used in cattle raiding.

141. The persistence of cattle rustling is mainly attibuted to the limited capacity of the state to police the region and rural areas. There are mechanisms and rules to address the problem but enforcement is weak and corruption may make enforcement impossible. According to reports, the *Sungusungu* - a kind of community-policing vigilante group – try to work out peace deals in these cattle-raiding regions[21]. On the western border, cattle herders from Rwanda, Uganda, Burundi and Kenya are also accused of crossing over to graze their cattle in Tanzania and of destroying the environment, especially in the Mara Region. The invading herders are also accused of cattle rustling.

[20] *Between a rock and a hard place - Armed Violence in African pastoral Communities*, James Bevan, UNDP report, 2007
[21] Ibid.

III. Recommendations

142. The APR Panel recommends that the United Republic of Tanzania:

- Reform land laws in order to protect local people from arbitrary dispossession; *[Ministry of Lands, Housing,and Human Settlements Development]*
- Design and publicise the compensation system to be used in allocating village land to investors; *[Ministry of Lands, Housing, Human Settlements Development]*
- Publicise and strengthen the legal frameworks governing foreign investment with regard to labour laws, compliance with international human rights standards and adherence to the country's laws; *[Ministry of Industry, Trade and Marketing and Ministry of Justice and Constitutional Affairs, CHRAGG, and Trade Unions]*
- Strengthen and establish formal cross-border mechanisms where they do not exist, as a systematic regimen for containing cross-border conflicts so that hostilities do not flare up; *[Ministry of Home Affairs]*
- Encourage diversification of pastoralist community economic activities, through civil society- gvernment-private sector partnerships, thereby reducing their dependency on a pastoral life style; *[Ministry of Agriculture, Food Security and Cooperatives; Ministry of Natural Resources and Tourism; the Private Sector, CSOs]* and,

Objective Two: Fostering Constitutional Democracy, including Periodic Political Competition, and Opportunity for Choice, the Rule of Law, Citizens Rights, and the Supremacy of the Constitution

I. Summary of the CSAR

The Constitution: Rule of law, political rights and institutions protecting rights

143. The CSAR describes the constitutional and political architecture for the promotion and protection of constitutional democracy, the rule of law, and political pluralism in the United Republic of Tanzania (URT). The principal building blocks are (i) the 1977 Constitution of the URT; (ii) the three branches of Government: the Executive, Legislature and the Judiciary; (iii) the Commission for Human Rights and Good Governance (CHRAGG); (iv) the Political Parties Act No. 5 of 1992; (v) the Electoral System; (vi) various Elections Acts; (vii) the National Electoral Commission (NEC) and the Zanzibar Electoral Commission (ZEC); (viii) Political Associations; *"various statutes governing civil organisations";* and (ix) the Media.

144. The Constitution provides for the following civil and political rights: (i) the Right to Vote; (ii) the Right to Equality before the Law; (iii) the Right to Personal Freedom; (iv) the Right to Privacy and Personal Security; (v) the Right to Freedom of Movement; (vi) the Right to Freedom of Expression; (vii) the Right to Freedom of Association; (viii) Freedom to Participate in Public Affairs; and (ix) the Right to Vote and be Voted for.

145. The CSAR points to *"serious flaws and cracks"* in the architecture which constrain the promotion and protection of these rights. These are: (i) *"claw-back"* clauses, provided for under Article 30 (2) (a-f) of the 1977 Constitution [CSAR, page 39]; (ii) *"the state-centric"* bias of the Bill of Rights [CSAR, page 57];(iii) Judiciary capacity and resource constraints, limiting access to justice *"for the ordinary citizens, especially from the rural areas"*[CSAR, page 39]; (iv) the absence of a specific constitutional provision or legislation on the right of access to information [CSAR, page 55]; (v) the partisan role of the Police, under the Police Force Act, Cap 332, R.E. 2002 to take away opposition members' rights to hold general election-related meetings and rallies, on the pretext that *"such a meeting is likely or intends to cause a breach of peace or prejudice to public safety"*:[CSAR, page 40]; (vi) *"mob justice,"* known in local parlance as *"wananchi wenye hasira,"* involving *"beating, stoning, and occasionally burning persons suspected to be thieves to death"* [CSAR, page 61]; and (vii) the disregard of court orders by the state, as reflected in the Chumchua Marwa's Case, Rev. Christopher Mtikila's Cases, and the Ndyanabo Case. [CSAR, page 58.]

146. The CSAR [p.58] concludes that, *"on the whole there is still a long way to go before one can confidently and objectively believe that there is adequate respect for the rule of law in Tanzania."*

Political pluralism and periodic competitive electoral politics

147. Describing and analyzing the constitutional and political framework of electoral governance in the URT, particularly the role of the National Electoral Commission (NEC) and the Zanzibar Electoral Commission (ZEC), the CSAR points to "serious cracks" in the constitutional and political framework for competitive party and electoral politics, and pluralism generally, in Tanzania.

148. The cracks include: (i) public funding of political parties, disproportionately favouring the ruling party, CCM [p.42]; (ii) the increasing concern that *"big money"* from undisclosed sources is becoming a serious threat not only to competitive party and electoral politics but also to the whole practice of democracy and Government accountability [p.43]; (iii) the provisions of the Political Parties Act No. 5 of 1992 which, *"has discouraged initiatives by opposition parties to form electoral alliances and contest elections as a unified bloc against the ruling party"* [p.44]; (iv) disregard for the court decision allowing independent candidates to stand for elections at all levels [CSAR, p.45]; (v) the retention of the *"majoritarian or simple plurality"* electoral system, which the ruling party *"vigorously"* defends, as against *"a mixed electoral system,"* for which opposition parties are advocating [p.47].

149. Other cracks relate to: (i) concerns about the independence and impartiality of the National Electoral Commission (NEC) and the Zanzibar Electoral Commission (ZEC), because of the mode of appointing and removing their members, and, in the case of ZEC, *"the de facto fusion between the ruling party and the Election Management Body"* [CSAR, p. 47] ; (ii) Constitutional provisions, whereby entertaining and adjudicating disputes over the results of presidential elections declared by NEC are ousted from the jurisdiction of the courts [p.48-51]; and, (iii) the constraining, *"oppressive,"* and *"restrictive"* legal provisions, such as under Section 12(i) of the Societies' Act, governing the operations and activities of subsidiary associations such as civil society organisations.

Supremacy of the Constitution

150. The CSAR [page 64] points out that the 1977 Constitution stipulates, under Article 8(1)(a), that sovereignty shall reside in the people, from whom the Government, through the constitution, shall derive all its power and authority. Article 64(5) provides for the supremacy of the Constitution, which *"shall have the force of law in the whole of the United Republic".* The Article further stipulates that, *"….in event any other law conflicts with the provisions contained in this Constitution, the Constitution shall prevail and that other law, to the extent of the inconsistency with the Constitution, shall be void."*

151. The CSAR (p.64) notes that the supremacy of the constitution is also provided for under Article 98 of the Constitution, which stipulates that *"the vote required to pass a Bill on Constitutional amendment must reach two-thirds of all the Members [of Parliament],"* although *"if the amendment sought to be made relates to Union matters in the First Schedule of the Constitution, the vote required is two-thirds of all the Members [of Parliament] from Mainland Tanzania and two-thirds of all the Members [of Parliament] from Tanzania Zanzibar."*

152. The CSAR draws attention to *"instances where the legislature has been in tension with the judiciary on the question of [the] supremacy of the constitution."* The major cause of tension arises from the provision of the 5th Constitutional Amendment, which contains the Bill of Rights. The amendment vests in the Judiciary *"the power… to declare Acts of Parliament unconstitutional where [the judiciary] is satisfied that such Acts of Parliament were made in excess of the power given to [Parliament] by the Constitution."*

153. The CSAR [p.65] observes that tension between the judiciary and legislature over this provision reached boiling point in 1993. This was when the Speaker of the National Assembly, reacting to the declaration of the judiciary that various parliamentary enactments were unconstitutional, called upon the legislature to exercise its power to check the judiciary. The Tanganyika Law Society and legal academics, among others, viewed the call *"as an act of serious erosion of the supremacy of the constitution for the parliament itself is the creature of the constitution."*

Decentralisation

154. The CSAR [p.65] considers decentralisation in the URT at two levels: (i) political devolution, i.e. *"decentralisation at the local government authorities"*; and (ii) *"decentralisation within the central Government."* Political devolution focuses on *"the effectiveness of the decentralized mechanisms in terms of decision-making, resource allocation, institutional capacity, and service delivery."* The main focus of decentralisation within the central administration is on Executive Agencies, (twenty in number) created by the Executive Agencies Act No. 9 of 1999. These Agencies are expected to be semi-autonomous, each operating at *"arms length from their parent ministry."* In pursuit of decentralisation at both levels, the central Government introduced and developed legal and institutional mechanisms - including instruments and procedures - to bind the decentralised agencies in the local Governments and within the central administration in relation to their management and disbursement of public funds. [CSAR, p. 67].

155. On decentralisation at the level of local Government authorities, the CSAR [p. 68] reports that the *"dominant opinion"* from the household survey is that *"devolution of power…is still inadequate";* while 6.9 per cent of the expert survey respondents say that the level of improvement is highly appreciable; 41.2 per cent that it is appreciable; 40 per cent that it is moderate; 9.8 per cent that it is negligible; and 2 per cent that there is no improvement at all.

156. However, in the case of Zanzibar, the CSAR [p. 69] concludes that, *"the process of devolution of power to the grassroots has been seriously constrained by the political hostilities between the two political parties."* As a result, *"the level of decentralisation of administrative responsibility is very low,"* in Zanzibar.

Civilian control of the security forces

157. The CSAR [p. 69] identifies the following provisions of the 1977 Constitution relating to civilian control of the defence and security forces in the URT: (i) Article 147(2), which vests in the President of the URT - as Commander-in-Chief of the Armed Forces - the power to appoint and remove the head of the armed forces; (ii)Article 63(3), which subjects the armed forces to oversight by the country's legislature, empowering the legislature to authorise the military budget and to scrutinise their audited accounts submitted by the Controller and Auditor-General; and (iii) Article 107A, which *"vests the final authority of the administration of justice in the judiciary", thereby making "the defense and security forces [subject to] oversight of the judiciary."*

158. The CSAR [page 69] refers to incidents when the armed forces and the police acted in contravention of the rule of law. The most striking was the Zanzibar killings of 27 January 2001 during which the police *"used excessive force"*. More than 30 people were killed and several others wounded among people demonstrating against the 2001 election results in Zanzibar.

159. The CSAR [page 70] concludes that findings from household and expert opinion surveys, conducted as part of the Tanzania country self-assessment, *"suggest that more serious efforts are needed to make the [country's] defense and security forces subjected to the rule of law and make them more professional and responsive to public interest beyond regime's interest."*

II. Findings of the CRM

The Constitution: Rule of law, political rights and institutions protecting rights

160. As noted in Chapter Two, the URT came into existence on 26 April 1964 with the union of Tanganyika – having attained independence in 1961 - and Zanzibar, which became independent in December 1963. The instrument creating the Union came into force with the adoption of the 1964 Interim Constitution of the United Republic of Tanzania.

161. Prior to the establishment of the URT, Tanganyika had two constitutions. These were (i) the 1961 Independence Constitution, and (ii) the 1962 Republican Constitution. Zanzibar has had three constitutions since its

independence: (i) the 1963 Independence Constitution; (ii) the 1979 post-Revolution First Constitution; and (iii) Second Constitution (1984) which underwent a major amendment in 2002.

162. The URT has had three constitutions since its establishment. These are: (i) the 1964 Interim Constitution of the United Republic of Tanzania; (i) the 1965 One-Party Constitution; and, (iii) the 1977 Constitution of the United Republic of Tanzania. The 1977 Constitution has undergone 4 major amendments and a total of 13 amendments. Tables 3.4 to 3.8 in Annex I classify and summarise the distinguishing features of each of the constitutions and major amendments, where applicable.

163. The 1964 Interim Constitution of the United Republic of Tanzania, ("Interim" because it was adopted *ad interim),* established a two-Government structure, with sovereignty divided between a Union Government (made up of Mainland Tanzania and Tanzania Zanzibar) and Tanzania Zanzibar. The Constitution was ratified under the *Articles of Union,* entrenched as *Acts of Union,* outlining steps towards the elaboration of a *"definitive"* constitution, by a Constituent Assembly, to be chosen from members of TANU and ASP.

164. The 1965 One-Party Constitution established the one-party state system in Tanzania, with TANU as the sole and governing political party for the Union, and the ASP for Tanzania Zanzibar. Amendments to the 1965 Constitution, between 1965 and 1977, reduced the limited autonomy granted to Zanzibar under the 1964 Constitution, strengthened the one-party state, and subordinated all Government institutions and Parliament to the executive of the Chama Cha Mapinduzi (CCM).

165. The 1977 Constitution of the URT replaced the 1964 Interim Constitution, although it retained the main provisions of the 1964 Interim Constitution. These provisions were a strong presidential system, the one-party state, and the two-Government union structure. Several amendments have been made to the 1977 URT Constitution, notably (i) the 5th amendment in 1984, introducing the Bill of Rights; (ii) the 8th amendment in 1992, establishing the multi-party system; (iii) the 11th amendment in 1995, which provided for the election of the URT's Vice-President through the enaction of the presidential running mate system, and for the President of Zanzibar to be a member of the URT cabinet; and (iv) the 13th amendment, stipulating the election of the URT President by simple majority, the reservation of up to 30 per cent of National Assembly seats for women, the independence of the judiciary - including reserving exclusive powers to the judiciary - and the establishment of the Commission for Human Rights and Good Governance. These amendments are summarised in Table 3.8 in Annex I.

166. The 1977 URT Constitution [Article 1 and Article 2(1)] provides that *"Tanzania is one State and is a sovereign United Republic,"* consisting of Mainland Tanzania and Tanzania Zanzibar. To this end the Constitution [Article 4(3)] also provides for an entrenched division and distribution of legislative competencies between the Government of the United Republic and the Revolutionary Government of Zanzibar, as enumerated under the First Schedule to the Constitution containing a list of Union Matters.

167. Article 34(1) of the Constitution vests *"authority over all Union Matters in the United Republic and over all other matters [relating to non-Union matters] concerning Mainland Tanzania."* On the other hand, Article 102(1) provides that *"the Revolutionary Government of Zanzibar…shall have authority in Zanzibar over all matters which are not Union Matters."* What needs to be emphasized regarding this division of legislative competencies is that for non-Union Matters, the Government of the URT is vested with the power to legislate for Mainland Tanzania, which has no autonomous or self-government of its own under the URT's constitutional structure. As will be shown later, this structure remains a bone of contention in the debate over the future of the URT

168. Under Article 98(1)(a) and the Second Schedule to the 1977 URT Constitution, any amendment to the Act of Union between Tanganyika and Zanzibar of 1964 *"requires to be supported by at least two-thirds of all Members of Parliament."* However, any amendment to (i) the existence of the United Republic; and, (ii) the list of Union Matters *"requires to be supported by two-thirds of all Members of Parliament from Mainland Tanzania and two-thirds of all Members of Parliament from Tanzania Zanzibar."*

169. The Union Matters listed under the First Schedule of the 1977 URT Constitution are itemised in Table 3.4.

Table 3.4: Union Matters under the First Schedule, 1997 Constitution of the United Republic of Tanzania

LEGISLATIVE ITEMS UNDER LIST OF UNION	MATTERS ENUMERATED IN FIRST SCHEDULE
1. The Constitution of Tanzania and the Government of the United Republic. 2. Foreign Affairs. 3. Defence and Security. 4. Police. 5. Emergency Powers. 6. Citizenship. 7. Immigration. 8. External Borrowing and Trade. 9. Service in the Government of the United Republic. 10. Income tax payable by individuals and by corporations, customs duty and excise duty on goods manufactured in Tanzania collected by the Customs Department. 11. Harbours, matters relating to air transport, posts and telecommunications.	12. All matters concerning coinage and currency for the purposes of legal tender, (including notes), banks (including savings banks) and all banking businesses; foreign exchange and exchange control. 13. Industrial licensing and statistics. 14. Higher education. 15. Mineral oil resources, including crude oil, other categories of oil products and natural gas. 16. The National Examinations Council of Tanzania and all matters connected with the functions of that Council. 17. Civil aviation. 18. Research. 19. Meteorology. 20. Statistics. 21. The Court of Appeal of the United Republic. 22. Registration of political parties and other matters related to political parties.

170. The significant features of the constitutional structure of the 1977 are, therefore, (i) the division of sovereignty between two levels of government: the Government of the Republic and unit level Governments; Mainland Tanzania and Zanzibar; (ii) the distribution of legislative competencies between them under entrenched provisions that make it difficult, if not impossible, for either the Government of the Republic or the unit level Government to amend or review them unilaterally; and, (iii) the establishment of the Special Constitutional Court of the United Republic, *"whose sole function is to hear and give a conciliatory decision over a matter referred to it concerning the interpretation of [the] Constitution, where such interpretation or its application is in dispute"* between the two Governments. Regarding the entrenchment of the Union Matters, it has been pointed out that, between 1964 and 1977, the Government of the Republic unilaterally increased the enumerated list of Union Matters. [*Shivji,* 2009:83].

171. In addition to the structure of government outlined above, the 1977 Constitution provides for a semi-presidential system of Government. This form of government fuses elements of the presidential and parliamentary forms of government. In a departure from the typical executive presidential form of government - where cabinet members are precluded from being members of parliament - under Article 51(2) the Constitution requires that the Prime Minister and Ministers shall be members of parliament; while under Article 66(2), *"the President and the Vice-President shall each not be a Member of Parliament."* In another such departure, cabinet members are not, therefore, prime ministerial appointments.

172. Under Section 61(2), the 1977 Constitution provides for a category of presidential executive branch appointments, drawn mostly from outside of the legislature. These are Regional Commissioners, appointed after consultation with the Prime Minister, *"to supervise the discharge of all the duties and responsibilities of the Government of the United Republic,"* in the regions assigned to them. In the case of Tanzania Zanzibar, the President of Zanzibar appoints Regional Commissioners, after consultation with the President of URT.

173. Although the Prime Minister is the Leader of Government Business in the National Assembly [Article 52(2), he is *"accountable to the President for the exercise of his authority,"* [Article 53(1). He can be removed from office by the President appointing another Member of Parliament as Prime Minister, or by impeachment, under conditions specified in Article 53A(3-6) of the 1977 Constitution. Ministers and Deputy Ministers *"…. hold office at the pleasure of the President."* [Article 58] However, unlike the general practice under the presidential form of government and in a number of semi-presidential forms of government, the appointment of ministers in the URT is not subject to confirmation by the legislature.

174. The CRM notes that Tanzania has continued to make appreciable progress in promoting constitutionalism, the rule of law, and political pluralism. The country's semi-presidential form of government has worked well so far because of the CCM's electoral dominance and control of both the presidency and legislature. The acid test will, however, come either: (i) with more competitive party and electoral politics, which results in another party or coalition of parties in control either of the presidency or the legislature; or (ii) with the more determined assertion of its oversight and investigatory powers over the executive branch by the current CCM-controlled legislature. Recent disagreements between the executive and the legislature over the budget, the anti-corruption war, the extent of privatisation and indigenisation, and the constitutional review legislation seem to portend this eventuality.

175. However, much remains to be done to protect constitutionalism, the rule of law, and political pluralism in Tanzania. Allegations of abuse of human rights by state functionaries and agencies and of extra-judicial killings recurred at all the CRM stakeholders' meetings in Dar es Salaam and in the regions. Specifically, in April 2003 police were alleged to have shot and killed a small-scale miner and in 2006, four suspected bandits were allegedly killed by the police at Sinza.

176. The abridged version of the CHRAGG annual report (for the period July 2008 to June 2009 [p.39]) recounts the following human rights' abuses: (i) *"widely reported cases"* of extra-judicial killings, particularly killings of albinos; (ii) reports of mob justice in regions visited by CHRAGG staff; and, (iii) the case of three businessmen allegedly killed by the police under the leadership of the Dar es Salaam Regional Crime Officer. The report [page 50] attributes the prevalence of the abuses to *"inadequacies in advocacy for systems changes in human rights education and in reaching the grassroots and the most vulnerable."*

177. During stakeholders' meetings across Tanzania, the CRM learnt from participants that mob justice or mob lynching constitutes an increscent gross violation of human rights by citizens. The speakers attributed mob justice to the general public's ignorance and misconceptions about the justice system. The general perspective for the public as a whole tends to be that the accused or suspected person - the victim of mob justice - is guilty and must be punished accordingly, without recourse to the due process of the law and its presumption that the accused person is innocent until found guilty beyond all reasonable doubt. The recourse to mob justice, is therefore, linked to the public perception of justice delivery.

178. It seems as if the public is generally ignorant about the rights of the accused and the requirements of due process. The stakeholders expressed the need for the state authorities to mount more vigorous efforts, such as: (i) the prosecution of culpable state functionaries and members of the public; and (ii) human rights education for police and state security agencies, and iii) for the general public, to prevent the recurrence of police brutality and extra-judicial killings.

179. Various stakeholders consulted by the CRM emphasized the need to minimize routine use of the claw-back clauses in Article 30 and Article 31 of the 1977 Constitution to derogate from the human rights and freedoms set out in the Constitution. The CRM agrees with these stakeholders that legislative action be expedited to pass the Freedom of Information and Media Services Bill into law.

180. Regarding the rule of law and separation of powers, the CRM notes with concern the serious implications for the rule of law of the following observations from its stakeholder meetings across the URT. During such meetings in Dar es Salaam, many speakers alleged that court judgments on the eligibility of independent candidates to run for elections had, on a number of instances (such as the Rev. Mtikila cases), pitted the judiciary against the executive and the legislature. On the other hand, some speakers observed that regional and district commissioners were – from the recent history of the behaviour of executive branch functionaries - the most likely to disobey court orders. In a number of cases, the speakers also pointed out, the regional and district commissioners in question had been called to order by the highest levels of the executive branch.

181. The CRM notes with concern that there are few horizontal and independent democracy-promoting institutions in Tanzania. These institutions currently include CHRAGG, the Combating and Prevention of Corruption Bureau (PCCB), the Ethics Secretariat, NEC, and the Registrar of Political Parties, all of which operate under severe constraints and limitations.

182. Following on the trend and practice in several African countries (Benin, Ghana, Kenya, and South Africa) that have been through the APRM review process, the CRM suggests that more of such institutions should be created and existing ones strengthened. They could be designed in such as way as to serve as horizontal institutions of accountability and transparency, tantamount to operating as a fourth branch of Government.

Political pluralism and periodic competitive electoral politics

183. Competitive party and electoral politics provides the fulcrum around which political succession and the management of diversity now gravitates in Tanzania. The multi-party state (1961 – 1965), the one-party state (1965 – 1992), and the return to a multi-party state since 1992 constitute the historical and socio-cultural background to present-day electoral politics in the country.

184. Although Tanzania was a one-party state between 1965 and 1992, two parties operated in the country between 1965 and 1967. TANU was the sole recognized party in Mainland Tanzania, and the Afro-Shirazi Party the only recognized party in Tanzania Zanzibar before both parties merged to form the CCM, in 1967. General elections have been held on a regular and continuous basis every five years since 1965 (1965, 1970, 1975, 1980, 1985, 1990, 1995, 2000, 2005, and 2010).

185. The residual legacy of Tanzania's long post-colonial constitutional and political history continues in several respects to shape the unfolding dynamics of the politics of electoral reform. This process was set in motion in 1992 with the return to political pluralism in the form of the multi-party state. As a participant at one of the stakeholder meetings organised in Dar es Salaam observed, arguably what occurred in 1992 represented a top-down, *"controlled"* transition, *"controlled"* by the CCM, and not a *"negotiated,"* bottom-up one.

186. Tanzania's post-multi-party politics has broadened and widened the space for political pluralism and deepened political stability. However, it has neither eroded the hegemony of the CCM nor altered its structural and psycho-cultural anchors, despite simmering fissures within the Party, which, so far have remained contained. Emergent opposition parties are too weak to take advantage of competitive party and electoral politics to pose a serious challenge to the CCM hegemony. Indeed, the CRM meeting with the political parties revealed that opposition parties suffer from internal division, poor financing, and weak organisation.

187. This brief overview gives the background to the way political reforms have continued to unfold in Tanzania since 1992, through political pluralism, competitive politics, and over constitutional and political policy debates. At the heart of this unfolding dynamic lies the need to strengthen electoral administration and management and, in particular, to redesign electoral institutions, rules, procedures and processes to ensure free, fair and credible elections in the country. This explains why views expressed and attitudes towards competitive party and electoral politics were put with such passion, acuity and vibrancy. During the CRM stakeholder meetings with the political parties in Dar es Salaam and, indeed, across the country the process is seen as instrumental for constructively managing and promoting diversity.

188. The legal framework of electoral governance in Tanzania is made up principally of (i) the 1977 Constitution of the URT; (ii) the 1985 National Elections Act; (iii) the 1979 Local Authorities (Elections) Act; (iv) the 2010 Elections Expenses Act; (v) the 1992 Political Parties Act (Cap. 258); and, (vi) the 1945 Penal Code, Cap. 16.

189. The institutional framework is made up of:

a) The National Electoral Commission (NEC), with the constitutional mandate to oversee and conduct general (presidential, parliamentary and council) elections. Headed by a Chairman, *"who shall be a Judge of the High Court or a Justice of the Court of Appeal,* the Commission has seven other members, comprising the Vice-Chairman, who shall come from *"the other part of the Union,"* from where the Chairman hails, a member of the Tanganyika Law Society, and five other members, all of whom - including the Chairman - are appointed by the President. The Commission has a Director of Elections, appointed by the President and who serves as its Chief Executive and Secretary. Under the 1985 National Elections Act (Section 7(1)) and the 1979 Local Authorities (Elections) Act (Section 9(1)), City Directors, Municipal Directors, Town Directors, and District Executive Directors are Returning Officers for conducting elections at constituency level.

b) The Office of the Registrar of Political Parties (ROPP) in the Prime Minister's Office, under the 1992 Political Parties Act (Section 4), is headed by the Registrar of Political Parties, appointed by the President of Tanzania, and assisted by the Deputy Registrar of Political Parties and Assistant Registrars. Its mandate is primarily to register political parties, as provided for under the 1992 Political Parties Act, and to supervise and coordinate elections expenses, under the 2010 Elections Expenses Act.

190. Courts of law are ousted from jurisdiction over the NEC decisions, according to the 1977 URT Constitution. Similar provisions apply to the ROPP, under the 1997 Political Parties Act and the 2010 Elections Expenses Act.

191. Since Tanzania's return to a multi-party state, the country has been witnessing robust competitive electoral politics. As the Report of the United Republic of Tanzania General Elections of 2010 by the Legal and Human Rights Centre and Tanzania Society Consortium for Election Observation (TACCEO) [page 27] noted, there continues to be *"a widening of space for citizens' participation in political processes…demonstrating growth in democracy…and indication of achievement of free and fair election standards."* The high number of registered voters during the 2010 elections attests to this.

Table 3.5: Participation Of Political Parties In General Elections (Election Results 1995 To 2010)

	1995			2000			2005			2010		
	No. Members of Parliamentl ya Wabunge	No. of Councillors	No. of votes Presidential elections	No. Members of Parliamentl ya Wabunge	No. of Councillors	No. of votes Presidential elections	No. Members of Parliamentl ya Wabunge	No. of Councillors	No. of votes Presidential elections	No. Members of Parliamentl ya Wabunge	No. of Councillors	No. of votes Presidential elections
AFP	-	-	-	-	-	-	-	-	-	-	0	0
APPTMAE NDELEO	-	-	-	-	-	-	18,783	0	1	96,933	0	3
CCM	4,026,422	168	2,965	5,863,201	202	2,327	9,123,952	206	2,371	5,276,827	186	2,803
CHADEMA	-	3	27	-	4	48	668,756	5	61	2,271,941	23	326
CHAUSTA	-	-	-	-	-	-	0	0	-	0	0	
CUF	418,973	24	29	1,329,077	17	51	1,327,125	19	61	695,667	24	126
D. MAKINI	-	-	-	-	-	-	17,070	0	0	-	0	0
DP	-	-	-	-	-	-	31,083	0	0	-	0	1
FORD	-	-	-	-	-	-	-	0	0	-	-	-
JAHAZI ASILIA	-	-	-	-	-	-	-	0	0	-	0	0
NCCR-M	1,808,616	16	18	-	1	20	55,819	0	12	265,388	4	28
NLD	-	-	-	-	-	0	21,574	0	0	-	0	0
NRA	-	-	-	-	-	0	-	0	0	-	0	0
PONA	-	-	-	-	-	0	-	-	-	-	-	-
SAU	-	-	-	-	-	-	16,414	0	0	-	0	0
TADEA	-	-	2	-	-	2	-	0	0	-	0	0

192. While the table shows the commanding CCM lead in both sets of elections, it is also clear that its share of valid votes cast in presidential elections has been fluctuating: rising from 61 per cent in 1995 to 71.74 per cent in 2000, and then to 80.28 per cent. However, there was a drop to 62.83 per cent in 2010.

193. For National Assembly elections, the CCM also has a commanding lead over the other parties in the number of votes cast and seats won. From an initial 59.22 per cent share of votes cast in 1995, there was a rise to 65.19 per cent in 2000, and on to 69.99 per cent in 2005. The share of seats won in direct elections to the assembly was 186 seats in 1995; 202 in 2000; 206 in 2005, with a sharp decline to 186 seats in 2010.

194. The emerging trend from both sets of elections since 1995 revals that elections are progressively getting more competitive, albeit slightly, especially with the 2010 elections.

195. Much therefore, has been achieved, but there is room for improvement and consolidation to enhance the competitiveness of party and electoral politics in the country. This much was evident from the public debate that led to the enactment of the 2011 Constitutional Review Act, and in comments from a representative cross-section of diverse stakeholders meeting with the CRM. For many stakeholders during the CRM public meetings and consultations, the forthcoming constitutional review process, under the 2011 Constitutional Review Act, is seen as a historic opportunity to ensure ownership by Tanzanians of the review process and its outcomes. Ownership, they argue, is necessary to anchor and consolidate constitutionalism, democratic governance, multi-party politics, and the management and promotion of diversity in the country on firmer and more durable foundations. By thus creating a level playing-ground for competitive elections, there should be a non-partisan electoral administration and management, and appropriately-designed electoral governance rules.

196. Achieving this objective, the CRM was told, again and again, requires an open, transparent, and inclusive review process. It would require the encouragement and tolerance of a robust civil society, and more importantly participation by the people, through public debate and the convocation of a fully elected Constituent Assembly.

197. Thus, the current public debate has raised fundamental questions about whether, (i) the 1977 URT Constitution is to be reviewed or a new constitution written and adopted; (ii) the provisions of the Constitutional Review Act, 2011 are broad enough to allow unfettered public debate; and (iii) the Constituent Assembly should be fully elected, without any restrictions and without the inclusion of the Members of Parliament elected under the Constitution under review.

198. This point about opening up the review process to public debate should be emphasised because it would, perhaps, be the second time in Tanzania's constitutional and political history that the general public would be involved in the constitutional review processes. The first time was the one-year long public debate on constitutional amendment proposals to the 1977 URT Constitution. The debate led to the demand for, and the subsequent inclusion of a Bill of Rights, which was not in the proposals, under the 5th Amendment to the Constitution.

199. The following excerpts from the findings of the Legal and Human Rights Centre and Tanzania Civil Society Consortium for Election Observation on the 2010 General Elections offer an interesting commentary on the challenges of electoral administration and management in Tanzania:

- Since the NEC *"lacks institutional representation from the regional level down to the constituencies… it relies on other Government employees as part-time staff playing the role of returning and assistant returning officers…it is tempting for them to bend election procedures in favour of the ruling [party's] candidates."* [p. 150];
- *"There was an 'undefined' involvement of security institutions in election activities, which created an impression that they had something to do with election results, but which was not being made public."* [p.151];
- *"Another inherent weakness is the electoral and legal system…which prohibits challenging the presidential candidates' results before the court of law…This…leaves behind a loophole for the National Electoral Commission and its agents to tamper with presidential election results unquestionably."* [p.151];
- *"The Registrar [of Political Parties] should consider giving a fair subsidy to political parties regardless of how many legislators they have, so as to enable smaller parties to grow and be in a position to compete to enhance democracy in the country."* [p.154];
- *"Political parties should provide civic and voter education to their members and the public at large…"* [p.154];
- *"Law enforcement officers should take more proactive measures in curbing corruption, riots, and other unlawful acts without biasness in favour of some political parties."* [p.155];
- *"There is an urgent need for Government to effect the reform of the electoral system in Tanzania so as to put in place, among other things, an independent electoral commission with public confidence to supervise elections in Tanzania."* [pp. 155-156];

- Parliament should *"review the Constitution of the United Republic of Tanzania of 1977 and give the courts necessary jurisdiction to adjudicate against NEC and to create a legal position which will allow candidates to challenge presidential results in Court."* [p.156.];
- *"CSOs should provide…civic education not only during elections but at least three years before the election takes place."* [p.157];
- *"The civil society should strategize and be in a position to link the issues of good governance and people's participation and the running of the election processes to enable them engage in the process from the lowest level of Government, the local Government, to the general elections."* [p.157]; and,
- "*The media should demonstrate highest levels of professionalism and impartiality in their coverage of elections…"* [p.158]

200. With regard to the current debate on national electoral governance, the main concerns that emerged from the CRM stakeholders' meetings and consultations revolve around the following issues:

- Strengthening the independence of the National Electoral Commission, the Director of Elections, and the Registrar of Political Parties, so as to insulate them from partisan control and build confidence in them. Existing constitutional provisions for the appointment, tenure and removal of their members would need amendment;
- The constitutional provisions, relating to the pre- and post-election adjudication of election-related disputes, especially those which oust the jurisdiction of the courts of law in such disputes; for example: (i) Article 41(7), which stipulates that *"when a candidate is declared by the Electoral Commission to have been duly elected [as President] in accordance with this Article, then no court of law shall have any jurisdiction to inquire into the election of that candidate"*; and (i) Article 74(12), which stipulates that *"no court shall have power to inquire into anything done by the Electoral Commission in the discharge of its functions.";*
- Modification of the current first-past-the-post electoral system by the proportional representation system or a hybrid one, consisting of elements of first-past-the-post and proportional representation systems;
- Amendments to provision of Article 41(6), which stipulates that, *"any presidential candidate shall be duly elected only if he has obtained majority vote"* to provide for a second-round of balloting if no candidates secures 50+ per cent of the valid votes cast ;
- Constitutional provision for independent candidates to contest elections;
- Review of the provisions of Section 11A the 1992 Political Parties Act, as amended, on the conditions for political parties to forge alliances for electoral purpose;
- Public funding of political parties;
- Sources and role of money, including ceilings on campaign funds and spending during electioneering campaigns;
- Abuse of the power of incumbency for unfair electoral advantage, through using Government resources and personnel during electioneering campaigns by the party in power;
- The central countervailing role of civil society as the voice of diversity; and,
- Ensuring the non-partisan role and use of the police and security services in the conduct of elections.

Supremacy of the Constitution

201. The Independence Constitution of 1961 provided for parliamentary supremacy in Tanganyika. Subsequent constitutions and constitutional amendments, such as Articles 8(1), 64(5) and 98, progressively entrenched the supremacy of the constitution in the URT. This means that the organs of Government (the Executive, Judiciary and Legislative) derive their authority from the constitution, to which they are bound, under a system of separation of powers and checks and balances. However, in practice, especially under the one-party state, CCM supremacy tended to be the norm.

202. Reference was also made to the observations in the CSAR on the provisions of Articles 8(1), 64(5) and 98 of the 1977 URT Constitution on the supremacy of the constitution. In addition to these Articles, the Preamble to the 1977 Constitution reflects the spirit and ethos underscoring constitutional supremacy. It gives expression

to *"principles…which can only be realised in a democratic society in which the Executive is accountable to a Legislative composed of elected members and representatives of the people and also a Judiciary, which is independent and dispenses justice without fear or favour, thereby ensuring that all human rights are preserved and protected and that the duties of every person are faithfully discharged."* These principles are further expanded in Part II of the Constitution as the *"fundamental objectives and directive principles of state policy."*

203. Further findings of the CRM include the following provisions enunciating constitutional supremacy:

- Article 4(4) of the 1977 URT Constitution, building on the principle of the separation of powers implied under Article 4(1)(2), establishes the supremacy of the constitution. It provides that *"each organ specified in this Article shall be established and shall discharge its functions in accordance with the other provisions of this Constitution."* In other words, the three organs or branches of Government derive their respective power and functions from the constitution which establishes them, and which stipulates not only the procedures for exercising but also the extent and limits of the power and functions of each organ. More importantly, constitutional supremacy, as enunciated under this Article, also requires that no organ of Government, but especially the legislative organ, shall upset or rupture the structure, distribution and the separation of powers between the organs;
- Article 26(2) vests in every citizen the right and virtually the locus standi to initiate legal action to defend and protect the constitution from violation;
- Article 107A confers the authority of dispensing justice in the URT on the Judiciary, while Article 107B stipulates that, *"in exercising the powers of dispensing justice, all courts shall have freedom and shall be required only to observe the provisions of the Constitution and those of the laws of the land";*
- Where the interpretation or the application of the 1977 URT Constitution is in dispute between the URT and Zanzibar, the supremacy of the constitution is provided for under Article 126(1), which vests in the Special Constitutional Court of the United Republic *"the sole function to hear and give a conciliatory decision over the dispute"*; and,
- The supremacy of the constitution in Tanzania is also provided for by the special requirement, or procedure for amending the constitution and altering the division of powers between the organs of Government, and the two levels of the two-Government structure, under Article 98(1) (a) and Article 98(1) (b) of the 1977 Constitution.

204. In general, the supremacy of the constitution has been maintained, although there was some controversy over the extent of, and limits to, constitutional provisions for executive and parliamentary powers and, by extension, judicial powers. To illustrate: Tanzania has experienced a dual executive-legislative challenge about the extent to which national judicial powers may strike down legislation enacted through the joint effort of the executive and legislature.

205. The more often cited examples of such a challenge revolve around court decisions in cases about the limits to the constitutional powers of the legislature under the human rights, elections, and access to justice provisions of the constitution. Prominent cases in question that featured in public debates were the following:

a) The case of Rev. Mtikila: in 1994, the High Court ruled that it was unconstitutional to bar independent candidates from standing in elections. If they wished to organise electioneering campaigns or rallies, political parties were required to obtain permits from the authorities. Acting in concert with the Executive, Parliament passed a constitutional amendment to the effect that only candidates sponsored by political parties had the right to stand for elections. The 1992 Political Parties Act was also amended: political parties were required to give at least forty-eight hours notice to the police before convening a political rally. This would give the police discretionary powers to refuse or deny the political party permission to hold the rally, ostensibly for reasons of state.

b) The Julius Ishengoma Francis Ndyanabo v. Attorney-General case of 2001 in which the Court of Appeal in 2002 held as unconstitutional and struck down the provision of s.111 (2) of the Elections Act, 1985. This provision required the advance security deposit of Tsh 5 million prior to consideration of any petition challenging the election results. This decision was laid down on the grounds that it denied the petitioner, particularly indigent petitioners, the fundamental human right of access to justice. As the CSAR [page103]

observed, the Court of Appeal *"said plainly that Parliament exceeded its powers [adding] that the legislative competence is limited to making laws which are consistent with the constitution."*

c) The decision led to a debate, pitting the Speaker of the National Assembly, who condemned it as an *"unfair assault"* by the Judiciary on the legislative powers of the legislature and the Tanganyika Law Society, which hailed it as an expression of the courts' power of judicial review of legislative action under the country's constitution. As in the Rev. Mtikila's case, the legislature in 2002 amended Section.111 of the Elections Act, 1985, to give the courts the discretion to exempt a petitioner from paying the deposit of Tsh. 5 million, if the court is satisfied that compliance with such a provision will cause considerable hardship to the petitioner. The amendment fuelled further debate over the extent of, and limits to, judicial and legislative powers in the country.

Decentralisation

206. The provisions for political decentralisation are contained in Chapter Eight [Articles 145-146] of the 1977 Constitution. They provide for the establishment, structure, composition, sources of income, procedures for the conduct of the business, the purpose and the functions of local Government authorities in the country. Under Article 146(1), "the purpose of having local Government authorities is to transfer authority to the people, and the local Government authorities shall have the right and power to participate, and to involve the people in the planning and implementation of development programmes within their respective areas and generally throughout the country." Article 146(2), prescribes the functions of a local authority as follows: "(a) to perform the functions of local Government within its area; (b) to ensure the enforcement of law and public safety of the people; and (c) to consolidate democracy within its area and to apply it to accelerate the development of the people."

207. The 1975 Villages and *Ujamaa Villages* (Registration, Designation and Administration) Act, introduced a village administration to replace the decentralisation policy of 1972, which abolished the local Government and replaced it with regional and district development committees under district and regional directors. The 1975 Act introduced a village administration system made up of a Village Council: an elected body of 15 to 25 members. The Council was given legislative power. The Village Assembly comprised all adults living in the village. This was the system in place, until a new system of decentralisation, re-establishing local Government councils and incorporating the Village Council and the Village Assembly, was enacted into law in 1982.

208. This was the local Government council system in place, when the Local Government Reform Programme (LGRP) was adopted in the late 1990s.The LGRP was designed for execution in three phases, starting from 1999. The first phase involved 35 local authorities. The Local Government Reform Agenda (1996-2000) was enacted into legislation as the Local Government (Miscellaneous Amendment) Act in 1999, to replace Local Government laws passed since Local Government Councils had been re-established in 1982. The Act was passed as an ad *interim* or *"transitional"* law to be consolidated into a comprehensive legal architecture for the country's local government system.

209. The reform envisioned that local Government councils and their institutions would: (i) be led by democratically elected leadership; (ii) operate autonomously, transparently, in an accountable manner, and without undue interference from central administration; (iii) foster participatory development, so as to reflect local demands; and, (iv) derive legitimacy from competent service delivery. Furthermore, Section 4 of the Local Government (Miscellaneous Amendment) Act stipulated that the Minister shall *"be guided and bound by the need to promote decentralisation and the devolution of functions, powers and services from the central Government to local Government and within the local Government system from district council to lower level of local Government."*

210. To this end, the Act enjoined the Minister to ensure: (i) the availability and adequate supply of trained and skilled personnel to the local Government; (ii) that local Government authorities are strong, effective, more autonomous but accountable to the people in the management of their affairs; and, (iii) that local authorities are financially and relatedly resource empowered to improve their capacities for stronger and effective service delivery to their people.

211. The CRM found out that there was a general consensus among the stakeholders at the CRM meetings across the country that the post-1996 local Government reform was initially democratic and geared towards autonomy. The reform was responsive to citizens' demands, through elective representation, especially during its first phase. However many stakeholders also claimed that limited gains and successes were adversely affected by a number of factors.

212. The CRM was informed at these regional stakeholder meetings that the country's 133 Local Government Authorities have had to cope with onerous and constraining human resource and financial capacity problems. On the human resource capacity issue, stakeholders identified a lack of accountants, auditors and lawyers at the local level. With regard to financial capacity, the problem was ascribed to the central government transfers that reduced the local revenue and tax-collecting base.

213. On this last point, the CRM learnt that: (i) in several cases, central Government was yet to fulfill its promise to compensate local Government authorities for revenue lost through reallocating revenue collected from the local level; (ii) allocations to local Government authorities were inequitably distributed; (iii) local Government authorities' allocations were not based on demand; (iv) local Government authorities were typically unable to balance their budgets; and (v) local Government block grants were generally insufficient to meet the local Government authority budgetary needs.

214. Some stakeholders observed that rather than being a re-centralisation issue, human resource capacity constraints caused by the inability of most local authorities to collect even half of the tax collectibles still within their power to collect was the basic problem.

215. The CRM found out that other areas where there were challenges for full devolution to local Government authorities include (i) a lack of professionalism at the local Government level; (ii) the need to improve social infrastructure such as water, roads, and health facilities for more effective service delivery; (iii) local Government staff training; (iv) rural development and improvement programmes; and, (v) introducing performance indicators. Regarding corruption, one participant at the CRM stakeholders' meeting in Arusha observed that some local councillors were often corrupt because they were victims of cultural pressures imposed by their constituents seeking monetary support to pay [constituents'] children's school fees, organise funerals, weddings. A councillors' Tsh. 500,000 monthly salary would barely be able to meet those and other expenses.

216. The CRM would like to point out that the logic of decentralisation should be applied to the regional level in Tanzania. This would correspond to global and African trends to devolve political power to multiple layers and centres of political authority on the basis of subsidiarity. Such an approach would, moreover, be in line with APRM DPG Objective Two where the emphasis is on political devolution.

217. The regional level is the missing link in the chain of political devolution in Tanzania. Indeed, as far back as 1969, a presidential commission had recommended devolution of powers to regional bodies. Their report was never published and the recommendation was rejected, apparently because of the political implications of increased regional autonomy.

218. Placing a layer of government at the regional level would have two strategic political advantages and benefits. First, it might take the steam off the long-standing agitation for a Government for Mainland Tanzania, by granting some level of autonomy and, therefore, self-rule, for each of the regions in Mainland Tanzania. Secondly, it would give legitimacy to elected leaders and representatives of the new devolved units of Government. At the moment, Regional Commissioners lack legitimacy and this tends to create political problems between Regional and District Commissioners.

219. Under the constitution, Regional Commissioners is not an elective office. Typically, ministers are appointed from the Union Parliament, but a Regional Commissioner is not a member. However, there is no constitutional provision that prevents the President from appointing a Member of Parliament a Regional Commissioner, or a Regional Commissioner a Member of Parliament.

Civilian control of the security forces

220. The CRM found out that many stakeholders at its meetings believe that security forces in Tanzania are firmly under civilian control. They point to their non-involvement in politics, proof of which is the country's relatively unbroken post-independence history of civilian rule, except for the mutiny on the Mainland in 1964, and the coup d'etat in Zanzibar.

221. Nevertheless, most stakeholders say that some of the officials in these forces have abused and violated the human rights of ordinary Tanzanians, and have also carried out extra-judicial killings. To arrest and prevent such abuses and violations, many stakeholders wish to see human rights education extended to the security forces. Special efforts should be made to nurture and vigorously promote smoother relations between them and the general public. There was also a general feeling among the stakeholders that a lot needs to be done for members of security forces involved in such abuses to be held accountable and subject to prosecution.

III. Recommendations

222. The APR Panel recommends that the United Republic of Tanzania:

- Consider introducing legislation for parliamentary confirmation of ministers, judges, ambassadors, the Chairperson and members of the National Electoral Commission, the Commission on Human Rights and Good Governance, and the Prevention and Combating of Corruption Board; *[Ministry of Justice and Constitutional Affairs, Parliament]*
- Enhance the institutional capacity and independence of democracy-promoting institutions such as CHRAGG, NEC, PCCB, and Registrar of Political Parties *[Ministry of Justice and Constitutional Affairs, Ministry of Finance, Parliament]*
- Vigorously pursue current efforts to eradicate extra-judicial killings and the incidence of mob justice in the country. Those suspected of complicity should be expeditiously prosecuted; *[Ministry of Justice and Constitutional Affairs, Judiciary]*
- Implement a sustained civic education programme and human rights awareness campaign for the Police, security services, related services, and the population as a whole, to guide them towards more respect and protection for the human rights of people living in Tanzania; *[Ministry of Justice and Constitutional Affairs, CHRAGG]*
- Expeditiously enact the Freedom of Information and Media Services Bill; *[Ministry of Information, Youth, Culture and Sports; Parliament]*
- Repeal legislation ousting the courts from jurisdiction over results declared by NEC, and undertake a comprehensive review of the electoral law and related legislation on competitive party and electoral politics to strengthen and advance multi-party politics; *[Ministry of Justice and Constitutional Affairs, Parliament, Political Parties, NEC, Registrar of Political Parties, CHRAGG, CSOs]*
- Review the current First-Past-the-Post electoral system so as to modify it with some element of the Proportionality System. This would have the effect of broadening and diversifying parliamentary representation and generally improve governance; *[Government, Parliament]*
- Develop and enhance local authority capacity to levy taxes and raise revenue *[Government, Parliament];* and,
- Extend the logic and principle of devolution to regional levels by making it a level of government and elect administration officials. *[Government, Parliament]*

Objective Three: Promotion and Protection of Economic, Social and Cultural Rights, and Civil and Political Rights

I. Summary of the CSAR

223. Tanzania has ratified a number of the core international and continental human rights instruments. The 1984 Constitution enshrined a Bill of Rights guaranteeing various economic, social, cultural, civil and political rights, as provided under international and regional instruments. A number of laws were also enacted to domesticate the ratified instruments and expand on the scope of human rights and freedoms provided in the Bill of Rights. The Constitution of Zanzibar similarly incorporates a Bill of Rights that mirrors the Constitution of Tanzania.

Right to work

224. According to the CSAR, the right to work is a constitutional right for all citizens and people living in Tanzania. National labour laws promote equal work opportunities and prohibit discriminatory employment policies or practice. While the National Employment Policy acknowledges the vulnerability of the youth, women, and persons with disability, it also proposes strategies for equal employment opportunities in the public and private sectors. Zanzibar, for its part, reviewed its labour laws to include ILO Labour standards. However, unemployment remains high, and there is evidence of discrimination based on gender, disability and political affiliation. From APRM opinion survey findings, 36 per cent indicated that equal opportunities on the labour market are limited.

Right to education

225. Fundamental objectives and principles enshrined in the Constitution provide for the right to education. This is also the case for Zanzibar where education is also one of the political objectives in its Constitution. The Bill of Rights does not stipulate that education is a right and therefore it is not enforceable by law. However, on both the Mainland and Zanzibar, the National Education Act brings the force of the law to bear on education as a right, while the Education Training Policy directs on education-related issues in order to increase access to education.

226. The education sector in Tanzania improved under the Primary Education Development Plan (MEMHWA) and the Secondary Development Plan. There were more primary and secondary classrooms, higher enrollment figures at both levels of schooling, more pupils passing their primary school examinations. Nevertheless, the education sector still faces many challenges: a shortage of qualified teachers, teaching and learning materials; environments that are not conducive to learning; increasing primary school dropout rates, especially for girls; high failure rates for Form Four candidates; and, many teachers in the public schools who lack motivation.

Right to health

227. The CSAR states that health is not a right under the constitution but it is one of its fundamental objectives and principles, while in Zanzibar it is a constitutionally-entrenched right under the Bill of Rights. To translate constitutional principles into policy, Zanzibar developed a Health Policy and Strategy guided by international and regional human rights instruments and national policy documents (e.g. Vision 2020 and the Poverty Reduction Plan). Registered health facilities were established: an increase from 44 in 1964 to 164 in 1998. Ninety-five per cent of the population have access to healthcare facilities and live less than 5 km away; the number of hospital beds increased from 88 before 1964 to 1,110 in 1998.

228. Zanzibar focuses on preventive services: immunization, prevention of non-communicable diseases, and malaria. Malaria infection rates have dropped from 2003 to 2006 in North A and Michweni, while malaria-parasite prevalence is estimated to be below 1 per cent. Some success factors are mitigated by the potential for complacency on the part of the Zanzibar Government and donors. Since the programme was dependent on external funding, the sustainability of achieved gains may be open to question. In Tanzania, while Government has attempted to restore free health services, not only is access still a challenge but the situation is aggravated by high costs and poor health services. There are also medical staff shortages, inadequate facilities, and a lack of medicine in rural areas especially.

Freedom of expression

229. According to the CSAR, the Constitution guarantees freedom of expression and opinion, and the right to information. According to the APRM survey, 72 per cent of the population was of the opinion that most Tanzanians enjoy this right.

Freedom of religion

230. The freedom of religion is also provided for in the Constitution with limitations that seek to protect public peace and security, and the national culture. People are free to worship and practice their religious faith and levels of religious tolerance between Moslems and Christians are high. The APRM survey established that 91 per cent of the public expressed satisfaction about enjoying religious freedom.

Right to housing

231. Housing is not expressly provided for as a human right in the Constitution. Other than providing houses for civil servants, the Government of Tanzania does not provide housing to its citizens. Indeed, housing continues to pose challenges as affordable housing in urban areas is inadequate and housing is of poor quality in rural areas. The majority of rural people have no choice but to live in overcrowded and unplanned abodes, with poor sanitation. Given high construction costs, the supply of privately-owned houses and housing projects promoted by public corporations (e.g. the National Housing Corporation) does not match demand. Most people are unable to build their own houses.

Access to justice

232. One of the deficiencies noted by the CSAR is that unlike civil and political rights, economic, social and cultural rights are not enforceable under the law. This restricts the availability of effective remedies should violations occur. Nevertheless for the rights that are enforceable, victims of human rights violations have recourse to the High Court and the Commission on Human and People's Rights (CHRGG) where civil society organizations have also challenged violations. An inherent weakness in CHRGG recommendations defining human rights violations is that they are defied unless applications are made to the High Court for enforcement. Not every administative region has a High Court therefore there is limited access to any remedy as distances to court are lengthy, costs are high, and judges in short supply.

233. Equality of access to justice is perceived under the Constitution as key to safeguarding equality before the law. Access to justice by the citizenry remains a problem. However, efforts are being made under the Legal Sector Reform Programme to increase access to justice for the poor and marginalised. Legal services are being brought closer to the people by building and rehabilitating courts, as well as increasing the recruitment of judicial officers. Quasi-judicial bodies - such as CHRAGG and land tribunals – are being strengthened, offering free services in order to mitigate the effects of high fees. Civil society organizations and universities teach the law for a betting understanding of basic law and human rights. They provide legal aid and promote alternative dispute resolution mechanisms to improve the situation. Throughout the country, high fees, complex procedural and substantive law, and limited capacity - as well as an unwillingness by the advocates to engage in ADR - are serious obstacles to accessing civil justice. For criminal justice, bottlenecks include inadequate legal aid for the poor to offset high court fees, and long travel distances to courts, particularly in the rural areas.

II. Findings of the CRM

The human rights legal and policy Framework

234. Tanzania has ratified key international and regional human rights instruments and is paying closer attention to state obligations and minimum standards. As noted in the CSAR, these instruments include: the International Bill of Rights; the Convention on the Elimination against all forms of Discrimination against Women; the Convention on the Rights of the Child; the Convention on the Elimination of all Forms of Racial Discrimination; the Convention on the Rights of Persons with Disabilities; and, the core ILO Conventions. However Tanzania is yet to accede to core Conventions such as the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment and its Optional Protocol, and the Protocols to the International Covenant on Civil and Political Rights. In so doing, Tanzania would extend human rights protection for suspects and persons in detention.

235. In confirming the CSAR findings, the CRM notes that the Bill of Rights prohibits discrimination and guarantees several civil and political rights namely: the rights to life, privacy and security of the person; participation in governance; liberty and freedoms relating to movement, expression, opinion, religion and assembly. However, most economic and social rights are not enshrined in the Bill of Rights. Instead, they find mention in the Constitution's policy directives. This means that they are not strongly protected because they are not enforceable in Tanzania. Standards related to the rights of the child and the elimination of discrimination against women are also not adequately addressed in the Constitution.

236. The CRM observes that the Bill of Rights provides limitations that, notwithstanding their legitimacy, are contrary to minimum international standards.They have, in practice, narrowed the scope of the substantive standards. For example, the Constitution provides that involuntary labour shall not be considered to be forced labour if it forms part of compulsory national service, or a national endeavor to mobilise human resources for the enhancement of the society and the national economy. The interpretation of these limitations runs counter to the enjoyment of rights such as the freedom of the press, discussed later.

237. Going beyond the Constitution, the CRM confirms the enactment of enabling laws that compensated for gaps in the Constitution. Such laws further elaborated on some Constitutional provisions, such as the 2009 Law of the Child that aims to protect children. However, the CRM notes that Tanzania also has retrogressive laws conspiring against the actualisation of human rights, especially with regard to property, access to land, freedom of the press, women and children. Legal protection of other rights is threatened by existing contradictory religious and customary norms and practices (e.g. Female Genital Mutilation despite it being considered a criminal offence under the Penal Code.)

238. The CRM suggests that Tanzania's anticipated participatory Constitutional Review process should provide an opportunity for the country to strengthen its Bill of Rights and align it with international and regional human rights obligations and standards. The participation of groups such as women, the youth and PWDs will be essential.

239. Human rights promotion and protection, especially for vulnerable groups, are also an integral goal of the national development policy documents for 2011 to 2015. The inequalities within Tanzania - particularly between men and women - are highlighted and accompanied by strategies to respond to them. The MKUKUTA II and MKUZA II give positive signs of increased awareness and a higher priority for human rights. Sector-specific policies such as the revised Child Development Policy, the revised National Health Policy of 2007, and the 2000 Gender and Development Policy (currently under review), adopt rights-based approaches to development issues related to these specific groups.

240. The CRM also recognises Government efforts to develop a National Human Rights Action Plan through a consultative process driven by a multi-stakeholder committee comprising representatives from Government, CHRGG, CSOs, academia, and development partners, all under the leadership of the Attorney General. The CRM deems this as a good practice which is likely to address all rights in an integrated manner and establish rigorous implementation arrangements that include periodic monitoring and evaluation by Parliament. The CRM urges that this initiative should be a continued priority for all relevant ministries, departments, and agencies responsible for ensuring the respect of human rights.

Right to education

241. The CRM observed that education is not guaranteed by the Constitution in the URT. However, key national instruments guiding education in Tanzania include the 1978 Education Act, the 1999 Higher Education Policy, and the 1978 Education and Vocational Training Policy that seek to provide equal and adequate educational opportunities in all fields, at all levels. Similarly, education is a priority that is mentioned in Zanzibar's policies and development, including the Education Policy and the Education Act that provide for free and compulsory education for every child at primary and junior secondary.

242. The CRM acknowledges that Mainland Tanzania has made considerable strides in ensuring universal and free access to basic education. As discussed in Chapter Six, implementing the Primary and Secondary Education Development Plans meant enrollment rose to 95.4 per cent in 2010, compared to 59 per cent in 2000. Similarly, secondary school net enrollment ratios increased from 13.6 per cent in 2006 to 29.9 per cent in 2010. The number of students admitted into universities and colleges increased from 18,951 in 2005/2006 to 40,993 in 2009/2010, with 35.5 per cent of them being women. Increases were also evident in Zanzibar: 21,170 pupils sat for primary school exams in 2010 and a total of 80,008 enrolled in secondary education. The rise in student numbers at higher learning institutions in Zanzibar can be attributed to the creation of higher education funds from which loans are available to sponsor students.

243. Stakeholders informed the CRM about several obstacles affecting the right to education, mostly relating to educational quality, in both Mainland Tanzania and Zanzibar. The environment is inadequate for teaching - some classrooms hold more than 200 pupils, far above the Government limit of 45 in Mainland Tanzania; a shortage of teachers and a high teacher pupil ratio of 1:60 in Zanzibar; poor performance from learners on the Mainland translating into a declining trend in primary education (from 54.2 per cent in 2007 to 49.4 per cent in 2009) and a 20 per cent drop in secondary school Form Four pass rates in 2010, compared to 2009, and down to 9 per cent in 2011.

244. Other concerns are: dwindling enrollment numbers for children living with disabilities, despite the Inclusive Education Strategy; forced marriages in spite of stringent laws in Zanzibar enacted in the interest of education, and early pregnancies that have contributed to girls' dropout rates; continued corporal punishment in schools; and, a shortage of educational facilities and teaching materials. High levels of poverty, early marriages, undue emphasis on educating boys at the expense of girls due to patriarchal norms, financial contributions from parents to defray edcuational costs and the realties of high unemployment levels, all undermine the benefits of formal education and were said to account for the school dropout rates for both boys and girls.

Right to health

245. The CRM notes the disparity between Mainland Tanzania - where the constitution accords no recognition to the right to health - and Zanzibar, where there is. However, Tanzania the 2007 National Health Policy does aim to improve and sustain the health status of Tanzanians. The CRM found that several projects are fully funded by donors. Dependency on foreign aid to run the health sector poses challenges that can lead to poor implementation and unsustainable health policies, eroding registered gains.

246. The Zanzibar health service is based on primary and secondary health care, as well as referral health services. The introduction of a cost-sharing programme brought health services closer to the people. Government successfully improved health service-based anti-malarial care, and the situation in Zanzibar changed from high to low endemicity.[22] Given that this programme was largely donor-funded, the CRM is concerned about the sustainability of these gains.

247. Drawbacks preventing citizens from enjoying their health rights are: inaccessible health facilities which are also unequally distributed; a lack of clearly-defined free care delivery[23] strategies to bring medical care to special groups such as pregnant women, children under five, and elderly persons; the shortage and lack of qualified health workers; increasing incidence of communicable diseases such as cancer, strokes, diabetes, and tuberculosis; and, poor service delivery.

[22] Budget Speech, pp.24-25, Ministry of Health and Social Welfare, July 2010. See also *LHRC Annual Report 2010*, p. 364.
[23] *LHRC Annual Report 2010, p. 111*.

248. To benefit from the right to health, other rights also need to be in place such as safe water and nutritious food. The CRM established that despite good donor-supported water supply programmes, Zanzibar experiences water pollution and contamination of the springs that supply water to urban *Unguja* and Pemba, a result of human activities in nearby water sources.[24] Water service costs are also high and a deterrent to access for many people.

Right to housing

249. The CRM confirms the CSAR findings pertaining to a lack of adequate, affordable housing for Tanzanian citizens. In Pemba, the CRM learnt that although land had been allocated and citizens could buy land to build homes, plots had no services - compromising minimum standards for housing. Construction costs were also high and prevented citizens from building their own houses. , vulnerable groups such as women, youth, elderly and PWDs are relegated to land without the appropriate services for shelter and human settlement. Furthermore, desingated buildings are not adapted to provide mobility of access for PWDs.[25]

250. The CRM was unable to gather sufficient information to firmly ascertain whether buildings were habitable or accessible by disadvantaged groups, and how close their homes were to employment options, healthcare and schools. Neither were Government plans provided to the CRM showing any responses to the growing demand for housing to match population increases and the fact that citizens are unable to build their own homes.

251. While there is legal provision for protection against forced evictions, the CRM was told of communities evicted from their land and property, thereby compromising their legal security of tenure. In interactions between stakeholders and the CRM, it emerged that the rights of communities to their land have been denied, especially in game reserves, areas set aside for foreign direct investment. Other local communities have also encroached on their land. Anecdotal evidence of land disputes between Tanzanians at all levels was also provided. While Article 24 of the Constitution and the 1999 Land Act provide for the right to property, the Land 1967 Acquisition Act allows for land to be acquired for public purposes and housing schemes, thus promoting public interests over private land rights.

252. The CRM established that throughout the country, Tanzanians have been evicted unlawfully from areas they have lived in for many years. As a result, an increasing number of conflicts are related to land ownership. Examples include the demolition of houses in Kipawa, land conflicts in Hanang, evictions from the Ngorongoro crater, the Kilosa land conflicts, and conflicts between peasants and pastoralists in Ruipa valley.[26] Some of the most affected communities are indigenous peoples who have lost their land without free, prior, and informed consent or consultations, albeit for social and economic development objectives.

253. Continued evictions and other forms of land disputes, especially when they are not resolved conclusively, are a source of instability. Alongside this, the failure to determine whom, among the 120 ethnic groups, are legally recognised as indigenous people - as defined by the African Charter on Human and Peoples' Rights for their special consideration - can trigger civil conflict. The CRM notes that Tanzania presently does not recognise indigenous peoples in the country, thereby preventing them from practicing their own culture on par with the majority.

Right to work

254. The Constitution (Article 22) recognises the right to work, equal opportunities and rights to hold any office on equal terms, or discharge any function under state authority. Other legislation - such as the 2004 Employment and Labour Relations Act and the 2004 Labour Institutions Act - constitute the laws that guarantee labour rights in Tanzania. Furthermore, the National Employment Policy of 2008 provides direction in response to the vulnerability of youth, women, and persons with disabilities in finding employment.

255. The CRM established that more needs to be done to combat discrimination in the workplace. Despite Tanzania's ratification of the Convention on Equal Remuneration and the Convention on Discrimination in Employment and

[24] *LHRC Annual Report 2010, p. 370.*
[25] Guardian, p.12, 14 March 2012.
[26] *Annual Report 2010 of the Legal and Human Rights Centre,* p.154

Occupation, and existing domestic laws, Government is yet to address wage discrimination and disparities in private and public sector job values. Similarly, HIV/AIDS-related discrimination remains institutionalised in both the public and private workplaces despite the provisions of the 2008 HIV/AIDS (Prevention and Control) Act and the 2007 Employment and Labour Relations (Code of Good Practice) Rules.[27]

256. The 1982 Local Government (District Authorities) Act allows Government to compel individuals and groups to forcibly work for economic development. A number of laws such as the Penal Code, the Newspaper Act, the 1969 Resettlement of Offenders Act, the 1969 Ward Development Commits Act, and the 1982 Local Government Finances Act, also allow forced or compulsory labour as punishment for several offences, including expressing political views and failing to engage in socially useful work.[28]

257. The CRM notes that the law on disability provides that PWDs should at least apply to public and private organisations for employment. Companies employing 50 workers or more are required to ensure that 2 per cent of the work force is made up of PWDs. However, the CRM observes that this legislation is not properly enforced, making it challenging for PWDs to improve their lives by receiving a sustainable income from a job. While the CRM was not able to establish the current employment status of PWDs, in 2011 a local recruitment firm carried out a survey in 126 companies which revealed that only 186 PWDs were employed out of 25,000.[29]

258. The CRM further noted the difficulty in establishing unemployment rates. According to the last Integrated Labour Force Survey in 2006, the rate was 11.2 per cent, while the National Bureau of Statistics estimates indicated 13.4 per cent. Yet, the CRM learnt[30] that unemployment rates in Tanzania are very high and rising continuously: millions of people in the country, especially the youth and women in cities, are out of work and disparities persist in unemployment between men and women. The Ministry of Labor, Employment and Youth attributes this to dwindling job opportunities and the mismatch between skills imparted by the national education system and those in demand in the work place. This calls for more of an emphasis on career-driven alternatives.[31]

259. The CRM also observed that the rights of workers in the informal sector, employing the majority of workers in Tanzania, are not protected. Public sector workers are better protected for they are given a minimum wage and social security benefits. In general, the CRM learnt that workers work over-time under the threat of dismissal, employers fail to meet the minimum wage required by the Regulation of Wages and Terms of Employment Order of 2010, and workers are fired unreasonably without the due process of law.

260. Vulnerable groups, such as women and children, face tremendous employment difficulties. The proportion of women in wage employment is still low, with women constituting only 30 per cent of paid employees in Tanzania. Disparities in the workplace mean that women are generally paid less for the same work and have less secure employment than men[32], while their contribution to labour, especially in domestic and care work, and agriculture, remains invisible.

261. In interactions with stakeholders, the CRM was informed of increasing instances of women and children subjected to trafficking - both in and outside of Tanzania - for forced labour.[33] Commendably, the CRM learnt that since 2005, Government and development agencies have embarked on serious measure to counter human trafficking in an effort to provide restorative justice to victims and to monitor progress and trends for action.

262. The CRM notes that, unlike their counterparts employed in private sector, government workers and professionals are privileged by law and protected in their right to form a trade union and go on strike. Poor remuneration in these challenging financial and economic times have resulted in national strikes for increased pay, such as the two recent strikes by medical doctors in February and March 2012, respectively. This brought public services to

[27] Submission from the UN Country Team, 12th Universal Periodic Review Session, 2011 p. 7
[28] Submission from the UN Country Team, p.9
[29] *"Government told to enforce law on Disability"*, the Guardian, p. 5, 5 March 2012.
[30] *Annual Report of the Legal and Human Rights Centre,* 2010 p.149
[31] *"The Struggle to Survive in a Frail Labour Market"*, the Citizen, p. 17, 6 March 2012.
[32] *UN MDGs Report of 2010,* p.22.
[33] About 89 per cent of internal trafficking victims are under 18 years, 75 per cent are female children exploited as housemaids and in prostitution. Similarly, 80 per cent of vulnerable children are forced to work more than 12 hours a day each week in households and as manual labour in mining areas. *(LHRC Annual Report 2010,* p. 175).

a standstill. In some cases, civil unrest led to the arrest of striking individuals.[34] There have been instances where Government declared the strike illegal, threatening to fire participating civil servants.[35]

Freedom of expression

263. The Constitution of Tanzania recognises the freedom of expression and progressive trends in the legal framework that increase transparency and accountability in handling media issues, such as the TCRA Act. The CRM established that over the last 18 years, over 54 televisions stations were established with a 19 per cent coverage of the population. State-owned stations have risen from one to 128 registered radio stations under diversified ownership – 89 per cent of which are located in urban areas.[36] In addition, there are about 20 million mobile phone subscribers.[37] However, it is only recently have community radio stations begun to emerge and there are currently 15 of these, located mostly in rural areas, the majority being in Mwanza, Kagera and Shinyanga.[38] Nonetheless, there is a perception that many media proprietors are affiliated to the ruling party, resulting in biased reporting.

264. Notwithstanding this progress, the CRM notes that several pieces of enabling legislation restrict media freedom in Tanzania, resulting in repressive government action. These include the National Security Act, the Tanzania Communications Regulatory Authority Act, the 2010 Electronic and Postal Communications Act, the 2002 Parliamentary Immunities Powers and Privileges Act, the Prisons Act, the Prevention of Terrorism Act, and the Newspaper Act, Cap 229. Government is yet to act on the Nyalali Commission recommendations and advocacy by various actors over these restrictive laws.

265. The Newspaper Act, for example, was used to suspend or indefinitely ban the publication of certain newspapers. Between 1993 and 1999, Government banned about 12 newspapers, including *Michapo, Cheka, Ausha Leo, Kasheshe, Nyundo, Chombeza, Kombora, Watu and Tingihsa.*[39] In 1999, Majira was banned for a week while, between 1996 and 1998, the same paper was banned in Zanzibar, allegedly for sedition and malicious reporting. In October 2008, MwanaHalisi was banned for three months on allegations of having published seditious stories. In January 2010, Leo Tena was banned indefinitely for publishing a pornographic picture while *Kulikoni* was banned for three months on the grounds that it published seditious and defamatory articles. The same law (Section 27) empowers the President to prohibit the importation of any publication that would be contrary to the public interest. To this effect, publications including *Brown Book* and *My Dear Bottle* were prohibited from being imported.

266. The CRM noted the appreciable increase in community radio use. Communities perceive these radio stations as important change agents in providing information and increasing education on various social issues. Despite coverage limitations to areas or locations where these radios can be clearly heard, they are the most preferred broadcasting service in rural areas as they reach marginalised groups, offer what the community needs, address local issues, and are managed by the communities themselves. As is reported in Chapter Five of this Report, the CRM notes as a good development the External Code of Ethics issued by the Media Council of Tanzania in 1995.

Right to information

267. The CRM observes that Tanzania is without a law making it mandatory for public and private bodies to inform citizens of matters important to them and informing them how to exercise this right. Rather, several laws allow officials to disclose specific types of information, such as under the 2002 Companies Act, and the Law of Marriage Act Cap 29. This contravenes the 2003 Information and Broadcasting Policy which directs that a law should be drafted to implement the citizens' right to seek and disseminate information. The CRM learnt from meetings that media stakeholders rejected the government-prepared draft Freedom of Information Bill of 2006 because it contained repressive provisions. Although the media subsequently proposed two alternative draft bills

[34] A key driver of civil unrest and conflict is improper management of labour disputes. Incidences of labour rights abuses were cited to the CRM with investors being named as perpetrators.
[35] As in the case of the May 2010 strike of the Trade Union Congress of Tanzania.
[36] Impact Assessment of Community Radio Stations, p.5, Media Council of Tanzania.
[37] Submission from the UN Country Team to the 12 Session of the UPR, p. 12
[38] Ibid.
[39] Freedom of Expression and Media Laws in Tanzania: A Critical Appraisal, p. 127, Media Council of Tanzania.

– the 2007 right to Information Bill and the 2008 Media Services Bill - Government has not taken this forward. The CRM was given no reasons for government inaction.

268. Given all these limitations, the CRM notes that access to information is problematic for all sectors of Tanzanian society. This restricts the public's ability to proactively monitor issues affecting them. Government workers themselves also highlighted difficulties in accessing key information needed for informed planning. It emerged during the CRM interactions that journalists on Mainland Tanzania are denied entry or turned away from certain premises while, in Pemba, the public expressed frustration about the way they are treated when attempting to seek information. Given that over 70 per cent of the population is made up of rural dwellers, information about various matters of national, political, social, cultural and economic significance must be constantly accessible and available.

269. The CRM also learnt that, contrary to what pertains in urban areas, rural populations lack the necessary communication infrastructure to access information through newspapers and the internet. Even when the number of media outlets increase, the CRM found that, to a large extent, grassroots communities have no voice or forums for information exchange. This prevents them from actively demanding accountability of local authorities or participating effectively in making decisions that affect them.[40] The absence of an enabling law on the right to information therefore continues to disempower sectors and citizens from participating in their own governance and enhancing accountability.

Freedom of assembly

270. As noted in the CSAR, freedom of assembly is provided for under the Constitution of Mainland Tanzania and Zanzibar. In Mainland Tanzania, this right has been publicly expressed through demonstrations and assemblies. The CRM learnt that the improper application of the Police Act jepoardises the freedom of assembly. The law requires that conveners of meetings and demonstrations must notify the police to secure a permit for the meeting. However, the CRM was given examples of police using their own discretion to ban these meetings even after having received notification on time. The practice is more pronounced with political parties than with other groups. In October 2011, CHADEMA informed the police by letter about an intended meeting at Dodoma, but the police responded a few hours before the meeting prohibiting them from proceeding. Those who were on site preparing for the meeting were arrested. Other incidences abound.[41]

271. In Dodoma, the CRM was told that police receive human rights training aiming to change the officers' attitudes and practices in conducting their duties. In addition, officers were being exposed to community policing initiatives to build public trust. However, the CRM noticed that the impact of these initiatives was being questioned given that district and regional security councils comprised military personnel without any representation from the people. They are chaired by the District Commissioner, a political appointee. While a Village Security Council is made up by the people with no representation from security organs, it stills report to the District Commissioner who chairs the District Security Committee. This structure invariably strengthens the ability of the police to protect the current regime instead of adopting a democratic policing model in which the citizens' sense of public security is assured and restored.

Right to life

272. Although the right to life is guaranteed by the Constitution, the CRM confirmed the CSAR assertion that, in Tanzania, this right is under threat in many ways. A good but depressing example involves persons with albinism who not only face stigma and discrimination, but also the threat of death. Between 2006 and 2010, at least 58 persons with albinism were killed, the majority of whom were children.[42] These attacks are motivated by a combination of superstition, deep-rooted discrimination, and trade in body parts for ritual purposes. Elderly

[40] *The Role of Community Media in Tanzania: Challenges and Opportunities for Democratization and National Development,* p. 201, 2011.

[41] In 2011, Police reportedly used force to disperse students who were demonstrating against high fees and some were suspended. Petty traders in Mbyea also demonstrated in 2011 against the trading on pavements removal order and police used live ammunition resulting in death. The strong concerns against strikes and demonstrations as an importation from the west were raised and point to the need for civic education on the purpose and conduct of such activity in the changing democratic environment in Tanzania.

[42] UPR, p. 8.

women have also been targeted. The CRM applauds the establishment of a national task force to fast-track investigation and prosecutions of cases concerning the albinos, culminating in the prosecution of 14 suspects. However, the CRM was informed that, given the high-profile nature of such cases, victims' families and citizens are not kept informed of progress. A number of cases are still pending with no suspect having been charged. Elderly women's deaths are suspected to amount to even higher numbers than albinos, but they are not being given due attention either.

273. The CRM notes that Tanzania is yet to abolish the death penalty. The sentence still remains on the law books as a punishment for offences of murder, treason, and the misconduct of military commanders. The Law Reform Commission of Tanzania reported that between 1978 and 1987, and also from 1995 to date, there were no executions of condemned prisoners.[43] Although President Benjamin Mkapa and President Jakaya Kikwete commuted 100 and 75 death sentences, respectively, into life imprisonment, the CRM noted that the courts continue to hand down death sentences.[44] Similarly, Zanzibar, like Mainland Tanzania, still retains the death penalty as a capital punishment under the 2006 Penal Act. While the execution of the death penalty was imposed in Zanzibar in 2010, executions had not been carried out since 1964 because the President invoked his power to commute the penalty instead.[45] Despite several campaigns by CSOs against the death penalty, the CRM learnt that there are no signs that it will be struck off the statute books.

274. The CRM confirms the CSAR finding on increasing cases of mob justice nationwide, resulting in suspected thieves being killed.[46] The victims, mostly young men, are taunted and battered or burned to death by fellow Tanzanians sometimes, with the participation of children.[47] The increase in mob justice is a threat to the rule of law and it increases insensitivity to violence in which not only are victims declared guilty before trial (the majority turn out to be innocent), but they also undergo cruel and inhuman treatment before losing their life.

275. The CRM also learnt that Tanzanian citizens have also reacted to incidents of alleged police brutality. In meetings with stakeholders, the CRM was informed about unlawful attacks on the police by angry citizens.[48]

National human rights protection system

276. In interactions with stakeholders, the CRM learnt that the national human rights protection mechanisms in Tanzania are perceived to be weak. The Judiciary and the Commission of Human Rights and Good Governance constitute the two main national mechanisms for providing remedies pursuant to human rights violations. It emerged during the CRM consultations that the high costs, cumbersome procedural rules, and limited knowledge of how courts work make it difficult for the public to access their rights through the judiciary. Lack of clarity about the relationship between courts and rights-specific remedial avenues such as CHRAGG have also created confusion among members of the public about where to go to resolve their claims.

277. Commendably, CHRAGG has established its structures as a full-fledged National Human Rights Institution (NHRI) comprising seven commissioners and 192 staff. This constitutes 76 per cent of its staffing requirements. Operations run smoothly. The Commission is accredited to the International Coordination Committee of NHRIs with A status and continues to carry out human rights awareness programmes, monitor places of detention, and engage with civil society organisations.

278. Despite these positive developments, CHRAGG has to deal with a weak legislative framework, insufficient financial and human resources. Political will to recognise its recommendations, guidance and advice is not

[43] *Discussion Paper for Stakeholders' Workshop on the review of the Capital Punishment, Corporal Punishment and Long Sentences in Tanzania,* LRCT (2008). See also LHRC (2010), p. 38.

[44] On 13 March 2012, a father and his son were sentenced to death by hanging after High Court Judge in Hai District in Kilimanjaro was convicted of murder (Daily News, p.1, 14 March 2012.)

[45] *LHRC Annual Report* 2010, p. 304.

[46] In August 1999, the media showed a suspected thief who had been burnt alive in Morogroro and in January 2011 another man who was accused of stealing a motorcycles was burned to death in Kimara. *(Mob Spot but no Justice*, Guardian, Monday 12 March 2012)

[47] Another lynching occurred in February 2012 despite efforts by a media report to contact and involve the Police to avert the tragedy. In Pemba, in September 2010, the victim was beaten to death in a conflict over clove trees *(LHRC Annual Report 2010*, p. 304.)

[48] In June 2010, a group of 300 people attacked a police station in Kilimanjaro when they wanted to kill three men suspected to have kidnapped a young child and killed her for ritual sacrifice. *(LHRC Annual Report 2009,* p. 51.) In another incident, villagers stormed and destroyed a police post and set fire to the houses of the police officers alleged to have killed a student in Chunya district, Mbeya. Some suspects who were on remand escaped (The Citizen, 4 March 2012.)

always forthcoming. National stakeholders have also raised questions about the legal or factual independence of CHRAGG.

279. The CRM confirms the CSAR observation that the appointment of commissioners by the President and the presidential powers to direct or order the CHRAGG on any matter in the public interest has undermined its independence. The CRM also established that a constraining political environment is not conducive for CHRAGG to effectively discharge its role as a human rights watchdog. Government is not complying with the institutional requirements to respond promptly, without any prior justification being given, to the commission's inquiries and recommendations on completion of its investigations (refer to Nyamuna case). The Parliament of Mainland Tanzania did not discuss any of the Annual Reports of CHRAGG, while the Zanzibar House of Representatives did so for the first time in 2011.

280. The CHRAGG budget, which comes from a consolidated fund, has been dwindling and inadequate allocations from the Legal Sector Reform Programme Fund hamper its mandate, adversely affecting efforts to take service provision beyond current offices in Lindi, Zanzibar and Mwanza. As a result, CHRAGG has been unable to sustain implemention of its medium-term service delivery strategy, nor give timely responses to issues at the community level (as in the case of the Loliondo and Kipaw evictions), nor even to educate the public on their rights or provide remedies for human rights violations. In meetings with stakeholders, it emerged that the public is unable to get to CHRAGG services and tends to seek assistance from CSOs such as the Legal and Human Rights Committee.

Box 3.1: *Best practice: the URT Declaration on Jurisdiction of the African Court of Human and Peoples' Rights*

Despite the challenges of protecting and promoting human rights, the United Republic of Tanzania should be commended for being one of the first countries in Africa to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights which came into force in respect of URT in February, 2006. The URT made a declaration under Article 34(6) of the Protocol in June 2009 thus accepting the jurisdiction of the African Court in respect of direct access by individuals and NGOs. To date only five African countries including Burkina Faso, Ghana, Malawi and Mali have made the optional declaration. The first case against the United Republic of Tanzania was filed on June 2, 2011 by the Legal and Human Rights Centre (LHRC) on independent candidacy.

Knowledge and awareness on human rights

281. The CRM observed that the majority of people in Tanzania, especially in the rural areas, do not sufficiently know their rights, thereby impacting on their ability to enforce and claim them. Although CHRGG and CSO civic education programmes have better informed growing numbers of citizens about their rights in communities where they organised programmes, particularly in urban areas, civic education has not reached rural areas where over 70 per cent of Tanzanians live. In some regions, such as Pemba, the CRM learnt that voter education reached the public a few weeks before elections – civic education has therefore, not been adequate. It meetings with stakeholders, it emerged that CSOs provided most of the civic education through radio programmes and workshops. That notwithstanding, there were strong calls from Mbeya, Mtwara and Zanzibar for sustained civic education on human rights that is essential for deepening democracy and ensuring inclusive development.

282. The CRM is concerned that the mindset and understanding of the leaders and citizens on human rights was biased towards civil and political rights. There was little recognition of the economic and social rights of the people. Consequently, the leaders and citizens regarded the social and economic needs as services and not as human rights. This hampered discussions on socio-economic rights during the CRM. The social and economic rights discourse has not been positive. This is attributed to the biased understanding of human rights that has contributed to limited progressive and innovation action to protect economic and social rights through litigation, advocacy, or community and individual initiative.

283. Fast-changing market conditions, technological development and economic growth in which private sector is a central driving force, tend to compromise respect of human rights. During the CRM interactions, citizens felt that Tanzania had no culture of respect for human rights as yet. The CRM was informed that public and private institutional behaviour had compromised this, particularly in relation to land rights, the environment and labour rights. Moreover, although, as noted in Chapters Four and Six, the economy is growing at an annual average of 7

per cent, citizens are disconnected from the growth process for the most part. The result has been an increase in poverty and growing disparities (geographical, gender and income).

284. A combination of all this - in a context where democratic institutions are not functioning effectively - breeds dissatisfaction and a sense of socio-economic injustice, causes of instability. The CRM suggests that developing public and private institutional capacity to adhere to human rights-based approaches principles and standards, beyond corporate social responsibility, will determin to what extent people are truly at the centre of national development.

Access to justice

285. The Legal Sector Reform Programme (LSRP) launched by the Government in 2005 seeks to ensure speedy access to affordable and quality justice. Through this programme, Government established a criminal justice forum to monitor improvements in justice delivery and installed detention facilities for juvenile offenders in police stations to protect the rights of juvenile offenders. Gender and children's desks were also set up in police stations. These desks are intended to increase access to justice for women and children in the event of sexual- and gender-based violence, and child abuse.

286. The administrative reforms now allow all judges to adjudicate land disputes. The number of courts, judges, magistrates and state attorneys has also increased, and investigation and prosecution functions, previously carried out by the police, have been separated.

287. The CRM noted the benefits accruing from the establishment of the Commercial Court in Dar es Salaam in resolving commercial disputes as Tanzania moves into a private sector-led economy. Commercial Court centers have also been established in Arusha, Mwanza and Mbeya High Court zones to take commercial dispute resolution closer to the people. From 2000-2010, the ADR expeditiously resolved disputes and it was largely successful in resolving 20 per cent of the commercial matters through the commercial division of the High Court.[49] As Tanzania moves into a private sector-led economy, commercial dispute resolution will increasingly be demanded, especially by Tanzanian private investors and business people. For now, commercial dispute resolution still remains inaccessible to the majority of medium and small business, and individuals in rural communities although, commendably, plans are underway to establish divisions at the district courts.

288. The CRM confirms the CSAR finding that, although the 1969 Legal Aid (Criminal Proceedings) Act sets no limits on the type of offences for which legal aid should be provided, in practice people who are suspected of serious offences like murder and treason may receive sentences up to life imprisonment are on legal aid. The CRM further established that the Ministry of Constitutional and Legal Affairs designated a section to develop and operationalise a legal aid scheme as well as coordinate legal aid activities countrywide. These are steps to strengthen legal aid provision. However, no information was provided to the CRM on the key steps actually taken to this end.

289. Despite the progress achieved, the CRM found that access to justice remains beyond the reach of many Tanzanians, especially in rural areas. This confirms CSAR findings. Recourse to justice by the public and people within the system in Tanzania face a number of systemic constraints and challenges. These range from insufficient legal, institutional and human resources to inadequate or outdated infrastructure, systems and procedures throughout the entire justice system. Citizens, and the vulnerable and marginalised , are not sufficiently empowered to seek and demand their rights.

290. The CRM established that there are no high courts and district courts in eight regions and 26 districts. Many parts of Tanzania have no primary courts since 131 of them had to be closed because the infrastructure was too dilapidated or had collapsed. In Zanzibar, the CRM was informed that judges have to wait for court rooms to become available before convening their sessions.[50] Filing and transport costs associated with getting access to justice are high.[51]

[49] Keynote Address by Mohamed Chande Othman, Chief Justice, on the occasion of the Annual Conference of the Tanganyika Law Society, p. 19, Arusha Tanzania, 17 February 2012

[50] For example, a litigant in Kigoma region can only file an appeal from a District Court to the High Court at Tabora which is 674kms away and where the filing fee is TZ.SHS.4,000, with a bus fare of TZ.SHS.75,000.

[51] Keynote Address by Mohamed Chande Othman, Chief Justice, on the occasion of the Annual Conference of the Tanganyika Law Society, p. 10, Arusha

291. Tanzania has a ratio of two judges to one million people compared to Western Europe where it is 50 judges to one million. For this reason, High Court Judges were each assigned a five-year caseload to dispose of, while case reporting continues.[52] Court processes are mostly manual, contrary to established good practice requiring automated and integrated management systems for court recording and the necessary transcriptions for court efficiency and judicial dispatch.

292. The CRM also learnt that justice agencies are not financially independent and lack the financial resources to equitably dispense justice in a timely manner. Judiciary budget approvals of Tz.shs. 20 billion for 2011/2012 already reflected a 36.7 per cent shortfall.[53] As a result, court assessors are unable to assist the 974 functioning primary courts and criminal sessions cannnot be convened in the High Court. Other challenges include (i) undue procedural technicalities that cause unwarranted and excessive procedures unnecessarily prolonging litigation at the expense of court users, and undermining public confidence in justice delivery; (ii) the perception of corruption in the police and judiciary, denting the integrity and credibility of justice delivery institutions[54]; and, (iii) governance and accountability challenges when the village council and ward tribunals provide access to justice in land matters under the administrative supervision of the Executive (Ministry for Land and Human Settlements).

293. The CRM observes that the absence of a comprehensive legal framework and coordinated and effective legal aid schemes for all indigent parties to both civil and criminal proceedings further compromises quality in the justice sector. Compared against population estimates of 43 million inhabitants, the 2,317 advocates can only provide uneven coverage nationwide. The minimal presence of legal professionals in rural areas compounds the challenges in justice delivery. The Bar does allow law schools in Universities and CSOs (TAWLA, LHCR, and NOLA) to offer legal aid. Successful paralegal centers are also operating in rural areas in Mtwara and Songea. These options are encouraging but inadequate. Further, the role, scope of work, and qualifications for paralegals are yet to be legally recognized. Moreover, the State should wield primary responsibility for legal aid provision in both civil and criminal matters; other actors' efforts should only be complementary. Legal aid in civil matters is even more critical in a society where disputes over land, inheritance, family matters, and so on are prevalent.

294. The CRM notes that the impact of all these constraints is a high backlog of cases in the justice system. The public goes 'shopping' from one agency to another in the hope that one of them will resolve their disputes. Many disputes go unresolved, while suspects of serious or violent crime are held on remand for unreasonable periods of time without adequate time or the legal counsel to prepare. Prisons are seriously congested: holding more than twice as many inmates as they were built for. For example, the Mbeya Central Prisons has a capacity of 400 but is currently detaining more than 900 inmates.

295. In 2010, persons on remand in Arusha, Tanga and Morogoro staged boycotts over delays in hearing their cases. In Morogoro, they protested by refusing to get out of the prison truck. It is no wonder that the CRM was informed that complainants use politicians to resolve disputes or, increasingly, take justice into their own hands by resorting to mob violence.

296. These systemic constraints are aggravated by the lack of coordination among the justice agencies despite the existence of the LSRP, also partially responsible for donor coordination. At the regional and district level, it emerged that no institutional frameworks exist for coordination and neither are there problem-solving fora where all the institutions - together with representatives of court users - could identify priorities to determine effective responses to citizens' concerns. The CRM was repeatedly given instances of institutions blaming each other for the effects of systemic dysfunction.

297. The CRM was further informed that, although LSRP has been operational for some time, it has limited impact. The CRM established that this is attributed to the slow pace of reforms and Government's inability to take on full ownership, making it difficult to address the challenges with confidence.[55] This is compounded by the lack of a real consensus about what is described as conflicting mandates among institutions that look to the LSRP for funding rather than as a mechanism for genuine reforms. In addition, since the LSRP has not been mainstreamed

Tanzania, 17 February 2012.

[52] Ibid. 9.

[53] Ibid, p.8

[54] Ibid.14

[55] *Unlocking the Road to Timely Justice for All: Review of the Legal Sector Review Programme, 2008. See also the LHRC Annual Report 2010*, pp. 72-73.

into government operations and is not integrated into government planning processes, it is treated as a separate project: a worrisome factor when envisaging the sustainability of the reforms.

298. The CRM observes that Tanzania also has an alternative dispute resolution mechanism annexed to the court: the Commission for Mediation and Arbitration (CMA) which mediated 6,904 labour disputes and arbitrated over another 2,772 in 2010/2011. Commendably, CMA has cut down on time spent resolving labour disputes from three years to an average of 25 days. Despite the considerable potential in setting up alternative dispute resolution mechanisms - mediation and arbitration, - and the use of non custodial offence, these mechanisms have not been fully embraced by legal practitioners or the public.

299. The CRM affirms the CSAR finding that prisons in Tanzania are still far from attaining standards laid down by international conventions, rules and principles on treatment of offenders and prisoners. Some of the concerns include: (i) high congestion levels arising from a dysfunctional justice system; (ii) poor and dilapidated prison infrastructure; (iii) failure to provide basic needs (such as meals and water); (iv) instances of cruel, inhuman and degrading treatment and death (such as those of two prisoners in 2010 in Masai and Arusha); (v) juvenile detention in adult prisons - sometimes with hard-core criminals - even in regions where juvenile detention centers exist; (vi) increased health risks – HIV/AIDS - through sexual activity in prisons, and the lack of access to medical treatment since inmates have no medical insurance; (vii) prolonged pre-trial detention of persons on remand (for a minimum of three years) and the attendant socio-economic impact on them and the communities; (vii) inadequate staff, specialist services, or prisoner rehabilitation facilities; and, (viii) the absence of a system of diversion and the limited application of non-custodial sentences. During interactions with stakeholders, the CRM learnt that key actors have made some efforts to reduce the still high congestion levels.

300. The CRM found out that the LSRP does not operate in Zanzibar. Steps are being taken in Zanzibar, through a prioritized criminal justice reforms framework, to design a comprehensive programme in response to similar challenges in the administration of justice.

301. In meetings with stakeholders, the CRM was informed that a fund had been established to strengthen effectiveness in the judiciary. While this is a step in the right direction, financial strengthening for one institution will not impact on the entire justice system since the other institutions in the chain of justice - with similar financial challenges - would still be operating under financial constraints.

Recommendations

302. The APR Panel recommends that the United Republic of Tanzania:

- Provide legal recognition of indigenous peoples by establishing their demographic, social, cultural, and political characteristics, and undertaking a vulnerability and risk assessment incorporating the extent to which they lack access to opportunities relative to other groups; *[Ministry of Justice, Parliament, CHRAGG, CSOs.]*
- Promote human rights-based approaches to development for implementation in the public and private sector in order to achieve people-centered development that brings real change in citizens' lives through developing appropriate frameworks and formulating human rights-based standard operating procedures; *[Ministry of Justice, Parliament, MOFEA, CHRAGG, CSOs.]*
- Expedite the establishment of small claims courts and procedures in district courts to increase access to commercial justice at the lower levels; *[Ministry of Justice and Constitutional Affairs , Parliament, Judiciary.]*
- Create a State-funded and sustainable legal aid system that conforms to minimum standards provided by international and regional instruments that call for the diversification of legal aid service providers to improve access to both civil and criminal justice for the poor and vulnerable; *[Ministry of Justice and Constitutional Affairs, Ministry of Finance, Judiciary.]*
- Institutional strengthening for CHRAGG to transform it into an effective human rights watchdog: reinforcing its powers to increase compliance with its decisions and parliamentary discussion of its reports; securing increased and predictable funding; filling the staffing table; and, de-concentrating its services to lower levels; *[Ministry of Justice and Constitutional Affairs, Ministry of Finance, Parliament.]*

- Develop and implement a strategy to modify and eliminate - as necessary - cultural discriminatory practices and stereotypes of vulnerable groups including women, children, PWDs and the youth; *[Ministry of Justice and Constitutional Affairs, Parliament, CHRAGG, CSOs.]*
- Integrate the UPR recommendations endorsed by Tanzania into the draft National Human Rights Action Plan and expedite its approval and implementation as a key building block in the human rights architecture; *[Ministry of Justice and Constitutional Affairs , CHRAGG, CSOs]* and,
- Strengthen the institutional capacities of MDAs responsible for achieving the rights to education, health and employment, and monitor the implementation of MGD-related policies and programmes to better address the needs of citizens. *[Ministry of Finance, all concerned line Ministries]*

Objective Four: Upholding Separation of Powers, including the Protection of the Independence of the Judiciary and of an Effective Legislature

I. Summary of the CSAR

Separation of powers in Tanzania

303. The CSAR [pp. 84-104] outlines at some length the constitutional and legal provisions underpinning the architecture for the separation of powers, and the accompanying checks and balances. The architecture creates countervailing forces to prevent a drift towards abuse and usurpation of power by public office-holders and functionaries in the Executive, Legislature and Judiciary in Mainland Tanzania and in Zanzibar.

304. The CSAR [p. 87] further points out that Article 34 of the 1977 Constitution provides for the powers of the President as the head of the executive branch of the URT, and specifies the authority of the executive organ of the URT. Articles 102, 103, and 104 of the Constitution specify the Revolutionary Government of Zanzibar as the executive branch of Zanzibar, and the President of Zanzibar as the head of the executive branch in Zanzibar. Chapter Four of the 1984 Zanzibar Constitution specifies the powers of the Zanzibar executive branch. Article 105 of the constitution also specifies the Revolutionary Council of Zanzibar as the principal organ to advise the Head of the Revolutionary Government of Zanzibar.

305. Regarding the judiciary, the CSAR [p.87] notes that Articles 107A, 108, and 117 of the URT Constitution provide for and specify the authority of the URT Judiciary, and that Articles 93 and 99 of the Zanzibar Constitution provide for and specify the extent of the authority of the judiciary in Zanzibar.

306. The CSAR [p.87] points out that Article 64 of the URT Constitution provides for and specifies the authority of the URT Legislature, and that Article 63 of the Constitution of Zanzibar contains provisions for, and the specifications of, the extent of the authority of the legislature in Zanzibar, which is also provided for by Articles 106 and 107 of the URT Constitution.

307. According to the CSAR [p. 87], while *"the Union Constitution states that legislative power in relation to Union matters and also in relation to all other matters concerning the mainland is vested in the [Union] Parliament… the same powers are vested in the Zanzibar House of Representatives, which enacts for all matters in Zanzibar other than Union matters."*

308. The CSAR notes that there is some fusion or sharing of the executive with legislative functions in the URT because, under Articles 62, 63, 106, and 107 of the URT Constitution, the President of the URT and that of Zanzibar *"constitute one part of the Union Parliament and the House of Representatives, respectively," while cabinet members are Members of Parliament."*

309. The CSAR [p.84] traces the origins - *"the constitutional root"* - of the separation of powers in the United Republic of Tanzania to the country's Republican Constitution of 1977, in the form of the "the Fifth Constitutional Amendment Act, 1984*." Prior to the amendment, the CSAR [pp.84-5] notes that, "the doctrine of separation of*

powers was not enshrined in [the country's] …constitution, although it was implicit in the constitution's diverse provisions…since independence." Further constitutional amendments, "some extensively affecting balance of power among the branches of Government", were enacted in 1992, 1993, 1994, 2000 and 2005. [CSAR, p.85]

310. According to the CSAR [p.85], the principle of separation of powers in Zanzibar is implied in Article 5A of Zanzibar's Constitution, and it was not only under the 2002 eighth amendment to Zanzibar's Constitution that *"the doctrine was spelt out"* in the constitution.

311. The CSAR [p. 85] points out that, *"Tanzania has a history of having a very powerful executive"* under the one-party state, where *"parliament was just a rubber stamp of the executive through the party and the judiciary was just a tool."*

Extent of separation of powers in Tanzania

312. The CSAR describes in detail the constitutional provisions defining the extent and limitations of the separation of powers as they relate to each of the executive, legislature, and judiciary [pp.87-104], since the onset of the multi-party system, while also drawing attention to conflicts among them.

313. However, the CSAR [p.85] concludes that, due to the residual effect of the history of one-party rule in the country and *"by virtue of the existing constitution the executive is still very powerful and, thus, constraining the principle of separation of powers,"* although *"during the period of multi-party system there have been some improvement"*. Notably, major constitutional amendments in 2000 that sought to affect and improve the balance of power among the three branches of Government by (i)*"further reducing presidential powers,"* especially "the list of presidential appointees"; (ii) granting the President the power to nominate up to ten members of Parliament, thereby *"increasing his say in the legislature"*; (iii) introducing the Commission for Human Rights and Good Governance; and (iv) *"clearly stating that the judiciary will be free in discharging its duties …[and pronouncing it] as the final authority vested with powers to dispense justice in the United Republic."*

Separation of functionaries of the three branches

314. The CSAR [p.88] stresses that at the core of the separation of powers between the three branches of Government in the URT and Zanzibar is the separation of their functionaries. This means that when a Member of Parliament is elected as President or appointed as Vice President of the URT and Zanzibar, he or she is required to vacate his/her seat in Parliament [Article 71(1) (b) and (e) of the URT Constitution for URP, and for Zanzibar, Article 71(b) of the Constitution of Zanzibar. Similarly, under Article 67(2) of the Constitution of the URT, persons holding senior office in the service of the URT, except the Attorney General, shall not qualify for election or be appointed a Member of Parliament. Furthermore, all MPs in the URT and Zanzibar are ineligible for appointment as members of the National Electoral Commission, and are barred from appointment as members of the Judicial Service Commission [Article 112(3) of the URT Constitution, and Article 102(2) of the Zanzibar Constitution].

Extent of the independence of the judiciary

315. According to the CSAR, the 1977 URT Constitution stipulates that the judiciary shall be the final authority in dispensing justice and adjudication of rights in Tanzania; and that in so doing, the judiciary shall be free and take into consideration only the provisions of the constitution and other laws. The judiciary is made up of: (i) the higher judiciary, namely, the Court of Appeal of Tanzania, over which the Chief Justice presides, and the High Court of Tanzania, which is spread over several zones in the country; (ii) the Courts of Resident Magistrates; (iii) the District Courts; and, (iv) the Primary Courts.

316. There is a Judicial Service Commission, comprising the Chief Justice as Chairman, the Attorney-General, the Principal Judge of the High Court - who are members by virtue of their offices - and one judge of the Court of Appeal, and two other members, who are appointed by the President.

317. Although appointed by the President, the judges of the Court of Appeal and the High Court have *"secure tenure,"* in that they can only be removed for *"inability to perform their functions or for misbehaviour,"* after

being pronounced so by a committee of inquiry made up of judges from other Commonwealth countries. Their independence is further guaranteed by the constitutional provision that their salaries shall be charged directly from the Consolidated Revenue Fund. The CSAR [p.91] points out that *"there are no provisions in the Constitution or any other statute securing the tenure of the Chief Justice or Principal Judge,"* although their removal *"does not mean their removal from office as judges of the Court of Appeal or High Court."*

318. The Judicial Service Commission has the power under the Constitution to appoint primary court magistrates, district magistrates, resident magistrates, the Registrars and Deputy Registrars of the High Court and Court of Appeal. But primary court magistrates are appointed and disciplined by the Judicial Service Commission operating under the consent of the Minister, and which acts through Regional Judicial Boards on the recommendation of District Judicial Boards.

Extent of the independence of the legislature

319. The CSAR points out that Article 100(1) of the 1977 URT Constitution and the 1985 Parliamentary Immunities, Powers and Privileges Act clearly provide for the independence of the country's legislature. They stipulate that there shall be freedom of opinion in the legislature and that the freedom shall neither be breached nor questioned by any court, organ or elsewhere outside the legislature.

320. Nevertheless, the CSAR draws attention to the following constitutional limitations on the competence of the legislature in Tanzania: (i) the legislature cannot enact laws for Zanzibar on non-union matters; (ii) laws made by the legislature, which are inconsistent with the provisions of the URT Constitution are void; and, (iii) the legislature is precluded from passing laws which upset the distribution and separation of powers between different branches of the state.

Extent of the independence of the executive

321. According to the CSAR, the Constitution provides that there shall be a Government of the United Republic, with authority over all Union Matters in the United Republic and over all other matters concerning Mainland Tanzania. The Constitution also provides that all the authority of the Government over all Union Matters in the United Republic and over all other matters concerning mainland Tanzania shall be vested in the President, who is the head of the executive branch.

322. The Constitution provides that during the tenure of the President, no criminal proceedings shall be instituted against him/her, and that no civil proceedings shall be instituted against him/her unless 30-days notice has been delivered to him/her. The Constitution further provides that, except where the President ceases to hold office through impeachment, the institution of court proceedings against a person who was holding office for anything he/she did in his/her capacity as President, while he/she held office is prohibited.

Specific checks and balances among the branches of Government

323. The CSAR points to the provisions in the 1977 URT Constitution on checks and balances, moderating and qualifying the separation of powers between them. The legislature has powers of impeachment over the President and Vice President, while it can pass a vote of no confidence in the Prime Minister. The President, on the other hand, checks the legislature's power to pass laws by the constitutional provision requiring his/her assent to bills passed by the legislature before they can enter into law. He/she also checks the legislature through his/her power to dissolve the legislature, under certain specified conditions.

324. The CSAR cites instances of specific incidents of conflict over the extent of and the intersection of the powers of each branch with those of the other branches, and the conflict resolution mechanisms that apply to them.

I. Findings of the CRM

Separation of powers in Tanzania

325. The principle of the separation of powers, supplemented by constitutional provisions for checks and balances, exists to prevent the concentration of powers in one branch of government. It provides countervailing powers to check the arbitrary use of their limited power by the branches of government. It is, in this sense, a core requirement of a constitutional government and the rule of law in a democracy: a legal system where laws and not men rule.

326. The CRM notes that, during the long years of the single-party domination and one party rule (1961-1992), Tanzania experienced executive branch and party dominance. The dominance persists under the current multi-party rule, in spite of constitutional provisions for the separation of powers.

327. Referring to the vast arsenal of power in the presidency, President Julius Nyerere once asserted that, *"the [Tanzanian] constitution gives me enough powers to be a dictator."* If the presidents of Tanzania have not become *"dictators"* in spite of the huge powers of the presidency, it is partly because of the country's political culture, which has given rise to social forces to moderate, check and balance the exercise of power.

Extent of the independence of the judiciary

328. The CRM finds it useful to examine the extent to which the judiciary is independent, at three levels: (i) independence to make judgments and undertake judicial review - without undue interference, and to have the judgments and review respected and enforced; (ii) administrative independence, especially in appointments, promotions and discipline; and, (iii) financial independence.

329. Cutting across these levels is the ethical question posed for the judiciary by the general perception that corruption is the bane of the lower judiciary. Nonetheless, the extent to which independence is asserted at each of these levels must be assessed in the broader context of the scope and degree of professionalism on the Bench. Other contextual factors are: (i) the country's political economy; (ii) its socio-cultural environment; and, (iii) its governance structure and processes - corruption, harassment of judicial personnel, and involvement of the ruling party in appointment and disciplinary processes within the judiciary that might undermine judicial independence.

330. It transpired during the CRM meeting with the judiciary in Dar es Salaam that the judiciary enjoys a great deal of functional independence: primarily due to modalities and processes specified in the constitution for the appointment, tenure, removal, and discipline of judicial office-holders, from the Court of Appeal down to the primary courts.

331. The constitutional provision under Article 110(3)(b) that the Chairman and at least half of the other members of the Special Tribunal - set up by the President to consider whether a Judge shall be removed from office - must be judges of the High Court or Justices of Appeal from any Commonwealth Country is a commendable practice. However, the fact that there are no constitutional provisions to secure the tenure of the Chief Justice and the Principal judge, making it possible for the President to remove them without cause, need to be reviewed. Regardless of the fact that this does buttress the need for security of tenure, it is noteworthy that no President has ever exercised such overwhelming powers of removal.

332. More troubling threats to the independence of the judiciary are posed by the harassment of judicial officers and interference with the work of the judiciary. Interference sometimes takes the form of disregard, non-enforcement, and the circumvention of judicial judgments, especially by executive branch functionaries. Although harassment and interference with the work of the judiciary is rare and, indeed, uncommon at the level of the country's higher judiciary, the CRM was informed at a meeting with judicial officers in Dar es Salaam that interference has been a common occurrence at the magistrate, district, and primary court level. The degree of interference led to a consensus of opinion at the meeting on the need for disciplinary action against judicial officers to be left entirely in the hands of the judiciary in order to safeguard the independence of the judiciary This point is further discussed later in this section.

333. Some of the speakers at the meeting narrated their experiences with executive interference at regional and district levels. Two cases point to the fact that while some members of the judiciary resist such interference, others capitulate to it. The first case was the *Republic v. Iddi Mtegule*, where the magistrate stood his ground against interference and intimidation by the Area Commissioner. The second case was *James Bita v. Iddi Kamba,* where the magistrate succumbed to executive branch pressures. He not only complied with the request of the Area Commissioner to transfer the case before him to the Village Council but also later wrote a routine judgment abiding by the decision of the Village Council.

334. Other instances of interference with the judiciary, especially during the long period of single-party dominance and one-party rule include (i) *"side-stepping"* or circumventing the judiciary, for example through the establishment of tribunals, such as the Anti-Economic Sabotage Tribunals or Administrative Tribunals; and, (ii) the insertion of *"ouster clauses"* into legislation, granting the executive and the legislature immunity from judicial review. [For details, see: Charles Peter Maina, *"Independence of the Judiciary in Tanzania: Many Rivers to Cross",* http://kituochakatiba.org/index 2.php?option-com__doc.

335. In respect of ouster clauses, the judiciary in Tanzania, in a series of cases, held that the clauses were not *"judge proof,"* in the following cases: (*i) Mtenga v. University of Dar es Salaam; (ii) Mwanza Restaurant and Catering Association v. Mwanza Municipal Director; and (iii) Attorney-General v. Lohay Akonaay and Another.*

336. Another form of interference with the independence of the judiciary has come from the legislature, illustrated earlier on in this chapter by reference to the constitutional issues raised in *Julius Ishengoma Francis Ndyanabo v. the Attorney-General.* The CRM was informed during its meeting with judicial officers that the decisions of the judiciary in striking out clauses of legislation that are not in conformity with the constitution, especially its judgment on independent candidates as in the Ndyanabo case, have not gone down well with the legislature.

337. During meeting of the CRM with members of the higher judiciary, the CRM was assured that, in matters before them, judges are not influenced by and do not receive directives from the executive branch. They reinforced this assurance by pointing to their faithful adherence to their Oath of Office and their professional Code of Conduct and Ethics, which they are sworn to uphold and defend as judicial officers.

338. However, they conceded that the public misperception of interference with the judiciary by the executive might have been fed by reports in the media - especially in the print media - that the judiciary was making overtures to the executive for resources to improve its work.

339. The administrative independence of the judiciary in Tanzania faces the challenge posed by its human and physical capacity gaps. For example, the CRM learnt during its meeting with judicial officers in Dar es Salaam that there are no district courts in 25 districts in the country. The CRM was also informed that in a number of districts, some courts were closed down for lack of space. The CRM was also told during the meeting that the ratio of judges to the population in the country is one judge to five hundred thousand people. The situation is made more serious by the fact that, although there is increasing litigation because of a greater awareness among the population of their rights, the judiciary has not been able to increase its capacity to cope with the attendant higher workload. This, therefore, creates problems of access to justice and the timely dispensation of cases and delivery of justice.

340. A major dimension of the administrative independence of the judiciary, featuring prominently in participants' comments during the CRM meeting with the judiciary, was the discipline of magistrates. The CRM was informed of the total staff strength of the judiciary: 6,500. Participants were firm in their view that the executive and legislature should not be involved in the discipline of magistrates, in line with the separation of powers and the principle of the independence of the judiciary, also entrenched in the constitution. For this reason, they objected to the legislature playing a role in disciplining the lower judiciary and would like to see the judiciary given full powers to discipline its own members. They asserted that it would further insulate the judiciary from partisan interference by holders of elective and other public political office at regional, district, and local levels.

341. As stated in the CSAR, current practice holds that the the Judicial Service Special Commission disciplines primary court magistrates, in consent with the Minister of Justice who, in turn, acts through Regional Boards, on the recommendation of District Judicial Boards.

342. The third level relates to the financial independence of the judiciary. The salaries of judges are charged to the Consolidated Fund. The financial security of judges was further assured by the 1999 Public Service Retirement Benefits Act, which substantially enhanced their retirement benefits. Among other benefits, a judge and a Justice of Appeal are each entitled on retirement to a pension equal to eighty per cent of the salary of the incumbent holder of the office in which he was serving, and from which he is retiring, in addition to the following: (i) a diplomatic passport for him and his wife; (ii) one motor vehicle given once; (iii) a lump sum grant sufficient to remunerate one driver for four years; (iv) a total sum of money sufficient to purchase 50l of fuel per week granted once as a lump sum to cover a 4-year period; (v) a total sum of money being maintenance allowance for a motor vehicle to be granted once as a lump sum at a rate equal to 40 per cent of the fuel allowance; and, (vi) use of the VIP lounge at airports. The pension, gratuity, allowances, and services are to be paid out of the Consolidated Fund and are not subject to taxation.*[Charles Peter Maina, op.cit]*

343. The operational costs of maintaining the courts are such as to require the judiciary to look up to the executive branch for support and subvention. Some of the participants at the CRM meeting with the judiciary considered the situation as a threat to the independence of the judiciary, especially in the lower courts where corruption is rife and where magistrates are paid less than US$100 a month. A participant at the CRM meeting with the judiciary observed that public contact with the judiciary is more pronounced at lower court levels. This is where, from the regional magistrates downwards, more than three-quarters of the entire body of judiciary work is handled. Yet it is the level where legal and justice sector reforms have been less successful and political interference from regional and district commissioners most pronounced.

344. Stakeholders at CRM meetings at Arusha, Bukoga, Kigoma, and Songea wish to see *Khadi* Courts, or Shari'a courts, established as another level in the national judicial system to cater for personal law matters: notably, divorce, inheritance and marriage among the country's Muslim population. They pointed out that this was necessary to constructively manage the country's religious and cultural diversity, especially where the majority, or a substantial portion of the population is Muslims. Under present arrangements, matters of personal law affecting Muslims are governed by a number of pieces of legislation: the Marriage Act, for example, which tries to strike a balance between religion, culture and law.

Extent of the effectiveness of the legislature

345. As previously noted, there are constitutional limits to the independence of the legislature, which subject its legislation and other action to judicial review. As was also pointed out, there is some fusion, or "incomplete separation" of the executive and the legislature under the 1977 Constitution. For example, cabinet members, including the prime minister, are required to sit as Members of Parliament. The President is, for all practical purposes, part of the legislature and is the "chief legislator," because of his power to initiate, and assent to legislation before it becomes law. In addition, the President has the power, under the thirteenth amendment to the constitution in 2000, to appoint ten Members of Parliament.

346. The recent constitutional reform debate initiated by the Speaker's Committee turned the searchlight on the separation of powers in ways that would strengthen the legislature, by making its oversight role and administrative machinery more effective. There were three ways proposed. First, debate focused on expanding the scope of Article 63(3)(e), requiring the legislature to ratify treaties and other international agreements, to include mining and privatisation contracts. Secondly, debate touched on the need to subject a number of presidential appointments to important public positions to confirmation by the legislature, *inter alia:* the office of Attorney-General; the Chief Justice; Judges of the Court of Appeal; Ambassadors and High Commissioners; Chairman and Members of the National Electoral Commission; the Chief Executive of the Bank of Tanzania; and, the Revenue Authority. Thirdly, there was pressure to further strengthen the Parliamentary Service. Created as a separate service under the Parliamentary Service Act of 1997 for members of the legislature, these staff were also considered civil servants before the legislation. Pressure for the Constitution to be amended to provide for a Parliamentary Service Commission came in the form of a recommendation from the Speaker's Committee.

Extent of the independence of the executive

347. Although the President has a vast array of powers under the Constitution, they are not limitless and are subject to the provisions of the law. For example, the President must appoint cabinet members from parliament. In some

cases, his power of appointment is subject to consultation, as in the appointment of Ministers [Article 55(1)] and Justices of Appeal [Article 118(3)]. The President's power to assent to bills passed by the legislature is subject, if he refuses to assent to them, to the power of the legislature to override it, under conditions stipulated in Article 97 of the Constitution.

348. The President and the Vice President are subject to impeachment and the Prime Minister to a vote of no confidence, under conditions provided for in Article 46A and Article50 (2)(g) respectively, and Article 53A in the Constitution. If a vote for impeachment or a vote of no confidence is passed, they must step down or resign from office.

III. Recommendations

349. The APR Panel recommends that the United Republic of Tanzania:

- Provide the judiciary with ample resources, especially at the lower levels, to strengthen administrative and financial independence; *[Ministry of Justice, Parliament]*
- Consider the establishment of Kahi Courts as another level in the national judicial system to cater for matters of personal law, notably divorce, inheritance and marriage, among the country's Muslim population; *[Ministry of Justice; Parliament, Judiciary]*
- Subject presidential appointments of cabinet members, Attorney-General, the Chief Justice, Judges of the Court of Appeal, Ambassadors and High Commissioners, Chairman and Members of the National Electoral Commission, the Chief Executive of the Bank of Tanzania and the Revenue Authority, among others, to confirmation by the legislature; *[Parliament]* and,
- Consider amending the Constitution to provide for a Parliamentary Service Commission *[Government, Parliament].*

Objective Five: Ensure Accountable, Efficient and Effective Public Office-Holders and Civil Servants

Summary of the CSAR

350. The CSAR outlines the comprehensive set of reforms adopted by Tanzania since the early 1990s with the objective of reversing the centralisation of government and expanding on programme commitments accumulated by government during the era of a socialist economy. Underpinning these reforms were a series of legislative and policy measures adopted over time to ensure accountability, efficiency and effectiveness in the country's public service.

351. These reforms include:

- Establishment of autonomous executive agencies outside the regular civil service, with their own salary structure, such as the Business Name and Licensing Agent and the Registration, Insolvency and Trusteeship Agency;
- Enactment of the Public Service Management and Employment Policy and the Public Service Act No. 8 of 2002 (amended in 2007), both of which are aimed at restoring the merit principle into the public service, with emphasis on open competition and diversity that avoid ethnic, gender, religious and regional discrimination in recruitment; and,
- The enactment of the Medium Term Pay Policy, the 2001 Public Finance Act, the Public Procurement Act No. 21 of 2004, the Local Government Finance Act No. 9 of 1982 (as amended by the Miscellaneous Act No.6 of 1999, and various circulars) outlining regulations and procedures on budget and financial matters.

352. The CSAR reports that a later phase of reforms adopted a variety of measures to improve on public service accountability through performance-based management, and citizens' empowerment vis-à-vis bureaucrats.

Zanzibar

353. The CSAR [p. 106] notes that the Constitution of Zanzibar provides for the establishment of a Civil Service Commission. However, the CSAR points out that transparency and accountability mechanisms *"are not well developed within government ministries,"* while a programme to put in place mechanisms for ensuring *"proper recruitment, promotion and management of civil servants"* is being developed. Compared to Mainland Tanzania, where client charters were developed to provide an opportunity for citizens to express their opinions on the quality of service delivery, Zanzibar adheres to a traditional model of civil service and therefore has no such mechanisms in place.

354. The CSAR [p.107] further describes various post-independence structural and institutional reforms designed to improve public service performance, although it also notes that "the rapid and vast expansion of the public service" under the *ujamaa* socialist policy *"contributed …to the crisis of the public service…in the early 1980s."*

355. Against the background of the *"pathetic condition"* and the *"bloated"* personnel structure of the public service under *ujamaa* socialism and the shift towards a free market economy in the early 1990s, the CSAR describes the overriding objective of the Civil Service Reform Programme (CSRP) of 1991-1999, as designed *"to achieve a smaller, affordable, well compensated, efficient and effective Civil Service."*

356. The CSAR [p.109] notes that, in response to the challenges of implementing the CRSP, the Union Government introduced the Public Sector Reform Programme (PSRP) with its three overlapping phases. After this programme, steps were taken to strengthen the regulatory capacity of the public service through implementing the Legal Sector Reform Programme (LSRP), the Local Government Reform Programme (LGRP), and the Public Financial Management Reform Programme (PFMRP). These are the four main pillars of Tanzania's efforts over the last two decades to restructure the state to match national economic transformations.

Decentralisation

357. The CSAR states that the LGRP, a major pillar in Tanzania's public service reforms, follows a long historical pendulum of Tanzania's efforts at decentralising the central state. The current decentralisation policy, based on Articles 145 and 146 of the 1997 Constitution of the United Republic of Tanzania, provides for the establishment, purpose, composition, sources of revenue and functions of local governments. The Local Government Policy Paper of 1998 outlines four important decentralisation policy areas: political devolution; fiscal decentralisation; administrative decentralisation; and, central-local relations based on partnership.

358. According to the CSAR, planned Local Government Authorities will speed up service delivery with a special focus on priority sectors that target poverty reduction: education, health, water, agricultural extension and roads. These services will be democratic with the beneficiaries participating in, and in control of decision-making. This is intended to promote participatory democracy at the grassroots level.

359. Regarding the public's assessment of public sector reforms in Tanzania, the CSAR [109] points out that many citizens rate them *"moderately effective,"* with *"very few"* believing that "the measures have made the public service better." However, the CSAR [p.109] also notes that *"if we combine the 'moderates' and the 'highs' an 80 per cent figure comes out, implying that there is some significant development towards accountability."* According to the CSAR, ordinary Tanzanians are mainly of the view that the *"devolution of power from central government and lower levels of administrative/government authorities to the village/ward is still inadequate."*

360. Although LGAs are required to cooperate with all stakeholders in discharging their responsibilities, a number of factors prevent them from satisfactorily doing so, notably: (i) a weak private sector, unable to effectively play its role in service provision; (ii) mistrust and uneasy relations between LGA staff and civil society; (iii) a poor understanding of what ownership means at the local levels, with central Government dominating local decision-making; and, (iv) the on-going process of devolution down to ward and village levels. These challenges continue to bedevil Tanzania's decentralisation policy and public service delivery, especially at the local levels.

II. Findings of the CRM

361. CRM interactions with senior public servants of the URT confirmed the tremendous amount of progress in implementing a plethora of legislation, policies, measures, frameworks and action plans aimed at enhancing public sector efficiency, transparency, and accountability over a period of two decades. Indeed, as noted in the CSAR, Tanzania embarked upon a massive public sector transformation agenda following years of unsustainable fiscal strain exerted on the national budget by an over-bloated public service. In addition, the country suffered from problems associated with inefficient service delivery and the inadequate performance of the civil service. Consequently, and commendably, the only rational option available was to transform not only the systems and institutions charged with responsibilities for public service delivery, but also the entire culture and mind-set associated with public sector performance issues in a centralised, one-party state and a socialist economy.

362. Against the background of the ideological shift from a socialist to a free-market economy, Tanzania's public sector reform efforts were inspired by the prevailing New Public Management (NPM) approach. The parameters included: (i) reducing government running costs and raising the levels of discipline in the labour force to improve resource use; (ii) refocusing public sector activities to promote private sector style management practices; (iii) introducing non-governmental and private sector actors to service provision and the economy, decentralising and devolving authority within the government; and, (iv) setting explicit standards and performance measures to enhance upward accountability within public sector organisations.

363. These principles were a standardised menu under the World Bank's Structural Adjustment Programs (SAPs) foisted on many African countries in the 1990s and early 2000s. By making access to SAP loans conditional upon public sector reforms and providing extensive technical assistance, many donors became the driving force behind these reforms in Africa. Tanzania was no exception in this regard.

364. The CRM established that the initial phase of the CSRP was launched in 1991. It focused on redefining the role of the state in Tanzania and rightsizing government in order to bring public expenditure, and the wage bill especially, under control. The CSRP streamlined government structures resulting in a 25 per cent reduction in the number of ministries, departments and agencies, and a significant drop in public service employees, from 355,000 to 264,000 between 1992-1998.

365. Other significant achievements of the CSRP were: (i) instituting a fully integrated Human Resources Managements System; (ii) an increase in civil service salaries in real terms and a more transparent and efficient payroll; (iii) launching of the decentralisation programmes, setting up executive agencies and contracting non-core activities to the private sector, as well as adopting measures to re-engineer service delivery.

366. During the CSRP phase, capacity building was provided for core staff needed to implement the reforms, including crash-training programmes in critical skills to enhance the capacity to develop and implement reforms. Finally, it was under the CSRP phase that many of the legislative measures and policies were adopted to establish agencies and implement personnel management for public officials, based on meritocracy *[Mutahaba,* 2002; 04]. Managing the process of implementation was a remarkable success in and of itself; not many African states were able to stay the reform course as smoothly.

367. The CRM notes the considerable progress under this phase except for decentralisation and local government reforms which were barely taking off by the end of the CSRP. Without a doubt, Tanzania's reform efforts did benefit from the political support of the leadership, relative civic peace, unity, and stability, under the dominance of a single-party system (see also *Kiragu and Mukandala*, 2004). Under the socialist system, power was concentrated in the ruling party (CCM). This imposed restrictions on downward accountability to voters within the party. The CCM's long-standing policies of equity, social justice and electoral competition enjoyed broad support that lasted even after the transition from the socialist era.

368. The CRM notes that interest groups, such as trades unions that traditionally opposed public service reforms were acquiescent and did not oppose the reforms, constrained by the belief that they would threaten peace and tranquility if they made radical demands. Clearly, Tanzania's political environment of uncompetitive pluralism as well as political stability resulted in low political stress. This allowed government to push through its reforms programs relatively successfully without much resistance.

369. Moreover, given the proximity between the State and the ruling party, the stakes in the public sector reforms were not fully apparent to most societal interest groups, including the trade unions. Even had there been a clear perception of these interests, institutional mechanisms for translating their interests into political demands were weak or non-existent. The CRM takes the view that the political and bureaucratic elites evidently played a central role in pushing reform design and implementation because of their unique position in the policy-making process and the structure of political institutions in Tanzania, including the State itself. The reform process, therefore, could not be said to have had adequate input from other societal interest groups and might well be perceived as not participatory.

370. In spite of the remarkable implementation achievements registered under the first phase of reforms, a majority of stakeholders consulted during the CRM stakeholder meetings confirmed the Tanzanian public has seen no noticeable benefits in the form of improvements to public service delivery from changes over the short- to medium-term. This absence of tangible significant service delivery improvements under the first phase of reforms was also acknowledged by Government during consultations with senior public servants. In this regard, it is clear that improvements in efficiency of systems and institutions during the first phase of implementation did not translate into any direct impact on citizens' welfare and livelihoods.

371. The CRM observes that the apparent absence of benefits for the public led to the design of a more comprehensive and wider public sector reform programme. The aim was a total transformation of the public service into an efficient, effective, and outcome-based institution with the following features: a strong focus on service delivery improvements; shifting primary implementation responsibility to ministries, departments, and agencies; emphasis on institutional pluralism in public service delivery; improving performance management under severe budgetary constraints; ensuring linkages with other public sector reforms; and, improving the staff incentive framework. These features were the highlights of the Public Service Reform Program (PSRP) which commenced in 2000 and was rolled out through 2010.

372. The main plank of the Public Service Reform Program 2000-2010 was a reduction of ministerial structures, executive agencies established and public-private participation in service delivery. The reform programme took a long-term perspective, going beyond structural progress and process changes in public service organisation and operations towards a more fundamental transformation of the public service mentality and culture in Tanzania.

373. This programme had three components: instituting performance management systems (2003-2005); enhancing performance accountability (2005-2008); and instituting a quality improvement cycle (2008-2010). To be more effective, these public service reforms were linked with broader on-going, or incipient sector-specific reforms, including the Legal Sector Reform Programme; the Local Government Reform Programme; the Public Financial Management Reform Programme and sector reforms in agriculture, education, health, water and sanitation, and roads.

374. The legal sector reforms were aimed at addressing the problem of the administration of justice by building the judicial capacity of the lower courts to deliver service more effectively. Traditionally deprived of resources, coupled with low salaries, a lack of infrastructure for assuming its responsibilities and a demoralised workforce, the institutions responsible for upholding the rule of law in Tanzania greatly needed reform. Over the years, the police, the lower courts, and the prisons had developed a reputation for corruption and delays in administering justice. In addition, the corruption-ridden lower courts had a reputation of denying bail even to people accused of petty crimes, postponing cases unnecessarily, and causing congestion in prisons. Thus, the overriding goal of the LSRP was, 'Timely Justice for All'; built around speedy dispensation of justice; affordability and access to justice for all social groups; integrity and professionalism of the legal officers; independence of the judiciary; and, a legal framework of the highest national and international standards.

375. To realise this reform vision, the LSRP had five main key results areas: (i) strengthening and harmonising national legal frameworks (ii) enhancing justice for the poor and disadvantaged social groups (iii) improving the observance of human rights and administrative justice (iv) enhancing knowledge and skills of legal professionals; and, (v) improving service delivery capacity in key legal sector institutions. The Mkukuta Annual Reports (2007/08 and 2009/10) both provide data on the extent of progress in implementation, performance and achievements under the LSRP over the last few years.[56]

[56] For example, the 2007/08 Mukukuta report notes that a National Prosecution Service was established; 57 new state attorneys recruited to the service; laws that impede justice to disadvantaged groups and persons with disabilities such as customary laws, death penalty, corporal punishment and long term sentences reviewed. Highlights for 2009/10 include streamlining prosecution and investigation by separating the two processes; improved access to justice for persons in remand and homes and prisons; support for a legal aid network in partnership with civil society organizations; increased enrolment

376. Despite reform efforts to build capacity for the lower courts and prosecutorial staff to improve the administration of justice, stakeholders in districts as far apart as Kagera, Ruvuma, Arusha and Kigoma confirmed to the CRM that demand for justice far outstrips supply. With the onset of many land-related disputes and conflicts, the demand on lower level courts to dispense justice under the rule of law was never greater in Tanzania. In Arusha, the CRM was informed that land-related conflicts have resulted in serious injuries, loss of property, and deaths, in many instances. Justice delayed or denied in relation to land disputes only adds to citizens' discontent about the full enjoyment of property rights under the rule of law in Tanzania.

377. As previously noted, the CRM was informed that a dangerous phenomenon of "mob justice" is gaining ascendancy in Tanzania because justice is not administered in a timely manner at the lower courts.[57] As noted elsewhere, another issue of particular concern to many Muslim stakeholders was the absence of *Kadhi* Courts, omitted under the constitution.[58]

378. The CRM also heard from various stakeholders both in Dar es Salaaam and in the Arusha, Kigoma, Kagera and Ruvuma districts that corruption has reached a peak in the court system at first instance, district and high level courts. The National Anti-Corruption Strategy and Action Plan (NACSAP I & II) is the framework for coordinating anti-corruption institutional activities and initiatives in Tanzania. NASCAP I, implemented from 2000-2005, registered some progress by establishing PCCB offices in all districts nationwide and did strengthen some oversight institutions. There were also improvements in revenue collection but the strategy targeted mainly state actors, like the MDAs, and neglected demand-side actors like civil society organizations. Lessons from this phase fed into the Phase II design.

379. NASCAP II (2006-2010) has eight components: (i) combat corruption by addressing its root causes; (ii) strengthen anti-corruption mechanism at all MDAs; (iii) introduce systems of integrity accountability and transparency in Local Government Administration (LGA); (iv) mainstream and empower private sector into anti-corruption activities; (v) mainstream and empower civil society organisations (CSOs) and non-state actors into anti-corruption processes; (vi) raise awareness of anti-corruption; (vii) build synergy between NACAP and Legislative, Judiciary Integrity Programmes; and, (viii) Enhance the capacity of PCCB, GGCU, and the Director of Public Prosecution to deal with corruption, and to manage and implement NASCAP [*Mukukuta,* 2010: 97].

380. The CRM notes that NASCAP II results have so far been implementational, with very limited impact in terms of changes in attitude and behaviour over corruption. Several pieces of legislation were passed, including the Public Procurement Act (2007), Prevention and Combating Corruption Act, (2007), Political Parties Financing Act (2010), Public Leadership Code of Ethics Act (2010), the establishment of integrity committees in ministries and MDAs, Client Charters and Complaint Handling Desks in all MDAs, regions and LGAs. The CRM cautions that while the enactment of legislation and establishment of institutions may be necessary, this does not in of itself address structural and institutional causes of corruption. The CRM suggests that Tanzania would have to look deeper for the structural incentives that make corruption easily permissible within the public and private sectors.

381. Although there was considerable progress under the LSRP, the CRM takes the view that a lot more still remains to be achieved before Tanzania can claim to have a robust legal sector. Such as sector would supply efficient and effective judiciary public services commensurate with the demands of the changing and dynamic economic and political environment of present-day Tanzania's Government and people. Increased urbanisation comes with its own socio-cultural pressures and concomitant exposure to crime and other social behaviours that need further

of law students in the law schools of Tanzania; deployment of newly recruited state attorneys to 204 districts; and, training in investigation and human rights skills for district officers.

[57] Throughout consultations with stakeholders in Arusha, Kegera, Ruvuma and Kigoma districts, citizens alluded to the widespread perception that lower courts are prone to corruption and do not prosecute or even remand suspected criminals after they have been turned over to law enforcement agents. Accused suspects are found in the streets, only to be mobbed to death by *wananchi* simply because it is believed they would have been left to go scot free. Interactions with other stakeholders from the
judiciary labelled the phenomenon as *"mob injustice"*, implying that those who perpetrate such acts are lawless citizens who violate the law by taking the law into their own hands. This perception gap separating the judiciary from wananchi is indicative of a lack of awareness of due process with regard to the law in Tanzania. The abject lack of access to courts and the prosecution system's reputation as corrupt encourage *wananchi* to take matters into their own hands.

[58] Many Muslims feel that when it comes to civil law matters, they have no formal protection under the law because customary marriages are not recognized by the formal courts. Many stakeholders advocate for the harmonisation of customary and formal laws, especially in civil matters.

law and order. Similarly, changes in social relations of production associated with the free market also require a legal and judiciary system able to cope with such transactions. The emerging pluralistic political culture also puts its own demands on the legal system of Tanzania. All these changes require both supply and demand approaches to legal and judiciary service provision. Perhaps, more urgently, the legal framework needs to change to regulate corporate behaviour more easily, in alignment with consumer rights and interests, and ensuring the timely and effective dispensation of civil and commercial dispute resolution.

382. Tanzania's Public Sector Reform Program (PSRP III) is at the nerve centre of government's good governance and accountability platform. It is the bedrock for achieving the goals and targets of its development strategy – Mkukuta II. Major government interventions for the governance and accountability strategy focus on the rule of law: accountable leaders and public servants; deepened democracy, political and social tolerance; sustainable peace, political stability, national unity and social cohesion are all dependent on the successful implementation of the systems, processes and public financial management reforms embedded in the Public Sector Reform Programme (PSRP).

383. The most recent Mkukuta Annual Report (2009-10) [MOFEA, 2010: 71] suggests that considerable progress is being made in all of these areas of good governance and accountability, although formidable challenges still remain ahead. For example, in 2009/10 Government set up of a National Identity Authority to coordinate the system that will issue national identity cards for all citizens - a vital tool for service delivery in the social services sectors, especially. The Vital Registration Programme (VRP) implemented through the Vital Registration Program and Insolvency Programme (VRIP) also transformed birth registration systems in Tanzania, with an increase in birth registrations from 17.6 per cent in 2004/05 to 20.1 per cent in 2009/10. However, geographical distribution is skewed, with a rural-urban divide of 3.3 per cent and 20.9 per cent, respectively [*Mkukuta,* MOFEA. 2010: 73].

384. Another vital goal of Mkukuta - contingent on successful public sector reforms - is the transparent, fair, equitable collection and allocation of public funds. Reform sector policies in natural resources such as mining, forestry and wildlife contributed to higher revenue collection and better public service delivery. For instance, all LGAs with wildlife hunting areas are now allowed to retain 25 per cent of proceedings from hunting wildlife. The funds are expected to be used to provide social services in those LGAs [*Mkukuta, MOFEA,* 2010: 77].

385. As mentioned earlier, fundamental principles that drove the creation of Executive Agencies in Tanzania, as in other African states, are grounded in the new public management doctrine that informed World Bank's SAP policies of the 1990s and early 2000, including the following: (a) direct public sector costs must be cut and labor discipline raised so as to improve resource management; (b) private-sector management style for the public sector would increase flexibility in decision-making; (c) competition in the public sector would lower costs and better standards; (d) the public sector should be disaggregated and decentralised to make it more manageable and efficient through competition; (e) managers should be given hands-on powers to conduct professional management to enhance accountability. *(Larbi,* 1998; *Polidano,*1999).[59]

386. These principles were essentially meant to improve public service efficiency and accountability and give *"value for money"* for citizens as tax-payers. Thus, the appeal from Executive Agencies reflected a widespread shift to quasi-market forms of public sector management, in pursuit of improved efficiency and effectiveness in regulation and service delivery.

387. Tanzania's adoption of the Executive Agencies model was essentially inspired by the example of the United Kingdom and other countries where similar public sector reforms were introduced in the 1980s to enhance government service responsiveness and effectiveness. EAs are set up to be accountable downwards to citizens and outward to their departments and ministries, where annual performance targets are set and resources allocated. The rationale for establishing such agencies is that some functions that entail implementation rather than policy-making can be carried out more efficiently by agencies that are more removed from the departments. In return for central government budget subventions, EAs commit to performance targets in an annual report. EA employees are public servants and have no separate corporate status, although EAs are given a free hand to recruit key technical, managerial and professional staff on terms and conditions more favorable than the regular

[59] See G.A. Larbi, *The New Public Management Approach and Crisis States,* UNRSD, Geneva, 1999; C. Polidano*, The New Public Management in Developing Countries,* paper presented at the Third International Research Symposium on Public Management, Aston Business School, Birmingham, 25-26 March 1999.

civil service schedule and closer to private sector levels.

388. However, EAs face many challenges of their own. They are prone to: capture by private sector clients; fiscal problems caused by poor management; and, a loss of control over staffing as the Government increasingly relies on the agency's internal controls rather than on central government financial and personnel rules and systems. The CRM notes that, for many developing countries like Tanzania, where civil service is still weak and ethical standards need to be aligned with the expectations and interests of the public, these challenges are real and formidable. Against a backdrop of informal systems, patronage, and clientelism, the management of EAs has to be more efficient. The risk of capture by private sector interests and corruption are very high in view of their relative autonomy in relation to public service systems. Tanzania has not managed to escape from risks associated with the creation of autonomously operating EAs.

389. The following features of EAs in Tanzania provide the background to an analysis of the malaise affecting their operations. EAs are governed by rolling three-year strategic plans, annual business plans, and key performance measures reviewed by the Permanent Secretary of the parent ministry. Under the Executive Agencies Act, the CEO of an EA must produce an annual report on the quality and quantity of services with a set of accounts and financial statements for audit by the Controller and Accountant General. The Controller and Accountant General (CAG) report is also presented to Parliament. The CEO is also responsible for designing capacity building programs for EA staff.

390. The CRM notes that, owing to their relative autonomous status, EAs in Tanzania may deviate from civil service pay scales and can remunerate staff closer to private sector levels. EAs observe accounting standards established by the Controller and Accountant General and must establish a satisfactory system of internal audit. EAs also have the authority to make virements between different recurrent costs headings and may carry forward both capital and recurrent unspent budget funds. More importantly, perhaps, EAs are also responsible for advancing competitive procurement principles and, as public entities, they must observe the Public Procurement Act adopted in 2000.[60] The CEO of an EA is accounting officer for the agency. The Permanent Secretary of the parent Ministry retains responsibility for the overall strategic direction as chair of the Ministry Advisory Boards (MABs). The Minister has political oversight over the EAs.

391. According to an assessment report of EAs in Tanzania, their institutional framework and management systems are conducive to improving public service efficiency and effectiveness of delivery.[61] The report noted that in most of the Agencies, significant progress had been made since their transformation into EAs. Commendably, developments affected the institutional, financial, administrative and managerial systems which are still being improved. Similarly, automated accounting control systems instilled financial discipline and enhanced accountability. In fact, public servants are much more motivated by the higher remuneration they receive, providing powerful work incentives and improved performance. Above all, most agencies introduced participatory management systems, thereby improving public service efficiency and effectiveness. The report concludes that EAs *"have begun to contribute more to the country's economic growth, while reducing the amount of government financial resources that would have been needed to provide pubic services."* [62]

392. Regrettably, the CRM observed that, while the foundations for efficient and effective service delivery may have been established with the creation of EAs, corruption in the public sector has significantly increased over the past decade. A major contributing factor is related to public procurement service decentralisation. Service delivery is now mostly through Executive Agencies that have their own procurement boards. With 30 per cent of the public budget allocated to goods and services, the public sector was vulnerable to systematic plundering by some government officials.[63] Decentralising procurement to MDAs offered incentives of various types for public sector corruption, with high EA involvement. National budgets proliferated, stimulating in turn the proliferation of service companies, many of which belonged to civil servants, while simultaneously providing lucrative contracts to existing ones.[64]

[60] The Public Procurement Act was passed in 2002 and allows all MDAs to procure goods, services, and works according to government procedures. The Act abolished the Central Tender Board, decentralised procurement, and established an oversight body: the Public Procurement Regulatory Authority (PPRA). The Act requires the establishment of a Procurement Management Unit in each MDA and LGA, staffed by procurement cadre.
[61] *Study on Impact Assessment of Executive Agencies in Tanzania,* Main Report, Economic and Social Research Foundation (ESRF), November, 2004.
[62] Ibid, p. 38.
[63] Brian Cooksey, *Public Goods, Rents and Business in Tanzania.* Africa Power and Politics (APP), Background Paper No. 1, June 2011.
[64] Ibid. pp. 38-39.

393. The CRM is concerned that weak public procurement and contracting by EAs seriously undermines state effectiveness in Tanzania. Procurement accounted for 30 per cent of the FY 2007/08 budget, reaching an estimated TShs. 1.8 trillion. Procurement by Executive Agencies comprises the largest proportion of all public sector consumption of goods and services in Tanzania at 39 per cent, government and ministries (17 per cent). Independent departments, LGAs, regional secretaries and urban water authorities account for the remaining 14 per cent. Public works procured by Executive Agencies, parastatals and ministries account for 58 per cent of all procurement, and goods procured by parastatals, independent departments, as well as government ministries, account for 31 per cent.[65] TANROADS, by far the largest EA, had public works which accounted for 30 per cent of the national budget for FY 2010.[66] An audit report concluded that TANROADS does not offer value for money due to poor planning and design, ineffective controls and coordination, and a lack of transparency [in procurement].[67] Indeed, the CRM learnt that during the 2009-10 budget season. TANROADS was criticized for entering into numerous multi-million US dollar contracts, terminated for poor performance. This implies that the tendering process was ineffective or not sufficiently transparent and accountable.

394. Tanzania's ongoing Local Government Reform Programme (LGRP II) - under the broader Public Sector Reform Program - has the highest bearing on public service delivery, especially in rural districts and wards. LGRP II is the second phase of government reform efforts concerning local government operations for the period 2008-2013. Its overriding aim is to strengthen LGA capacity in public service delivery at the local level. Government policy on the October 1998 Local Government Reforms now guides LGRP II. The LGRP focus was on transforming LGAs into socio-economic development strategic coordination institutions, aiming to ensure that in their areas of jurisdiction, local Government authorities are accountable and transparent over social service delivery for poverty reduction in Tanzania.

395. The CRM established that according to local government reform policy, LGAs are to assume a greater role in service delivery. Sector ministries are to restrict themselves to providing guidance on sectoral issues, setting policy, and determining sector-specific delivery standards and performance monitoring. The President's Office on Regional Administration and Local Government (PO-RALG) plays an overall coordinating and support role throughout the reform process.

396. The CRM learnt that Regional Secretariats (RSs) are one of the most powerful structures in the overall scheme of LGRP. They are essentially the de-concentrated arm of central government, headed by a centrally-appointed Regional Administrative Secretary. Local service delivery-related sector ministries (health, education, water and sanitation, agriculture and roads) are all represented in the RS, which are supposed to be the immediate points of referral for LGAs in their dealings with central government. Although they do not operate as superior organs of state in all respects, the RS do have oversight functions over local budgets and are responsible for monitoring LGA service delivery.

397. One salient aspect of Tanzania's LGRP with a direct impact on service delivery efficiency and accountability is local government personnel management. Although the 1998 LGRP explicitly stated its vision of local government personnel management: *"The councils (city, municipal, town and district) will be fully responsible for planning, recruiting, rewarding, promoting, disciplining, development and firing of all their personnel,"* in practice, the system is very fragmented and still highly centralised. The CRM found that central government has maintained the upper hand in personnel management although officially, staff are 'employees' of the local Government authorities.

398. The CRM further learnt that several local government personnel management processes remain centralised. These processes include the following: budget and establishment controls; all decisions relating to staff budget and numbers of approved staff are ultimately done by the PO-PSM; pay policy, except that LGAs are allowed to establish local incentive schemes; career management has been partially devolved, although senior staff career progress continues to depend on the central government ministries. The main concern here is that the net effect of this fragmented system of staff management is dual allegiance: staff trying to satisfy both local government (their official employer) and central government. During CRM field visits, several LGAs intimated that capacity building was challenging where after investments are made in LGA staff they are transferred to other LGAs or

[65] B. Cooksey, Ibid., p. 41.
[66] National Accounting Office, 2010 Value for Money Audit Report, cited in Cooksey, Ibid., p. 44.
[67] Ibid. P. 44.

central government. The CRM saw this as one of the most frustrating aspects of local government capacity building for service delivery.

399. The apparent confusion over LGA personnel management comes from the conflicting government circulars and policy framework guidance from poorly synchronised sector-led and public service reforms. Yet, the LGRP of 1998 anticipated radical transformations in LGA personnel management whereby LGAs would employ their own staff. However, this regulation was subsequently overridden by the 2002 Public Service Act (as amended) that sought to unify the public service. This Act abolished previous LG HRM legislation. The President Office-Public Service Management (LG-PSM) became the authority to guide personnel management at the central level instead of the President Office for Regional Administration and Government Authorities (PO-RALG). The Act preserves central government powers to transfer staff across ministries, regions, and LGAs whenever it is in the 'public interest'. This has led to a dual system of human resource management whereby, on the one hand, LGA began applying the 2000 Local Government Staff Regulations conferring autonomy to hire staff and, on the other hand, the 2003 Public Service Staff Regulations providing for the management of recruitment of local government staff from Dar es Salaam. In the specific sectors of education and health, front-line service delivery ministries were exempted from decentralised and merit-based recruitment procedures.This was to be done by the LGAs.

400. The CRM learnt that the ultimate goal of the LGRP in Tanzania is to ensure efficiency, equity and accountability in local public service delivery. Special emphasis is on the five sectors devolved to the local authorities in line with the decentralisation by devolution (D-by-D) policy and its subsidiarity principles. According to this policy, the role of central government to support, facilitate, monitor and ensure quality assurance was lessened, while local councils bear the ultimate responsibility for actual service delivery. The issue then becomes the extent to which the LGRP contributed to better service delivery, taking into account efficiency, equity and accountability criteria.

401. In the education sector, stakeholders in consultations with the CRM praised the achievements of the Primary Education Development Programme (PEDP). There were significant improvements in enrolment, quality, capacity building for teachers, and in facilitating partnerships between schools and civil society. Resources were decentralising and local government authorities at different levels given the means to improve services. This has led to quantitative improvements in primary education indicators such as the net enrolment rate which increased from 58.5 per cent in 2000 to 90.4 per cent in 2004. Gender parity is practically a reality and local communities have taken ownership and responsibility for primary education service delivery (URT, 2006). The CRM was informed that the goal was to further increase primary school enrolment from 90.4 per cent in 2004 to 99 per cent by 2010. However, stakeholders expressed concern that rapid increases in enrolment at all levels poses many challenges, including low quality education, inequality of access, gender issues, inadequate human resources, and unequal resource allocation across regions. The CRM found that in many of the districts visited, teachers could only be recruited by local authorities but the appropriate legislation did not exist nor was there central government support for this function. It is clear that resource scarcities at the local level reinforce the apparent lack of capacity.

402. Within the health sector, decentralised and participatory planning and service delivery was implemented within the LGRP framework since 2000. District councils have administrative, executive as well as legislative powers, and elected councillors sanction all council plans, budgets and regulations. Councils are responsible for service planning, management and delivery up to, and including, district hospital services. The Council Heath Management Team (CHMT) is at the centre of the budget. Central government block funds provide grants and district basket grants funded by donors come through sector budget support. Public sector health services are delivered through a typical pyramidal referral system, from the lowest level of a dispensary through referrals to health centres and district hospitals. The health service provision by voluntary agencies, faith-based organizations (FBOs), private sector and parastatals organisations are arranged through contractual arrangements with the district councils. This partnership has made health care relatively more accessible to citizens, with 40 per cent of all health facilities run by voluntary agencies that own 40 per cent of all hospital beds.

403. However, the CRM observes that the public sector health services also lack the human resources for effective service delivery to ordinary citizens. Many stakeholders in Ruvuma, Dodoma, Kigoma and Kagera described human resources in the health sector as being in a crisis mode over the past five years. The situation has been attributed to an inadequate polyvalent professional workforce, lack of staff training, an imbalanced approach to

staff deployments across service levels and geographical areas, and poor workforce incentives and remuneration packages. As a general rule, the stakeholders maintained, the workforce is unevenly distributed - going to urban centres rather than rural areas - thus, human resources for health are a major challenge in the heath sector. In the context of the public sector reforms, the selective accelerated salary enhancement scheme (SASE) - applied mainly to headquarters staff and not at field level – was no motivation for local government health sector workers.

404. It is significant to note that decentralised heath service delivery empowered communities who actively participate in problem identification, planning, implementation and the evaluation of health care services. Nonetheless, many stakeholders in the districts indicated that this occurs more in theory than in practice. Generally, the many evaluations conclude that community involvement in planning processes and community needs assessment is nil. The CRM cautions that how best to fully integrate communities into council development plans will need attention in the future. In districts visited by the CRM, it was evident that citizens were not sufficiently aware of the volume of resources available to health services in their area. Awareness-raising and initiating informed discussions, and transparent budget allocations, could be a starting point in building community capacity to effectively participate in social services delivery. In terms of accountability to LGAs and local communities, stakeholders were of the opinion that considerable strengthening has occurred over the last few years with the gradual process of decentralisation, the introduction of the committees, and oversight over how much-needed drugs are ordered through the medical stores, etc.

405. The CRM notes that, in many ways, the education and health sectors are at the forefront of decentralised public service delivery in Tanzania. Based on stakeholders consultations results have been mixed. Despite considerable progress in decentralising financial resources, human resource deployment has been extremely slow and lethargic due mainly to persistent recruitment crises. Tanzania must find a way to resolve this policy dilemma.

III. Recommendations

406. The APR Panel recommends that the United Republic of Tanzania:

- Strengthen the judiciary to ensure the efficient and effective delivery of public judicial services commensurate with the demands of the changing and dynamic economic and political environment in present-day Tanzania; [Prime Minister's Office Regional Administration and Local Government; Ministry of Finance];
- Fully integrate communities into council development plans to ensure effective local participation in development planning;[Prime Minister's Office Regional Administration and Local Government, Local Government Authorities (LGAs)] and,
- Rapidly deploy human resources to LGAs to strengthen local capacity development plan implementation and enhanced service delivery. [Prime Minister's Office Regional Administration and Local Government , MOF]

Objective Six: Fighting Corruption in the Public Sphere

I. Summary of the CSAR

Legal and institutional framework for combating corruption

407. The CSAR [pp.112-121] provides an overview of *"several legal and institutional measures,"* the agencies and the legal and political framework in place to fight corruption in Tanzania since colonial rule and the enactment of the Prevention of Corruption Ordinance (Capp 400) in 1958. In Zanzibar, this began with the Prevention of Corruption Decree No. 4 of 1975. Among the measures the country has since adopted are the National Anti-Corruption Strategy and Acton Plan (NACSAP I, 1999-2005) and NACSAP II (2008-2011) and the 2007 Prevention and Combating Corruption Act, as well as various international instruments for preventing and combating corruption.

408. The CSAR [pp. 113-115] points to the following milestones in the fight against corruption in the country: (i) the establishment in 1966 of the ombudsman-like Permanent Commission of Inquiry, replaced in 2001 by the Commission for Human Rights and Good Governance; (ii) the creation of the Anti-Corruption Squad in 1995[68]; (iii) the enactment of the 1948 Economic and Organized Crimes Control Act; (iv) further amendments in 1991 to the Anti-Corruption Act of 1971[69]; (vi) the enactment of the 2006 Anti-Money Laundering Act, and the establishment of the Financial Intelligence Unit that followed, and Zanzibar's 2009 Anti-Money Laundering and Proceeds of Crime Act No. 10; and, (vii) the repeal and replacement of the 1971 Prevention and Combating Corruption Act in 2007 by the Prevention and Combating of Corruption Act (2007), and the establishment of the Prevention and Combating Bureau.[70]

409. The picture that emerges from these milestones is one of sustained attempts to fight corruption, especially in Mainland Tanzania. There were also challenges in view of the changing cultural, political, socio-economic and technological environment that was a backdrop to the fight against corruption and its limited success nationally. The CSAR [p.114] notes that a major achievement in this combat was the enactment of the 2007 Prevention and Combating of Corruption Act which gave the new anti-corruption agency, the Prevention and Combating Corruption Bureau (PCCB), *"more legal force…increased power and mandate…and widened the scope of corruption offences…"*

410. However, according to the CSAR [p.115], in view of the operational arrangements for bureau oversight by the Committee for Control and Evaluation, the perception is that PCCB is a state security agency: *"the arrangement tightens the grip of the Executive on PCCB and makes its operations largely dependent on the whims of the President."*[71]

411. In the case of Zanzibar, the CSAR [p. 121] points out that Decree No. 10 of 1985, the Penal Amendment Act repealed the Prevention and Combating of Corruption Decree of 1975. As a result, the Decree *"diluted the special status of anti-corruption bodies,"* in Zanzibar and *"officially disbanded"* the special Anti-Corruption Unit, with *"corruption now treated just like any other offence investigated by the Police under special direction of the Attorney General."*

412. The CSAR [p. 119] points out that between 1995 and 2011, 47,283 allegations of corruption were received; 934 public officers were punished administratively for corruption offences; 256 corrupt offenders were convicted; and, Tshs. 97.1 Billion was recovered by the Prevention and Combating Corruption Bureau. Moreover, according to the CSAR, 798 cases were filed in courts since the Prevention and Combating of Corruption Act, 2007. The CSAR [p.118] lists a number of major cases, especially in the energy, minerals and banking sectors, that are indicative of a trend towards the prosecution of grand corruption in the country.[72]

413. In spite of the signal these cases send out that, *"the culture of impunity on grand corruption cases…is giving way to accountable governance,"* the CSAR [p. 120] notes that, *"the perception of corruption in Tanzania today is rather bleak,"* constituting *"a sensitive political issue and an issue of wider public debate."* Indeed, the CSAR [pp. 120-121] reports that 50.8 per cent of the APRM household survey respondents, are of the opinion that current national anti-corruption measures are unlikely to bear the expected results, while 41 per cent of elite survey respondents *"think that the measures and actions taken to combat corruption in the country are less effective."*

[68] located initially in the Prime Minister's Office and later in the President's Office, as a specialised enforcement institution to implement the provisions of the Prevention of Corruption Act of 1971, as amended in 1974, though it was subordinated to the authority of the Director of Public Prosecution.

[69] This necessitated the establishment of the Prevention of Corruption Bureau to replace the Anti-Corruption Squad, and with powers to investigate corruption offences, conduct research on corruption, raise public awareness on corruption, prosecute and give advice to any entity in the fight against corruption in the country, among other functions; (v) the creation of the Ethics Secretariat in 1995 *"to monitor corruption among the leadership fraternity"* in Mainland Tanzania only, following the enactment of the Public Leadership Code of Ethics Act No. 13 of 1995.

[70] To be overseen by the Committee for Control and Evaluation, as successor to the Prevention of Corruption Bureau, and with powers not only to prosecute more corruption and related offences, but also to require any public official to give account of all properties in his/her possession and agent, and how such properties were acquired.

[71] The CSAR [p.117] sees the arrangement as *"the key deficiency"* in the design of the country's fight against corruption, because the *"independence of an anti-corruption bureau is a fundamental requirement for its efficiency in discharging its functions."* This observation leads the CSAR to conclude that, *"when …corruption is endemic and systemic in a country with relatively weak law enforcement institutions, a sufficiently strong and independent anti-corruption institution is needed."*

[72] (i) the Radar Deal with the British firm, BAE; (ii) the Bank of Tanzania Twin Tower Scandal; (iii) Alex Stewart (ASSAYERS), Buzwagi Mining Contract; (iv) Mchuchuma Mining Deal; (v) Mwananchi Gold Deal; (vi) the Richmond Power Generation Ltd; (vii) the corruption case against a former Tanzanian envoy to Italy and former Counsellor at the Embassy; (viii) charges of abuse of office against two former ministers of the URT; and (ix) abuse of office case against, and the subsequent conviction of a former Bank of Tanzania Director of Personnel and Administration.

II. Findings of the CRM

Legal and institutional framework for combating corruption

414. At its various consultative meetings across Tanzania, the CRM found that corruption remains a major problem, despite recent successes. There was an appreciation of the fact that Tanzania Presidents, going back to President Nyerere, have continued to place a high premium on combating corruption in the country. Participants at the meetings described the 1996 Report of the Warioba-led Commission against Corruption as a milestone in the fight against corruption.

415. As is the case elsewhere in the world, corruption in Tanzania cuts across various sectors of state and society. In Tanzania, the most affected sectors and institutions range from public procurement, police and the lower judiciary, to tax offices and natural resource management. The CRM was also told during stakeholder meetings that with liberalisation, bureaucratic and political corruption is on the rise, involving partnerships between businessmen/women, politicians, and civil servants.

416. The national legal framework for the anti-corruption war is robust and consists of the following: (i) the 1971 Prevention of Corruption Act; (ii) the 2001 Public Finance Act; (iii) the 2002 Public Services Act; (iv) the 2004 Procurement Act; and, (v) the 2007 Prevention and Combating of Corruption Act amending existing legislation for the implementation of the United Nations and African Union Conventions against corruption. There is also the Public Leadership of Ethics Act.

417. The anti-corruption institutional framework is made up of a number of anti-corruption agencies. They include the Prevention and Combating of Corruption Bureau, the Good Governance Coordination Unit, the Ethics Inspectorate Department, the Controller and Auditor-General, and the Office of the Minister of State in the Presidency to coordinate government's anti-corruption activities. Table 3.6 itemises the major anti-corruption agencies and institutions in Tanzania and offers brief descriptions of their functions. The institutional framework of the government's anti-corruption activities is complemented by those of civil society organisations and NGOs, such as the Policy Forum and the Research on Poverty Alleviation, and the media.

Table 3.6: Key Anti-Corruption Agencies in Tanzania

Anti-Corruption Agency	Description
1. Prevention and Combating of Corruption Bureau	Investigation and prosecution of corruption, with the approval of the Director of Public Prosecutions; preventive measures and public awareness building
2. Office of the Director of Public Prosecutions	Authority to approve corruption cases for prosecution
3. The Ethics Secretariat	Receives and oversees the declaration of assets and liabilities, including conflicts of interests among elected public officials and senior civil servants, in accordance with the Public Leadership Ethics Act
4. The Inspectorate of Ethics	Internal body with mandate to control corruption within the public service.
5. The National Audit Office	External auditor; presents annual audit report to parliament
6. The Commission for Human Rights and Good Governance	Successor to the Ombudsman.
7. Public Procurement and Regulatory Authority	External audits of parastatals
8. Public Procurement Appeals Authority	Independent mechanism to deal with the receipt and review of complaints and appeals from bidders as a result of the public procurement process
9. The Good Governance Coordinating Unit	Main focus is to coordinate anti-corruption initiatives.
10. Financial Intelligence Unit within Ministry of Finance	Associated with the Money Laundering Bill.

Source: http://Wogau_corruption_in-Tanzania.pdf (application/pdf Object)

418. Since the Warioba Report in 1996, Government developed and introduced the Enhanced National Anti-Corruption Strategy and Action Plans (NACSAP), in the form of (NACSAP) I (1999-2005) and NACSAP II (2008-12), both of which set out action plans for national ministries, departments and agencies. The emphasis of NACSAP II was more on carrying the anti-corruption war to the local governments, civil society organisations, and the private sector.Thus, the *"the strategic goals"* of NACSAP II, whose *"strategic thrusts"* were enumerated earlier on under Objective Five of this Report, were to: (i) combat corruption in a more scientific way and by addressing its root causes; (ii) strengthen anticorruption mechanisms at all the MDAs; (iii) introduce systems of integrity, accountability, and transparency in Local Government Administration (LGAs); (iv) mainstream and empower the private sector in anti-corruption activities; (v) mainstream and empower CSOs and other non-state actors in anti-corruption processes; (vi) raise public awareness about anti-corruption activities; (vii) build synergy between NACSAP, legislative and judicial integrity programmes; and (viii) enhance the capacity of PCCB, GGCU, and the Director of Public Prosecutions to deal with corruption, and to manage and implement NACSAP.

419. The CRM found that, as part of the fight against corruption, Tanzania has signed and ratified the following African regional and international anti-corruption protocols: (i) the UN Convention against Corruption; (ii) the African Union Convention on Preventing and Combating Corruption; and (iii) the SADC Protocol against Corruption.

420. Commendably, the CRM confirmed that several cases of corruption and the misuse of public funds have been reported and allegedly corrupt officials dismissed, prosecuted and convicted. The Richmond Scandal is a case in point. This grew out of the non-executed contract between the Richmond Development Company of Texas (USA) and the Government of Tanzania for the provision of 100 MV to the national grid for US$179 million. (http://www.tzaffairs.org/2008/05/report-on-richmond-scandal)

421. This development, which is probably due to recent policy initiatives, has also been facilitated by the establishment in 2009 of the Tanzania Corruption Tracker System for a one-year pilot phase, supported with a grant from the Swiss Agency for Development and Cooperation and the Finnish Embassy.[73]Box 3.2 is the abstract from a blog on the tracker system.

Box 3.2: Blogger's Perception of the Role of the Tracker System in the Fight Against Corruption in Tanzania

Tanzania's fight against corruption has taken a new turn with the arrests of former government officials, ministers and high profile individuals from early November, 2008. Last week for instance, retired Treasury permanent secretary Gray Mgonja was taken to court on allegations of abuse of office and occasioning loss of 11.7b/-. Mr Mgonja is accused of abusing his official authority by arbitrarily ignoring the recommendations made by the Tanzania Revenue Authority (TRA) not to grant tax exemption to M/S Alex Stewart (Assayers) Government Business Corporation company in 2003.

The appearance at the Kisutu court of Mra Mgonja, of the former Minister for Finance Basil Pesambili Mramba and of the former Minister for Energy and Minerals, Daniel Ndhira Yona late last month has increased the stakes in the fight against corruption in Tanzania. The former ministers were brought to court last month over the same scandal.

In November [2008] in another case 20 suspects including business tycoons and Central Bank senior officials were brought to court on charges of conspiracy, forgery, theft and obtaining credit under false pretence through the Bank of Tanzania (BoT)'s External Payment Arrears (EPA) account. The EPA case involves the theft of billions of shillings from the Bank of Tanzania's External Payments Arrears account.

For the best part of 2008 Tanzanians have been waiting to see how President Jakaya Kikwete handles corruption scandals dogging his government. Since the recent arrests, President Kikwete has received praises, even though some are sceptical and are calling for more heads to roll over numerous high profile corruption allegations.

Source: http://corruptiontracker.or.tz

[73] The aim of the Corruption Tracker System is to track publicly available information on presumed or confirmed cases of corruption in order to increase government's accountability and improve its response to corruption, and to enhance citizen engagement with, and support of the anti-corruption fight.

422. In May 2012, in what many observers saw as signaling a forceful expression of zero-tolerance for corruption from the highest levels of leadership in the country, President Kikwete sacked senior cabinet ministers, some apparently for corrupt enrichment and others for poor handling of crises in their ministries. They were the: (i) Minister of Finance; (ii) Minister of Energy; (iii) Minister of Tourism; (iv) Minister of Transport; (v) Minister of Health; and (vi) Minister of Trade and Industry. [See Box 3.3].

Box 3.3: Tanzania's President Kikwete sacks ministers amid corruption scandal

Tanzania's President Jakaya Kikwete has sacked six ministers amid allegations of government corruption. President Jakaya Kikwete promised to get tough and hold ministers' subordinates to account.

The President has been under pressure to deal with the scandal following a report by a body overseeing public finances. The inspector of the government's accounts noted the rampant misuse of funds in at least seven ministries. The ministers who have been dropped from cabinet all hold high-profile portfolios: finance, energy, tourism, trade, transport and health.

'Taken to task'

In November, the ruling CCM party promised to implement anti-corruption measures, but there have been heated calls from the opposition for heads to roll. Announcing the cabinet reshuffle, President Kikwete said that accountability would be taken seriously and ministers' subordinates and even executives working for state-owned companies would also be held responsible over any embezzlement.

Sacked ministers

The sacked ministers are:

- Minister of finance;
- Minister of energy and minerals;
- Minister of tourism;
- Minister of transport;
- MiMinister of health; and,
- Minister of industry and trade.

Mr Kikwete was re-elected in 2010 for a final five-year term. His government has struggled to tackle corruption which has adversely hampered economic growth in Tanzania where the rate of inflation rate stands at 19 per cent. Last year, donor countries cut funding pledges to Tanzania after expressing concern about corruption and the slow pace of reforms

Source: http://www.bbc.co.uk/news/world-Africa-17957767, BBC News, 14 May 2012

423. Positive developments in the fight against corruption were also facilitated by important improvements in the institutional and legal framework of the Parliament. New parliamentary standing orders were introduced in 2007 which strengthened the powers of Parliament, encouraged more robust and independent-minded debate in Parliament and, thereby, enhanced its oversight powers and functions. Moreover public hearings were introduced and became a routine aspect of parliamentary committee work. In addition, Public Account Committee (PAC) reports are submitted for Parliamentary debate regularly and in good time. They are also made accessible to the public. The overall effect of these improvements was the emergence of strengthened bi-partisan public interest in the exercise of Parliamentary oversight powers and functions to ensure accountability and transparency in public life. This approach is evident from Parliament's timely debate of the of the Controller and Auditor General reports, unlike previous practice where the backlog for such reports awaiting parliamentary scrutiny stretched back several years.

424. Similarly, the media plays an increasingly critical role in holding the government accountable and in drawing public attention to instances of grand corruption in public life. For example, the media reported on the Extended Payment Arrears scandal, involving fraudulent payment of an estimated Tshs. 133 billion from of 22 companies' accounts in 2005 and 2006. As a result, the Governor of the Bank of Tanzania was sacked. Tanzania's Media

Council also carried the anti-corruption war to the grassroots through its Press Clubs. They are established now in every district in the country to provide Tanzanians at lower levels of government - through local newspapers and radio broadcasts, in Kiswahili - an opportunity to demand accountability and transparency in public life.

425. The CRM established that, despite anti-corruption policy initiatives and measures, the perception of many stakeholders who spoke at its stakeholders' meetings across the country was that corruption is widespread and on the rise, and that much more remains to be done. In particular, the political will to tackle corruption and its manifestation as grand corruption needs to be more vigorously demonstrated. This perception is reinforced by the Transparency International Corruption Index for 2008 which ranked Tanzania 102nd among 180 countries, and for 2009 and 2010, both of which ranked it 116th.

426. The CRM notes that participants at its stakeholders' meetings highlighted the following as significant obstacles to the fight against corruption: (i) poverty; (ii) poor salaries and allowances for public servants; (iii) irregularities in public procurement processes; (iv) the country's patrimonial political culture spawning clientelist networks among both state and non-state sectors; and (v) the devaluation of moral values; greed, and materialism.

427. The CRM found that other contributory factors include increasingly monetised electoral politics, opportunities for corrupt enrichment offered by the recent privatisation of public enterprises, the inadequate legal framework, and the weak human, financial and related logistic capacity of the country's anti-corruption and regulatory agencies and institutions. Two examples of the inadequate legal framework are pertinent. First, asset declarations are not easily accessible to the public. Secondly, the whistleblower protection does not protect actual and potential whistleblowers from reprisals and victimisation as it should. Indeed, one study reported that, *"the 2006 Afrobarometer survey indicates that only 3 per cent of respondents who had witnessed an act of corruption actually reported it, both due to lack of knowledge on how and where to report and out of fear of negative repercussions."* [www.U4.no March 2009]

428. The CRM found out that, as presently constituted, anti-corruption agencies and institutions, such as the Preventing and Combating of Corruption Bureau and the Ethics Secretariat, are constrained in their work by their enabling legislation and by the fact that they operate under, or report to the Office of the President. A number of participants at CRM stakeholder meetings across the country alleged that the low rate of cases prosecutions by the agencies for grand or high-profile corruption was probably due to partisan political considerations. This is despite the recent high-profile convictions and resignations on corruption related- charges.

429. There seems, therefore, to be a general perception that for national anti-corruption agencies to be taken seriously as independent, horizontal institutions of accountability and transparency, theirtheir autonomy from other branches of government needs to be strengthened, and they should report directly to the legislature.

430. The CRM finds this view worthy of serious consideration. It has become a commendable practice in many APRM member-states to establish anti-corruption commissions, entrenched in national commissions and independent of the executive branch. They sometimes have prosecutorial powers not tied to approval by the Minister of Justice/Attorney-General and the Director of Public Prosecutions. This is a matter of confidence-building and nurturing broad public support for anti-corruption campaigns, although the CRM would add that granting such autonomy to the agency must be backed up with full financial support and the appointment of a strong leadership team at the helm.

Recommendations

431. The APR Panel recommends that:

- The various agencies tasked with fighting corruption are consolidated into an Anti-Corruption Commission, well-resourced and with prosecutorial powers, and reporting directly to the legislature; *[Ministry of Justice and Constitutional Affairs, PCCB; Parliament]*
- The role of the media, civil society organizations and the private sector as partners with the government be enhanced in the anti-corruption war; *[Government of Tanzania, the legislature, media, CSOs]*
- Cases of corruption by high-profile public and private sector functionaries continue to be vigorously

prosecuted; *[Ministry of Justice and Constitutional Affairs, PCCB]*

- The legal framework for the anticorruption war be strengthened by (i) providing sufficient protection for whistleblowers; (ii) opening up access to declarations of assets and liabilities by public officials; and (iii) passing the Freedom of Information Bill into law. *[Government of Tanzania, Parliament]*

Objective Seven: Promotion and Protection of the Rights of Women

I. Summary of the CSAR

432. The CSAR states that, in addition to ratifying core international and regional human rights instruments relevant to women's rights, the Constitution guarantees against gender-based discrimination and provides for the equality of all, including women. A number of laws were enacted to improve protections for women from injustice, practices that undermine their rights and lock their untapped potential. The 1999 Land Act and the 1999 Village Land Act provide for gender balance in land ownership, land acquisition, transfer and participation in land administration and decision-making. The Sexual Offences (Special Provisional) Act of 1998 provides safeguards for women against sexual abuse, while the Penal Code (Cap 16) criminalizes sexual- and gender-based violence. The Law of Marriage Act (Cap 29) also recognises married womens' rights to property ownership along with men.

433. A Ministry of Community Development, Gender and Children was specially established to champion womens' rights. Coupled with CHRAGG efforts, civil society organisations such as TGNP, TAMWA and TAWLA have responded by promoting womens' status. Affirmative action-type education programmes, including a lowered pass mark for female student admission to universities, have also helped raise the level of girls' and womens' enrollment at all levels.

434. The CSAR notes a steady increase of women in senior civil service positions since 2003, reaching about 30 per cent in 2006. In addition, more women are acceding to key decision-making positions. In this respect, Tanzania adopted a quota system for women to increase their numbers on representative bodies. The Constitution guarantees special seats (30 per cent) for women in Parliament. Similarly, the Local Government Elections Act provides that one-third of elected councillors should be women. Between 1961 and 2010, womens' representation in Parliament increased from 7.5 - 36 per cent. In 2010, 988 women sat on local councils as councilors, reflecting an increase from 940 in 2004. Tanzania continues to respond to the 50/50 benchmark set by the AU constituent declaration.

435. However, despite government efforts to mainstream gender in development policies and processes, the gender gap between men and women is increasing. Inherent contradictions in the very laws that were amended to protect womens' progress are customary and religious norms and practices that have, in some cases, been legalized and are applied in resolving disputes. Low levels of literacy and awareness of women's rights and how to enforce them, especially in rural areas, increased poverty and the vulnerability of women have only resulted in marginal improvements from Government efforts to protect womens' rights. There continues to be a wide gender gap in the number of candidates nominated by political parties. Higher numbers of women in Parliament and on local councils should be seen to translate into qualitative changes in womens' socio-economic and political status.

436. Gender-based violence is prevalent in Tanzania: rape, battery, and female genital mutilation affected 15 per cent of all women. Traditional practices and attitudes aggravate continued gender based-violence within and outside homes. Contrary to the MKUKUTA, the African on the Rights of Women and the national Policy on Aging, across the country women over 50 were victims of violence, often from accusations of witchcraft. More cases were reported in the north-western region, Mwanza, and Shinyanga regions. In many communities, deep-seated cultural beliefs, low status of women, poverty, apportioning blame in cases of calamities, and exploiting the vulnerability of elderly women have perpetuated this practice.

437. The Tanzania Gender Networking Program in 2007 identified other challenges facing women that are still valid today. They include limited gender mainstreaming as a consequence of poor gender disaggregation in policy and practice, weak gender indicators to track progress in development sectors, and inadequate technical

backstopping. These place women at a disadvantage in the national development process and poses a challenge to acheiving women's rights.

II. Findings of the CRM

Discrimination against women

438. CEDAW places an obligation on States to enact effective legislation prohibiting discrimination against women. The Constitution guarantees non-discrimination on grounds of sex while also providing for equality before the law. The CRM notes that, while Tanzania has adopted laws to protect women against violent incidents in everyday life, discriminatory legislation continues to disempower them and perpetuates inequality. These include the 1971 Law of Marriage Act Cap 29, the 1963 Customary Law Declaration Order, the 1971 Citizen Act and the Law of Marriage Act. These laws manifest in the Tanzania society in various forms, such as inheritance, land ownership, widow inheritance, polygamy, forced marriage, bride price, and the omission of marital rape which discriminates against women.

439. This is in conflict with the Constitution and CEDAW which stipulate the following:

(i) Early marriages of girls before attaining the age of 18 years in comparison to their male counterpart who are only allowed to marry after eighteen years, hamper their life chances, have negative health consequences not least because of the increased likelihood of early motherhood and the attendant health risks, but also the resultant impact on the health of any children that she may have. In Shinyanga and Pemba, there were reports of early marriage which hindered a girl's chances of continuing with her education. The poor practice in registration of marriages or, in some cases, non-enforcement of registration provisions perpetuates the practice of child marriages.

(ii) In some cases widows are prohibited from inheriting land from their deceased husbands. Women in rural areas suffer from this form of discrimination, as their livelihoods, their survival and that of their children depend on land. During the CRM meetings, experiences of this were reported in Zanzibar, Mtwara, and Pemba. Related to this, there is no uniform law for inheritance given the differences between statutory law, Islamic law and customary laws. Further, the impact of the progressive Land Act and Village Act, 1999 which have improved women's access to land ownership, is still unknown and has been slowed by women's lack of knowledge of their rights; and,

(iii) Women do not have the right to pass their nationality on to their husbands and children; rather granting of nationality and citizenship of children through the male line is a clear manifestation of discrimination against women. The denial of the right of women to pass on nationality may result in the denial of core citizenship rights, including the right to vote or to participate in public life. It may also have an impact on their freedom of movement as, indeed, may the insistence that a child must follow the father's nationality.

440. In Tanzania, discriminatory practices against women are aggravated by customary and religious tenets that have been used to rationalize and legitimise discrimination against women in both practice and law, thus increasing the risks associated with gender inequalities.

Violence against Women

441. Tanzania enacted several laws, such as the 1998 Sexual Offences (Special Provisions) Act to protect women against violence. There was some positive impact. The CRM confirmed that, despite this and other laws, several women and girls throughout the country - especially those living in poverty - experience violence, abuse and exploitation, resulting in harm. This perpetuates the cycle of oppression and abuse since violence is a major cause of death and disability, and a leading driver of poverty and insecurity. Throughout the country women are raped, beaten, and emotionally abused by spouses, lose matrimonial property after being chased away from their homes, and are exploited economically. As already noted, elderly women are killed on allegations of involvement

in witchcraft. Young girls are married off early and an estimated 15 per cent of women in Tanzania are subjected to female genital mutilation.[74]

442. Even more disturbing is that such violence goes under-reported because of shame and associated stigma, and the frustration survivors face when they report cases to the police and justice system which then fails to effectively prosecute perpetrators. A number of factors contribute to violence against women, including customary and religious practices and attitudes and laws that violate women's rights. During the CRM meetings, the Zanzibar government indicated that mechanisms to fight against gender-based violence and exploitation of women and girls would be established. By 2010, the Tanzania Police Female Network had established 94 gender desks in police stations across the country.

Women's participation in representation and decision-making

443. On political participation, Tanzania has taken import steps to ensure full and equal participation of women in public life and decision-making - essential in a democratic State. Temporary special measures were used to increase women's participation in the National Assembly, Local Councils, and in the public services. In general, quotas for the representation of women in Zanzibar's House of Representatives broadly followed the arrangements of the Union's National Assembly. (This is discussed in more detail in Chapter Six)

444. The CRM established that, over the last eight years, Parliament - where women's participation rose from 20 per cent in 2004 to 36 per cent in 2011, and the public service - where 36 per cent of those in high positions currently are women from 25.6 per cent in 2004, registered the highest increases in women's participation. At the local government level, women's representation increased from 34 per cent in 2004 to 37 per cent in 2011 and in the judiciary, from 29 per cent to 36.9 per cent over the same period. Although, overall, participation at regional administrative levels is below 25 per cent, 46.7 per cent of the regional administrative officers are women. In the foreign service and at the level of Regional Commissioner, Permanent Secretaries, and Registrars of Courts, the proportion of women continue to be the lowest. The CRM suggests that more has to be done to increase the participation of women in the still male-dominated, mainstream civil service, and also to ensure that political parties - which may not be directly subjected to obligations under CEDAW - do not discriminate against women.

445. Under the current multi-party dispensation, each political party nominates and ranks female candidates for special seats reserved for women and elects a certain number of women according to the proportional representation of parties in Parliament. During the CRM stakeholder meetings, it emerged that this system reduced the ability of women MPs to advocate for women's interests, separate from party interests. Where there is a difference, Party interests reign. Thus, women MPs are not considered representatives of women. Instead, they are seen to represent the political parties that nominated them. However,the CRM noted that women's issues increasingly come up in Parliament. For example, women MPs and CSOs were instrumental in formulating and passing the 1999 Land Act and the 1999 Village Land Act, both of which accord equal rights with men in land ownership.

Women's employment

446. Despite government and civil society efforts, women still have very low status in Tanzania given the injustices they experience. At work, in private homes and government, in shops and farms, women and girls still occupy the lowest paying jobs, although some of them are bread-winners for their families. Women are the major producers of food and cash crops on farms where agriculture is a livelihood for nearly 90 per cent of rural men and women who produce over 60 per cent of the cash crops.

447. The CRM noted that women experience disadvantages in the formal work place and their contribution, especially domestic labour, continues to be largely overlooked. As a result, their employment has not necessarily transformed their households as they do not contribute to taking decisions on how the proceeds should be used because their spouses take the cash for their own benefit, including alcoholism or acquiring more wives.[75]

[74] Legal and Human Rights Centre, Tanzania Human Rights Report, 2007 p.43.
[75] "Connecting Girls for Development is the Way to Go", p.4, Sunday News 11 March 2012.

Women's economic empowerment

448. According to the 2010 Tanzania Demographic and Health Survey, only 30 per cent of married and employed women are paid cash for their work, compared to 56 per cent of men. The situation is even worse for rural Tanzanian women where only 28 per cent of them are allowed to decide on how their earnings are spent (compared to 48 per cent of women in urban areas). Decisions on household purchases are often made solely by men (57 per cent) and rarely by women (7 per cent). Attesting to this in Mtwara, stakeholders confirmed that male relatives, spouses or husband take control of flourishing activities or the money generated, particularly from growing cashew nuts. This unequal access to earned financial resources has had a negative effect on women's economic empowerment. Micro-finance loans to women were deemed inadequate in assisting them to bring about any meaningful change in their lives. The CRM was unable to establish the impact of the Economic Fund targeting women.

Women's land rights

449. It emerged from CRM stakeholder meetings that despite having enacted the Land Act No. 4 of 1999, as amended in 2004, and the Village Lands Act No. 5 of 1999 reversing discriminatory customary practices connected with women's rights to land and the 2002 Courts (Land Disputes Settlements) Act No. 2, there is a real concern in Tanzania that rural women often do not have effective access to land ownership. This is reflected in the low per centage of women who own land. The Committee is also concerned that the amended land laws do not address the discriminatory issue of inheritance rights. In addition, it is concerned about women's limited knowledge of their property rights and their lack of any capacity to claim them (Chapter Six discusses this matter in more detail).

Women's access to credit

450. Despite the establishment of the National Micro-Finance Policy, the Women's Development Fund, the Economic Empowerment Fund, and women's banking over the years, access to capital is still low for women. One of the major reasons for this is the high interest rates on credit provided to women. There are also burdensome requirements that undermine women's development. It emerged during CRM meetings that although there are a number of women entrepreneurs, they are largely concentrated in low-growth areas, earning lower financial returns than their male counterparts. The women entrepreneurs continue to face socio-cultural obstacles as well as legal, regulatory, and administrative barriers. This issue is further discussed in Chapter Six.

Women's social standing

451. The CRM was informed that Tanzanian society is largely patriarchal. In Pemba and Mtwara, for instance, the CRM found women and girls were referred to as 'second class citizens', suggesting a lower social, political, and economic status than men. In many areas, girls are still socialised to become housewives and to bear children, placing less value on their educational and economic attainment. Worthy of note, however, after increases in the number of women and girls enrolled into formal education, they have begun to challenge these traditional roles. Nonetheless, obstacles still persist for women, both in rural and urban Tanzania. Unequal access to earned income has also affected health outcomes: only 15 per cent of women make decisions about their own health compared to 66 per cent of men. Women's voices are yet to be heard in decision-making even at household level, let alone in public life, especially in matters that directly affect them.

452. The CRM noted commendable efforts by the URT to establish and strengthen national gender machinery, involving the Ministry of Community Development, Gender and Children for the Tanzanian mainland, and the Ministry of Social welfare, Youth, Women and Children Development for Zanzibar. Ministries, independent departments and agencies, regional secretariats, and local authorities now have gender focal desks. However, institutional capacity in both ministries is weak: inadequate human, financial and technical resources prevent them from effectively discharging their functions in promoting specific programmes to advance women rights;

effectively coordinating efforts among the different institutions of the national machinery, at various levels; or, in comprehensively mainstreaming gender into all areas of government policy.

III. Recommendations

453. The APR Panel recommends that the United Republic of Tanzania:

- Strengthen legal and institutional frameworks to make them more effective in prosecuting perpetrators of gender violence and to provide effective remedies for discrimination and violation of women's rights, and to victims of violence, including providing medical assistance, psychosocial support, and expanding legal assistance to rural women; *[Ministry of Justice and Constitutional Affairs, CHRAGG, CSOs]*
- Reform the legislation pertaining to the age of marriage with a view to eliminating the exceptions that allow for girls to marry at age 14 and boys at 16, and to bring legislation into line with Article 1 of the Convention on the Rights of the Child that defines a child as anyone under the age of 18 years; *[Ministry of Justice and Constitutional Affairs, CHRAGG, CSOs]*
- Assess the institutional capacities of the national gender machinery: the Ministry of Community Development, Gender and Children for Mainland Tanzania, in particular; the Ministry for Labour, Youth Employment, Women and Children Development for Zanzibar; and, strengthen them with the necessary authority and adequate human and financial resources to promote women's rights and gender equality; *[Ministry of Community Development, Gender and Children for Mainland Tanzania, Ministry for Labour and Employment; Ministry of Social Welfare Youth, Women and Children Development for Zanzibar];*
- Enhance mechanisms for women economic empowerment, including providing them with access to resources so that they can increase their yields to lift their households out of poverty; *[Ministry of Finance, Prime Minister's Office (Investment and Empowerment]*
- Civic education on the importance of women's participation in decision making starting at household level; *[Ministry of Justice and Constitutional Affairs, CHRAGG, CSOs]*; and,
- Review policies and programmes to identify where and what the bottlenecks facing women entrepreneurs are, and develop and implement specific programmes - with monitoring mechanisms - to strengthen their entrepreneurial potential. *[Ministry of Industry, Trade and Marketing].*

Objective Eight: Promotion and Protection of the Rights of the Child and Young Persons in Tanzania

I. Summary of the CSAR

454. Tanzania has an impressive array of strategic institutions and instruments to protect the rights of children and young persons, with responsibility for children's welfare split between several ministries. The country is a party to various international and regional instruments for the protection of children's rights. Tanzania ratified the Convention on the Rights of the Child (CRC) on 10 July 1991, the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography in April 2003, the African Charter on the Rights and Welfare of the Child on 16 March 2003, the Minimum Age Convention (MAC) on 16 December 1998, the Elimination of the Worst Forms of Child Labour Convention on 12 September 2001, and acceded to the Optional Protocol to the Conventions on the involvement of children in armed conflict in November 2004.

455. According to the CSAR, Tanzania is one of three countries in the world carrying out the Time Bound Programme (TBP) for the elimination of the worst forms of labour. The National Inter-Sectoral Coordination Committee (NISCC) coordinates the various activities and interventions geared at eliminating the worst forms of child labour.

456. It is noteworthy that key documents on international conventions on child rights were translated into Kiswahili. However, most of the international humanitarian laws are yet to be enacted into domestic legislation.

457. The CSAR acknowledges the youth bulge in the country's population and defines a child as one below eighteen years of age. Despite the definition, contradictory definitions of the term 'child' are to be found in the various enactments. This has meant that certain categories of children are deprived of their rights and protection under the law. Though 3.0 per cent of households are headed by children, minors - including orphaned children - continue to face discrimination in inheritance and succession.

458. According to the CSAR, despite having ratified many protocols safeguarding children's welfare, anecdotal evidence shows that various forms of child labour still exist in Tanzania - especially in mining, commercial agriculture and fishing sectors, as well as in domestic household service.

459. The CSAR states that the government of Zanzibar is in the process of domesticating the Optional Protocols to the CRC: the Optional Protocol on Involvement of Children in Armed Conflicts, and on the Sale of Children, Child Prostitution and Child Pornography. It also recently amended the Births and Deaths Registration Decree of Zanzibar to make registration at birth mandatory.

460. Children between the ages of 8 and 15 years charged on suspision of breaking the law are liable for criminal action and can be held accountable and prosecuted for criminal breach, although they cannot be sentenced to jail. Alternative punishment is usually administered, including corporal punishment. Juvenile justice is often delayed, as there is only one juvenile court and five remand homes nationwide. As a result, children with court cases pending are held in remand prisons along with adults. In Zanzibar, Juvenile Courts were established under Section 3 of the 1985 Children and Young Persons Decree, Chapter 58 and Magistrate Court's Act.

461. The 1982 Education Act of Zanzibar, Section 20 (4) provides for girls who become pregnant during their basic education to be expelled without finishing school. A review process is underway on the Spinsters, Widows and Female Divorcees Protection Act No. 4/85 that makes it an offence - liable to a 2-year prison sentence - for a spinster to become pregnant of her own free will.

462. The CSAR states that pregnant female pupils are expelled from schools on the mainland, in accordance with the provisions of the 1978 Education Act, No 25.The number of pregnant school-girls continues to rise, despite prohibitory laws and their subsequent expulsion. These laws are, in effect, undermining the right of girls to education.

463. According to the CSAR, young girls continue to be subjected to early marriage, female genital mutilation, and other forms of gender discrimination, despite legislation against such practices. The CSR attributes the persistence of such practices to cultural traditions and religion.

464. The CSAR noted the worsening problem of youth unemployment. To solve or ameliorate the problem, the report observes that Government set up a special Presidential Fund on Mainland Tanzania and the Isles for use as loans to small businesses, which youth can access.

465. According to the CSAR, the total number of Most Vulnerable Children (MVC) in Tanzania was estimated to be 968,439 (i.e. 5.3 per cent of the total population of children under 18 years.) In 2002, an estimated 10 per cent of all children in Tanzania were orphans with 44 per cent of orphan-hood attributed to HIV/AIDS. Despite this, the country does not have a fully-fledged foster care system for homeless children. However, there are national guidelines for Institutional Care and Support of MVC/Orphans and Vulnerable Children (OVC) that stipulate guidelines for the quality of care and support to such children who live in institutions.

466. The Revolutionary Government of Zanzibar adopted measures to improve the welfare of the MVC/OVC, although there were still gaps in implementation. NGOs and donors were left to fill the gaps.

467. The CSAR both noted and expressed concern over growing use of illegal intoxicating substances by children, and the rising numbers of children engaged in prostitution. The CSAR pointed out that government institutions in some regions are attempting to rehabilitate such children.

Findings of the CRM

468. The CRM noted with some satisfaction that, following the enactment of the 2009 Law of the Child Act[76], government is attempting to reform and consolidate all the laws pertaining to the protection of child rights. The 2009 Child Act defines a child as anyone below the age of 18 but a challenge remains in that children are allowed to work from the age of 14 years. This has left such children vulnerable to exploitation by employers, especially in the extractive industries. A positive development in the law is the absence of reference to corporal punishment for juvenile delinquency.

469. The Ministry of Health puts OVC figures at 1.5 million, with half of such children falling into the most vulnerable category[77]. The collapse of traditional safety nets worsened the plight of such children. Grandparents care for 40 per cent of them and 13 per cent are in the care of older siblings. There are obvious gaps in implementing the National Guidelines for Institutional Care and Support of MVC/OVC and the various child policies. As a result of these gaps, child-headed households risk plunging into further destitution.

470. The CRM confirms the CSAR finding that the problem of street children is on the rise in urban areas and there seemed to be no remedial action from Government about their welfare. These kids, allegedly forced onto the streets by family disputes/violence and parental deaths, live in dangerous places, are vulnerable to abuse by many elements, and are exposed to the temptations of criminal behaviour.

471. Contrary to Article 26.2 of the URT Constitution and Article 23 of the Guidelines for Action on Children in the Criminal Justice System, forced removals of street kids from the streets violates their freedom of movement. Sexual offences were the second most common type of offence for which children were arrested[78]. In prison, where children are mixed with adult offenders, there are reports that these children are often sexually abused. Girl street kids are in a worse position than the boys and they often end up becoming pregnant.

472. The CRM observed that there is a shortage of specialised juvenile justice institutions in Tanzania. There are no designated police units or officers who deal specifically with children suspected of being in breach of the law. The criminal justice system does not provide for specialist prosecutors or prosecution units to investigate and prosecute cases involving child suspects[79]. There is also a significant shortage of Social Welfare Officers (SW Officers) in most districts and no specialised SW Officers in many regions. Only three SW Officers are attached to the Dar es Salam Juvenile Court. As a result, children are kept in police detention over prolonged periods, in contravention of international and domestic law. Furthermore, conditions of detention are not up to international standards, compromising the children's health and wellbeing.

473. During CRM stakeholder consultations, the youth claimed that their right to employment is compromised in the absence of an enabling environment for self-employment. According to the Integrated Labour Force Survey (2000/2001), 17 per cent of youth are unemployed, compared to a general unemployment rate in Tanzania of 12.9 per cent. In Zanzibar, the youth unemployment rate was estimated at 20 per cent in 2007[80]. The absence of a high school curriculum that prepares youth for employment is partly to blame for this situation. Rural youth unemployment rates are even higher and there is gender disparity, with rural young men mostly engaged in cash crops farming, livestock keeping, fishing, petty trade and work as casual labourers. Girls, on the other hand, work longer hours and are disadvantaged in terms of educational achievement and access to basic services such as credit, information, and markets.

474. The National Employment Policy of 2008 acknowledges the need to combat the worrisome phenomenom of youth unemployment[81]. Its opening statement emphasises the need to identify, address and enhance youth employment opportunities. Important inputs such as infrastructure, skills training, vocational guidance and counseling, capacity building, business development and financial services for business start-ups and improvement were to be addressed through coherent and coordinated efforts driven by the Government, private sector, CSOs and other employment stakeholders. Instilling desirable values that encourage self-employment is also part of the strategy.

[76] The Law of the Child Act 2009, Act Supplement no. 21, URT, 25th Dec 2009.
[77] Monitoring and Evaluation Plan for the National Plan of Action for Most Vulnerable Children in Tanzania, URT Ministry of Health and Social Welfare, March 2011.
[78] *Analysis of the situation for children in conflict with the law in Tanzania*, July 2011, Ministry of Constitutional and Legal Affairs In collaboration with UNICEF (Compiled by the Children's Legal Centre and the National Organisation for Legal Assistance.
[79] Ibid.
[80] Promoting Livelihood Opportunities For Rural Youth: Some Lessons from Tanzania, International Fund for Agricultural Development (IFAD), Feb 2007. Asha Juma, Governing Council Roundtable Generating Remunerative Livelihood Opportunities For Rural Youth.
[81] URT, The National Employment Policy 2008, Ministry of Labour, Employment and Youth Development, Dar-es-Salaam, 2008

475. Local Authority Youth Mapping identifies where the youth are located and the activities that require strengthening. The Youth Revolving Fund is in place to support income generation by organised groups and brigades. Local authorities are mandated to contribute 10% of their funds to this revolving fund. There are 40 Vocational Educational Training Centres around the country that train youth in new skills.

476. The youth consider themselves the most vulnerable group in the country as they feel they are manipulated in different ways by various interests. In stakeholder consultations, politicians were accused of seeing their value in terms of political muscle yet they provide no platforms for young people to contribute to national political and planning processes.

II. Recommendations

477. The APR Panel recommends that the United Republic of Tanzania:

- Enact legislation to provide for rehabilitative services and support for prosecuting child offenders, in line with relevant provisions in international covenants; *[Ministry of Justice and Constitutional Affairs, CHRAGG, CSOs]*
- Set up a readily accessible special fund with low interest rates to assist the youth in entrepreneurial activities; *[Ministry of Labour, Employment and Youth Development, Central Bank of Tanzania]* and,
- Design an internship system that gives youth a chance to learn new job skills whilst accumulating experience. *[Ministry of Education and Vocational Training, Ministry of Labour Employment, and Youth Development]*

Objective Nine: Promotion and Protection of the Rights of Vulnerable groups including Internally Displaced Persons and Refugees

I. Summary of the CSAR

478. The CSAR states that the rights of vulnerable groups are embedded in the URT Constitution. However, enforcement has remained difficult for many reasons, including low institutional and resource capacity.

Rights of refugees

479. Tanzania ratified the 1951 UN Convention Relating to the Status of Refugees and the 1969 Africa Refugee Convention, and has hosted hundreds of thousands of refugees in the region over the years from Burundi, the Democratic Republic of Congo, Malawi, Mozambique, Rwanda, Somalia, South Africa, Uganda, and Zimbabwe. The country remains the largest refugee host country in Africa with over 520,000 refugees (100,000 children are under five years, 200,000 are children and youth of school age). Refugee children have access to health, education and other social services and amenities, such as water and recreation facilities.

480. However, the URT government regards refugees as a burden for the following reasons: (i) environmental degradation; (ii) the rise in the incidence of violent crime; (iii) the general security threat they pose to the country; and, (iv) overburdened national infrastructure coping with a huge number of refugees in the face of dwindling financial resources.

481. The 2003 National Refugee Policy strongly advocates the repatriation of refugees and the creation of 'safe zones' in their countries of origin. Although Tanzania has tried to implement the UN Convention on the Status of Refugees, it failed to conform to some of the standards set out in the Convention and, thus, scaled back hospitality to refugees. Refugees were denied entry into the country, while others were 'involuntarily' forced to leave Tanzania. The 1998 Refugees Act introduced many 'claw back' clauses seeking to promote and protect refugee rights. At the same time, those rights were taken away by the imposition of restrictions on the enjoyment of those rights.

482. The following refugee rights in Tanzania are all not all respected by, or reflected in, Tanzania's refugee policy:

483. Right to employment, with the exception of those refugees who live within camps who can engage in small income-generating activities;
- Right to housing and education;
- Free access to courts;
- Right to property; and,
- Freedom of association and movement.

484. There is widespread resistance to the April 2010 government decision to naturalise over 162,000 Burundian refugees living in the so-called 'old settlements' in the north-west region of the country since 1972.

Rights of internally displaced persons

485. The CSAR defines 'internally displaced persons (IDPs)' as people forced to flee their homes and land as a result of armed conflicts, situations of generalised violence, violations of human rights, or natural or human-made disasters within their countries. Most of the displacements in the country are due to the alienation and encroachments on their ancestral land by foreign investors, tourism, conservation efforts, and the rapid expansion of cities. However, many victims come from pastoralist communities. No clear national policy nor administrative guidelines exist on how to deal with IDPs in the country.

486. Foreign investments in Zanzibar, especially tourism on the beaches, have created IDPs. Scores of people in Zanzibar town had their houses demolished by Government and were forced to flee to Pemba, Dar es Salaam and other places, both within and outside the country.

Rights of the disabled

487. The CSAR states that the Tanzanian government signed the Convention on the Rights of Persons with Disabilities on 4 September 2008, and ratified it on 24 April 2009. The rights of persons with disabilities are provided for under Article 11 of the Constitution of the URT. In pursuant of its obligations under the constitution, the Government enacted two pieces of legislation in 1993: (i) the Disabled Persons (Employment) Act; and, (ii) the Disabled Persons (Care and Maintenance) Act.[82]

488. According to the CSAR, children with disabilities are particularly vulnerable as they are more likely to be denied the same opportunities as their able-bodied peers due to their lower rates of school enrolment. Government's main policy document (NSGRP/MKUKUTA) estimates that less than 2.0 per cent of children with disabilities were enrolled in primary school in 2002.

489. The CSAR reports that the Zanzibar Association of the Disabled (ZAD) runs a comprehensive Community-Based Rehabilitation Programme (CBRP) to support people living with disabilities, especially children.

Rights of Albinos

490. The CSAR states that albinos constitute another set of vulnerable groups in Tanzania and have probably suffered the most. They have been victims of ritual murders and violent amputations by greedy individuals who believe that some body parts of albinos will enhance their wealth. Because of their vulnerability, a number of regional administrations in Tanzania have given albino children protection in special shelters.

[82] The latter act sets out guidelines for the care of disabled persons without relatives. Article 31 of the Disabled Persons (Employment) Act provides for mandatory employment of disabled persons.

II. Findings of the CRM

Rights of Refugees

491. The CRM stakeholder consultations in various parts of Tanzania confirmed the general perception among Tanzanians that refugees are responsible for many of the ills and social problems in Tanzanian society. Even other illegal immigrants are believed to have taken advantage of the refugee situation to enter the country.

492. The CRM noticed that host local communities were incensed by what they term 'destruction of the environment' by refugees and government failure to compensate them for it. For instance, refugees are blamed for the deforestation in Kigoma, while the general rise in regional crime is also attributed to their presence. Refugees are also generally viewed as fuelling natural resource conflicts, accused of illegal hunting and timber felling.

493. The CRM is concerned about open intolerance for refugees in all areas that hosted them. The team noted that the presence of refugees was tolerated only so long as they stayed confined to their camps. In both Kigoma and Songea, stakeholder consultations revealed that locals preferred to see refugees go back to their countries; sooner rather than later. What particularly incensed locals was the emphasis on refugee rights over host community rights.

494. Consultations with stakeholder groups, including parliamentarians, revealed that the country was not prepared to integrate refugees into host communities. The CRM believes that this attitude may well degenerate into xenophobic outbursts and should to be checked and contained.

Rights of the disabled

495. The CRM found no reliable statistics on the exact number of people living with disabilities in the country. Figures that are available are disputed. Indeed, the 2008 Tanzania Disability Survey Report has not been updated.[83]

496. The CRM observed that implementing the 2004 National Policy on Disability remains a challenge for many reasons, including the lack of infrastructure and resources to cater for the different needs of the disabled community. For instance, most private companies in Dar es Salaam do not employ persons with disabilities[84] and more than half of the disabled children do not attend school because of limitations caused by their disability and lack of money[85]. Moreover, a lack of special teachers adversely affects the quality of inclusive education.

497. The CRM also learnt that the disabled cannot vote because no special arrangements were made for them to exercise their rights unencumbered. For instance, according to the National Voter Registration, 142,403 people with disabilities - 13,985 of whom were blind - registered for the 2005 elections.[86] Although the Optical Mark Recognition (OMR) form was designed so people with any category of disabilities could be identified by computer data, there were no Braille facilities for visually-challenged registered voters. Other groups struggle to register as people have to cover long distances to get to registration centres and many cannot walk.that far.

498. Stakeholders accused Government of not being fully committed to catering for the handicapped, as basic services are not provided in a way that facilitates easy access. They noted that most public buildings do not have easy access facilities for the physically challenged. The deaf, in particular, cannot convey their concerns for a lack of sign language interpreters.

499. The URT Constitution has no clear provisions for people with disabilities. They have no direct participation in political processes as the disabled are represented via the Special Parliamentary Seats reserved for women. The disabled are, thus, subsumed under women. Likewise, the community of people living with disabiities resents being lumped in the category with vulnerable citizens, since they do not consider themselves to be a homogenous group of the vulnerable. As with other categories, there are vulnerable people within their community who should

[83] *Tanzania Disability Survey Report,* National Bureau of Statistics and the Dept. of Social Welfare, URT, Dec 2009.
[84] *Employment of Persons with Disabilities in Dar-es-Salaam Tanzania - An Assessment of the Proportion of Persons with Disabilities in the Work Place* 2010, Disability Aid Abroad, CCBRT and Radar Development, Sept 2010.
[85] *Tanzania Disability Survey Report,* National Bureau of Statistics and the Dept. of Social Welfare, URT, Dec 2009.
[86] *The 2005 Elections in Tanzania Mainland,* Peoples with Disability Report of the Tanzania Election Monitoring Committee (TEMCO).

be separated from mainstream disability. Very clear and deliberate efforts are essential to address the plight of this group as they struggle to access resources like land.

500. The CRM confirms the CSAR finding that albinos are a particularly vulnerable group. As noted in the CSAR, making commodities of albino body parts led to 58 albinos murdered and nine mutilations between 2008 and 2009[87]. However, ritual albinos killings date back further than 2008/2009. The practice is widespread although it is more pronounced in the Lake Zone regions of Mwanza, Mara, Kagera, Rukwa, Kigoma, Mbeya Morogoro, and Shinyanga. Government has rounded up school-going albino children and put them in dormitories for their security. Though they can continue to attend school, they cannot play freely as children ought to and their movements out of these guarded premises are prohibited. The albinos expressed a desire to be treated like people living with HIV/AIDs who receive free anti-retrovirals. The cost of sunscreen lotions, eye tests, and spectacles to help with correcting sight is beyond what most of the albino community can afford. The total albino population nationwide is put at 270,000.

501. NGOs like the LHRS and the Tanzania Albino Society have carried out campaigns to advocate for the protection of albinos. So far, only nine local perpetrators of crimes against albinos were sentenced to death for the murders. This is a regional problem since similar murders have occurred in Burundi and elsewhere in East Africa. Deconstructing the myth of success and wealth obtained through ritual murders continues to pose major challenges.

502. The 2010 Persons with Disabilities Act[88] is currently attempting to take appropriate steps to enhance the welfare of the disabled community on the mainland only. The Zanzibar Disability Policy was adopted in 2004 viewing disability as a human rights issue. In 2006, the Persons with disabilities (Rights and Priveleges) Act No 9 was approved.

Rights of the elderly

503. CRM stakeholder consultations revealed a general perception that to be old is like a punishment in the country. This category of Tanzanians have become forgotten citizens without rights. There is no effective wholesome policy to cater for the welfare of the aged. Designated healthcare centres do exist for the aged but in the absence of clear laws to guide their operations, the discretion of the service providers has rendered the policy ineffective. Access to welfare packages is oftentimes problematic because the elderly are required to produce identify cards, which they are yet to be provided.

504. Though some of the elderly pay taxes and are supposed to have a pension scheme to rely on in their twilight years, the process of accessing the pensions is tedious and takes about three years. As a result of the delay, many elderly persons in Tanzania die without receiving their benefits. In any case, most of the elderly are outside this category, being farmers and informal sector workers who do not have a Social Security System specifically targeting them. This is of great concern and Government should take it seriously.

III. Recommendations

505. The APR Panel recommends that the United Republic of Tanzania:

- Streamline and publicise strategies and structures for implementing the UN Disability Rights Convention and the National Disability Policy of 2004 from the national level down to the local level; *[Ministry of Justice, CHRAGG, CSOs]*
- Reserve special seats in parliament for the disabled; *[Presidency, Political Parties,Parliament]*
- Provide mobile voting registration and polling facilities for the disabled; *[NEC]*
- Carry out a broad civic education campaign on the rights of albinos and thos of persons living with disabilities, and strengthen the promotion and protection of their rights; *[Ministry of Justice, Parliament, CHRAGG, CSOs],*

[87] *Tanzania Human Rights Report 2010*, pg 58, Legal & Human Rights Centre and Zanzibar Legal Services Centre, May 2011.
[88] The Persons With Disabilities Act 2010, URT Act Supplement, no.9, 28th May 2010.

- Carry out civic education on the rights of refugees so as to reduce xenophobic sentiments *[CHRAGG, Government, CSOs,]*
- Recognise the elderly as a special category requiring some form of cash transfer system to alleviate financial pressures, and design a system that allows retired staff to retain their health insurance cards until they are issued with new ones, so that they can continue to access health services. *[Department of Social Welfare and CSOs]*

CHAPTER FOUR

ECONOMIC GOVERNANCE AND MANAGEMENTECONOMIC GOVERNANCE AND MANAGEMENT

4.1 Overview

506. Chapter Four in the CSAR addresses six issues of economic governance and management. They are standards and codes; promoting macro-economic policies that support sustainable development; implementing transparent, predictable and credible government economic policies; promoting sound public finance management; fighting corruption and money laundering; and accelerating regional integration by participating in the harmonisation of monetary, trade and investment policies among participating states. This chapter first summarises the findings on these issues from the Country Self-Assessment Report (CSAR), followed by the findings of the Country Review Mission (CRM) on the same issues. It ends with recommendations on what needs to be done to satisfactorily address challenges in these areas.

507. As noted in Chapter Two, Tanzania made good progress in promoting economic growth over the past five years, with growth rates averaging about 6.8 per cent a year. However, this growth has not been broad-based, pro-poor development nor did it bring about structural transformations. The structure of the economy has not changed in recent years and industrial production has stagnated. More importantly, levels of poverty and economic inequality remain high, and unemployment is a major problem in rural areas and among the youth. The 2011/12-2015/16 economic development plan is intended to address these challenges. For significant progress to be achieved in addressing the problem of growth without development, Tanzania must make more vigorous efforts to implement its policies and strategies, build capacity for this, expand and deepen consultation and coordination among all stakeholders at all levels. Direct and explicit action must also be taken to address poverty and inequality without relying on the trickle-down effects of economic growth.

508. Through Vision 2025, the Government of Tanzania has the ambition to transform the country into a middle income country by 2025. It will take drastic improvements and an effectively functioning government machinery to attain that objective. Planning processes must be more robust. The various government departments and agencies and local government bodies and authorities must improve coordination. Government must own policy and this will require effective consultations with all stakeholders, including the private sector and civil society. The oversight function, including over the budget and procurement processes, must be strengthened to avoid any resource leakages. The Government acknowedged the need for action in these areas and continues to embark on a number of initiatives and reform measures. These areas are explored and appropriate recommendations made for improvement.

509. Tanzania has been implementing policy reforms to strengthen national public resource management. The country designed and continues to implement policy frameworks to deepen and create efficiency in the financial sector. Various reforms have been implemented to date and a second generation of financial sector reforms is underway. In addition, the country pursued reform implementation to strengthen the budgeting process and create a conducive environment for strengthened expenditure planning, controls, reporting, auditing and enhanced accountability on the part of public officials. Programmes and initiatives were designed and are being implemented to decentralise fiscal functions down to grassroots level. A summary of these reforms, results achieved, and pending challenges are presented. Also, findings contained in the CSAR and the interactions with a variety of stakeholders are assessed and recommendations made accordingly.

510. Like many other African countries, Tanzania recognised the need to bolster the fight against corruption. It has ratified important instruments to prevent and combat corruption and money laundering. It has also established key institutions that are championing the war on this vice. Questions put to the CSAR and interactions with stakeholders permitted an assessment of the efficiency of these institutions. A National Anti-corruption Strategy and Action Plan continue to be implemented. The focus was on institutions of accountability and findings are

presented on their performance and capacities. Recommendations aimed at strengthening these institutions and heightening the fight against corruption are made.

511. Accelerating the process of regional integration is one of the strategies that the Government of Tanzania adopted as a vehicle to attain national development aspirations. Tanzania's participation in both the East African Community (EAC) and the Southern Africa Development Community (SADC) is a vector for potential economic benefits, including the potential for increased trade and investment flows through the elimination of both tariff and non-tariff barriers to trade. However, many challenges have been identified and these will need to be addressed if the country is to garner maximum benefits from integration. The low level of competitiveness, the absence of adequate productive capacity, challenges accessing finance, and the poor state of infrastructure are but a few. The general lack of information among ordinary Tanzanians about the business opportunities available to them remains a major problem that needs to be addressed. The ongoing process of creating a Free Trade Area among EAC, SADC and the Common Market of Eastern and Southern Africa (COMESA) has brought a new dimension to the whole debate about the opportunities and challenges of integration. These issues are explored and a set of recommendations made on the way forward.

4.2 Standards and codes

I. Summary of the CSAR

512. Signing, ratifying and adopting Standards and Codes are the responsibilities of the Union Government. The CSAR lists 18 Standards and Codes that were adopted and ratified, together with the date of ratification or accession to these Standards and Codes, the national legislation adopted to domesticate them, and the key institutions responsible for their implementation. These Standards and Codes deal with a wide variety of subjects, such as membership in the African Union and the African Economic Community; regional organisations such as the East African Community (EAC) and the Southern African Development Community (SADC); codes and guidelines on fiscal transparency, monetary and financial affairs, corporate governance, insurance supervision and regulations, banking supervision, payment systems, government finance statistics and public debt management; international standards in accounting; and, fighting corruption. Most of these Standards and Codes are characterized as declarations rather than legal documents and do not therefore require ratification. Thirteen of the 18 Standards and Codes listed are characterised in this manner. However, all the Standards and Codes listed have been domesticated through national legislation. These legislation and the key institutions responsible for their implementation were highlighted.

513. The CSAR notes that as part of the United Republic of Tanzania, Zanzibar automatically ratifies, complies with, and implements all Standards and Codes subscribed to by the Union Government, except when these deal with matters that do not fall under the competence of the Union Government. In such situations, the Government of Zanzibar decides which Standards and Codes it will abide by. Codes and Standards that were not being followed by Zanzibar are the Code of Good practices on Fiscal Transparency; the Guidelines for Public Debt Management; International Standards in Auditing Principles for Payments Systems; Best practices for Budget Transparency; and Principles of Corporate Governance.

II. Findings of the CRM

514. The list of Standards and Codes signed, ratified, and domesticated by Tanzania contained in the CSAR is different from the one made available to the CRM by the Ministry of Foreign Affairs. A major difference is that the Standards and Codes listed in the CSAR are mostly of recent origin and only date back to the beginning of the twenty-first century, whereas the list obtained from the Ministry of Foreign Affairs goes back to the 1960s. Thus, the ministry list is far more comprehensive. However, the list from the ministry provides data only on the instrument, date of signature, date of ratification and responsible institution, with no information on legislation and other measures taken to domesticate these Standards and Codes.

515. Neither in the list of Standards and Codes in the CSAR nor in the list provided by the Ministry of Foreign Affairs is there any information on the implementation of the Standards and Codes signed, ratified, and domesticated. The issue of implementation is taken up in other CSAR sections dealing with the five economic governance and management objectives. However, this treatment lacks depth and comprehensiveness. The extent to which these Standards and Codes are being implemented are addressed in the CSAR, but the assessment is based only on the results of the expert survey. These show that 74.5 per cent of experts in Mainland Tanzania and 86.7 per cent of those in Zanzibar are of the opinion that Tanzania is putting moderate to fair efforts into implementing these Standards and Codes. Obstacles to effective implementation of these Standards and Codes include limited capacity, inadequate institutional communication, and limited awareness among top officials. Steps being taken to remove these obstacles are training of officials, using more information technology, and strengthening internal management systems.

516. Another gap identified by the CRM resides in the implications arising from the fact that some Standards and Codes subscribed to by Tanzania do not apply to Zanzibar. As indicated above, they touch on vital and sensitive issues such as fiscal transparency, public debt management, auditing principles, budget transparency, and corporate governance. As members of a Union Government, convergence, if not similarity of policies, rules and regulations in these areas are essential if both entities are to be considered a single economic union by investors and other economic agents.

517. Another issue of concern is poor coordination effort between the Union Government and Zanzibar to ensure that Standards and Codes subscribed to in areas that fall outside Union matters are acceptable to Zanzibar. This would minimise any likelihood that Zanzibar would refuse to accept and apply these Standards and Codes and adopt different ones that may impact negatively on a common economic union. In meetings with stakeholders, the CRM was informed by officials that there were consultations between Union officials and Zanzibar authorities before the Union Government decides to sign Standards and Codes. It is however not clear how effective this process is.

518. The CRM notes the effort made by Tanzania to ratify and domesticate a wide range of Standards and Codes bearing on promoting good economic governance and management. Government faces the challengs of going beyond adoption, ratification, and domestication to effective and vigorous implementation. Improvements are also called for in measures to ensure that Zanzibar is fully associated, in a formal and institutionalised setting, with all efforts relating to the adoption, ratification and domestication of Standards and Codes so that they fully buy in to this process.

III. Recommendations

519. The APR Panel recommends that:

- Formalise and institutionalize the process of consultation between Zanzibar and the Union Government prior to the adoption of the Standards and Codes *[Office of the Presidency, Ministry of Foreign Affairs and International Cooperation]*

4.3 Assessment of performance of APRM objectives

Objective 1: Promote Macroeconomic Policies that Support Sustainable Development

I. Summary of the CSAR

520. The CSAR addresses the promotion of macroeconomic policies for sustainable development. The themes examined are policy documents steering the development agenda; economic performance overview from 2006 and 2010; key macroeconomic indicators; sectoral policies, reforms and initiatives underpinning economic growth and private sector development; measures to improve the planning process and strengthen monitoring

and evaluation; challenges to macroeconomic policies for sustainable development; and an assessment of progress towards sustainable development, with an emphasis on employment and trends in poverty and inequality.

521. Mainland Tanzania and Zanzibar are guided by the following basic documents and frameworks guiding economic development: Tanzania Development Vision 2025 and Zanzibar Development Vision 2020; the 2011/12-2025/26 Long Term Perspective Plan and the 2006-2015 Zanzibar Growth Strategy; the National Poverty Eradication Strategy, the Poverty Reduction Strategy Paper and the Zanzibar Poverty Reduction Plan; the National Strategy for Growth and Reduction of Poverty (NSGRP/MKUKUTA I and II) and the Zanzibar Strategy for Growth and Reduction of Poverty (ZSGRP/MKUZA 1 and 11); and, various supportive plans and programmes. These vision statements, strategies and plans aim to transform Tanzania into a middle-income country by the year 2025, as specified in the Tanzania Development Vision 2025. The focus of this section in the CSAR is progress towards achieving this goal and other related objectives, such as structural transformation of the economy; employment generation; poverty eradication; and, the reduction of economic inequalities.

522. To provide the background to the above concerns, Tanzania's economic history is divided into three periods: mixed economy strategy (1961-1966); socialist (1967-1985); and economic reforms (1986 to the present). This later period is divided into two phases, namely, mild economic reforms (1986 - 1994) and intensified reforms (1995 to the present). The economic periods in Zanzibar are roughly analogous.

Macroeconomic Indicators

Growth rates

523. Tanzania has enjoyed high rates of economic growth in recent years. The table below presents data on GDP growth rates for Mainland Tanzania and Zanzibar.

Table 4. 1: GDP Growth (Per centages)

Country	2006	2007	2008	2009	2010	Average 1995-2010
Mainland	6.7	7.1	7.4	6.0	7.0	7.0
Zanzibar	6.0	6.5	5.2	6.7	6.5	6.2

Source: Tanzania Country Self-Assessment Report

524. The table above shows respectable rates of GDP growth since intensified economic reforms were introduced in 1995. This was particularly true for the Mainland, where GDP growth averaged 7.0 per cent between 1995 and 2010 and was 7.0 per cent or more in 2007, 2008, and 2010. GDP growth rates were also respectable in Zanzibar but were close to a per centage less than rates on the Mainland.

Economic diversification

525. However, these growth rates, though respectable, did not translate into diversified avenues of production. Shares of the major economic sectors in proportion to total economic output remained essentially the same between 2006 and 2010. This particularly applied to agriculture and services, where GDP share remained essentially the same, while the share of industry, construction and manufacturing increased very slightly. In Zanzibar, the share of agriculture increased modestly, manufacturing fell slightly, and there were marginal increases in the service sector. In both Mainland Tanzania and Zanzibar, service sector contributions were in the region of 44 per cent of GDP, followed by agriculture, between 26 per cent and 33 per cent, respectively. The manufacturing sector accounted for an estimated 9 per cent of GDP in the Mainland and 4 per cent in Zanzibar.

Employment

526. Employment figures are somewhat outdated and date back to 2006. From these figures, 88.3 per cent of the economically active population was employed in 2006 but in the, capital Dar es Salaam, employment as a per centage of the total population was only 58.6 per cent, compared to 72.7 per cent in other urban areas and 84 per cent in rural areas. The overall employment ratio is said to have increased from 69.3 per cent in 2001 to 89 per cent in 2006 for the population aged 10 years and above.

Poverty

527. The CSAR also indicates that respectable growth rates did not generate significant improvements to poverty levels. In 2000/01, 35.7 per cent of the population lived below the poverty line, compared to 33.6 per cent in 2007. Poverty rates decreased from 38.7 per cent to 37.6 per cent in rural areas, and from 17.6 per cent to 16.4 per cent in Dar es Salaam during this same period. For Zanzibar, 13 per cent of the population were estimated to live below the food poverty line and 49 per cent of the population below the basic needs poverty line. The CSAR concludes by noting that, *"the mismatch between relatively high economic growth and marginal reduction in poverty is a serious issue for concern in both the Mainland and Zanzibar."*

528. Other significant poverty-related conclusions in the CSAR are that the number of people living below the poverty line increased as a result of population increases. Poverty is largely a rural phenomenon, with an estimated 87 per cent of the poor located in rural areas. It is also noted that poverty is distributed unevenly in the country: the highest levels of poverty being in the Mwanza, Shinyanga, Singida, and Manyara regions, with the lowest levels of poverty to be found in Dar es Salaam, Arusha and Mbeya.

Inequality

529. Closely related to poverty as an issue is economic inequality. According to the CSAR, there has been a gradual increase in the degree of inequality in the country. The Gini Index increased from 0.34 in 1991/92 to 0.35 in 2000/01 and was at that same level in 2007, meaning that inequality was greater in 2007 than in 1991/92. In rural areas, the Gini Index remained at 0.33 during these three periods, while in Dar-es-Salaam it stood at 0.33 in 1990/91, 0.36 in 2000/01, and 0.34 in 2007. In 2007, the wealthiest 20 per cent of the population received 42.4 per cent of national income as compared with 7.3 per cent that went to the poorest 20 per cent of the population: an income distribution ratio of seven to one.

Measures to support economic growth

530. The CSAR describes sectoral policies; reforms and initiatives to support economic growth and private sector development; decentralisation and local government reforms; land policies; the cooperative, micro and informal sectors; small and medium enterprises; and, agriculture and rural development. Micro, small and medium enterprise (MSMEs) policies are described as failures. Those for private sector development as a whole are said to have been successful. In support of these conclusions, the CSAR points out that almost all micro, small and medium enterprises remain informal or semi-formal, serve essentially low income groups, have limited access to formal markets, and are characterised by limited incidence of upward mobility. The reasons given for this poor performance are: limited awareness and capacity of operators; limited access to financial and other services; and the absence of an enabling environment in the form of legal and regulatory frameworks.

531. In comparison, the private sector is said to have developed - as measured by increased direct foreign investment flows - increasing from $308.2 million in 2003 to $573.3 million in 2010; private sector dominance in the financial, mining and manufacturing sectorrs; and, increases in credits to the private sector. Yet, the private sector faces a number of challenges: limited integration into the global economy; low international competitiveness; poor negotiating skills; little access to IT; and, inadequate funding. The CSAR also lists, but does not evaluate, private sector institutional strengthening, through creations such as the Business Environment Strengthening in Tanzania (BEST) Programme, the Tanzania National Business Council (TNBC), and the National Economic Empowerment Council (NEEC).

Aid dependency and domestic resource mobilisation

532. Several obstacles to macroeconomic stability and economic growth are identified in the CSAR. One of these is dependence on external aid. According to the CSAR, dependence on foreign financing is still high but is improving, having dropped from 40 per cent in earlier years to 34 per cent in 2009/10 on the Mainland. Estimates for Zanzibar are 50 per cent. Government is endeavoring to address this problem through greater domestic resource mobilisation, in part. However, these efforts are constrained by low levels of income and the Tanzanian Revenue Authority's struggle to collect more taxes. One sector that poses enormous challenges in this regard is the mining sector. The CSAR concludes that Government loses hundreds of millions of dollars to low royalty rates and unpaid corporate taxes. Various studies and reports are cited to this effect.

II. Findings of the CRM

533. Tanzania has made significant progress in promoting macroeconomic stability for sustainable development. As noted in Chapter Two and above, economic growth has been respectable. However, more progress is required in the area of fiscal balances. Inflation remained above the 5 per cent target and jumped to 10.3 per cent and 12.1 per cent in 2008 and 2009, respectively, before falling to 5.5 per cent in 2010. The current accounts deficit has widened and the currency has depreciated. The most important area of concern identified by the CRM is the quality of current economic growth and the attendant impact on structural transformation, employment, poverty and inequality. In essence, the CRM is of the view that Tanzania is experiencing growth without attendant development. The CRM believes that this is not sustainable and poses serious challenges to social and political stability.

Growth rates

534. The CRM noted that the 6-7 per cent economic growth rates of the past five years represent improvements from the situation that prevailed in previous years. However, while these rates are respectable, they fall far short of the growth rates required for the vision of becoming a middle income country by 2025 to be achieved. For this, consistent double-digit growth rates would be required over the next decade. In this regard, the CRM noted that the planned economic growth rate under the Tanzania Five Year Development Plan 2011/2012-2015/16 is only 8 per cent over the plan period, followed by annual growth rates of 10 per cent, from 2016 to 2025. It is doubtful that these growth targets would suffice to ensure the achievement of Vision 2025. Accelerating the growth target over the next decade is, therefore, an issue that needs to be revisited.

Drivers of economic growth and development, economic diversification and pro-poor growth and development

535. A key challenge facing the Tanzanian economy is how to broaden the drivers of economic growth and development away from a few sectors. Thus far, the main triggers of economic growth and development have been the mining and service sectors, notably telecommunications and the financial sector. As a result, service sector contributions to added value in the economy jumped from 36 per cent in 1990 to 47 per cent in 2012. In comparison, the value-added of agriculture to GDP fell from 33 per cent in 2000 to 29 per cent in 2010[89]. Agriculture sector productivity has been below its potential due to slow introduction of improved technologies, high transport costs , and inadequate market competition. Obstacles to the growth and development of the economy as a whole and to private sector development have been poor infrastructure, especially insufficient power supply and limited transport facilities, particularly in rural areas. This has led to increased costs of inputs, high transaction costs, and low productivity. Tanzanian economic growth and development, therefore, requires effective and efficient public infrastructure investments, especially in energy, transport and water.

536. The Government of Tanzania at the very highest level is aware of the need for more investments in infrastructure, agricultural stimulus measures, and rural development if problems of unemployment, poverty and inequality are to be addressed effectively. This awareness, commitment and strategy to tackle these problems are reflected in the Tanzania Five Year Development Plan 2011/2012-2015/16 and the Tanzania Agriculture and Food

[89] Tanzania Country Brief, World Bank, April 2012 and World Development Indicators, 2010, World Bank.

Security Investment Plan 2011-12 to 2020-21.The core priorities identified in the plan are sizeable investments in infrastructure; increased investments in agriculture for food self-sufficiency and export; development of industries that make use of local raw materials; establishment of special economic zones to encourage exports; the promotion of public-private partnerships; human capital and skills development, especially in science, technology and innovation; and the promotion of tourism, trade and financial services.

537. The above plans are eminently sound, and the Government and people of Tanzania should be commended on their elaboration. A critical test, however, will be the efficiency and vigour with which these plans are implemented.

538. A potentially important trigger for Tanzanian economic growth in the future is the mining sector. This is a result of the discovery of deposits of gas, gold, and other mineral resources in various parts of the country. Whether exploitation of these mineral resources will be a blessing or a curse depends on how successful the government is avoiding the 'Dutch disease' and stagnation in other sectors of the economy, notably agriculture and manufacturing. In this regard, Tanzanian authorities should seek to learn and benefit from the experience of other African countries that have faced this challenge. Botswana is a good example of how to manage mineral resources successfully.

539. A key lesson to be drawn is that if the mining sector is to play a positive role in economic development, the authorities must recognise that minerals are depleting resources. The best strategy is therefore to utilise windfalls from the mining sector to stimulate growth in other sectors - such as agriculture and manufacturing - thereby establishing firm foundations for broad-based and sustainable pro-poor growth.

540. Another potentially important driver of economic growth, development and poverty eradication is education and human resource development. The example of the East Asian economies demonstrates that education and skills development could be powerful catalysts for economic transformation. The Government of Tanzania is aware of this and in its Vision 2025 identified "a well educated and learning society" as one of the five attributes of the Tanzania of 2025. Among other things, this means *"a nation with high quality education at all levels; a nation which produces the quantity and quality of people sufficiently equipped with the requisite knowledge to solve the society's problems, meet the challenges of development and attain competitiveness at regional and global levels".*

541. However, despite the ambitious goals and targets set out in Vision 2025, Tanzania has a very long way to go to strengthen the education sector to the point where it would serve as a major trigger for economic growth and development, and poverty eradication. As detailed in Chapter 6 dealing with Socio-economic Development, Tanzania made remarkable progress in expanding primary education and eliminating illiteracy. However, school enrollment increases have not been matched by a corresponding increase in the number of qualified teachers, learning and teaching materials, classrooms and hostels. This has led to poor educational standards. Furthermore, there is a mismatch between what is taught in schools and the training and skills required for gainful employment. Technical and vocational education and training also lag behind university education. It is for this reason that the discussion of this subject in Chapter 6 ends with the recommendation that urgent and comprehensive measures be taken to arrest deteriorating educational standards.

542. The CRM was struck by the gap between planning and implementation. Tanzania has many plans in place, such as the National Strategy for Growth and Reduction of Poverty, the Long Term Perspective Plan, the Southern Agriculture Growth Corridor of Tanzania and Kilimo Kwanza, or the green revolution, to name a few. Rather than being the absence of strategies and plans, the problem resides in their implementation and synergy with Vision 2025. Several factors account for this gap between planning and implementation. These include the level of commitment required at all levels of government and among all stakeholders, capacity to implement these strategies and plans, and effective coordination and consultation mechanisms within and among state and non-state stakeholders.

543. These challenges must be explicitly addressed as part of the way forward. It is especially important for non-state stakeholders at village, district and regional levels to be more associated with economic policy-making and implementation. Their experiences, needs and capabilities could then be taken into account in formulating and implementing these strategies and plans. In several meetings with farmers, fishermen, and other agricultural producers in the districts visited, the CRM was informed of poor results and achievements that may have been

avoided had local stakeholders been more fully consulted and had national-level planners listened to them. A lack of coordination among the various ministries, agencies and departments to ensure synergy at the local levels also created problems for the various interventions.

544. Despite the existence of a national strategy and policy to address problems of poverty and inequality, the CRM is of the view that deliberate interventions are needed to address problems of poverty and inequality without relying much on the trickle down effects of economic growth. The experience of many African countries suggests that while economic growth may impact positively on poverty and inequality, this is not inevitable, and the beneficial effects of economic growth may take a long time before they are experienced by low income groups. It is therefore essential for poverty and inequality reduction to be targeted by policies that directly affect the poor.

545. In addition to socio-economic development programmes and social safety nets that are addressed in Chapter Six of this report, efforts are required for the poor to gain access to productive factors, notably land and credit. Thus, government must pay particular attention to halting and reversing land alienation, a problem that seems to be accelerating in some rural areas. This would put a stop to the emergence of landless peasants, a situation that potentially could be socially explosive. In addition, efforts and institutions intended to support micro, small and medium enterprises should be strengthened. As noted above, the CSAR concluded that these efforts were not successful, and the CRM did not obtain any information to negate this conclusion.

546. The CRM is of the view that without neglecting fiscal and monetary stability, Tanzania should vastly increase its efforts to accelerate economic growth, and improve the quality of this growth if it is to become a middle income country by 2025. Steps should also be taken to achieve social equity by broadening the economic base and reducing poverty, unemployment, and inequality.

III. Recommendations

547. The APR Panel recommends that the United Republic of Tanzania:

- Diversify economic production and expand the drivers of economic growth and development by increasing investments in infrastructure, especially rural infrastructure; *[Planning Commission in the Presidency, Ministry of Finance]*
- Raise awareness and mobilise relevant state and non-state actors around the strategies and plans for accelerating growth rates and vigorously implementing pro-poor, broad-based development strategies and plans; *[Planning Commission]*
- Establish and empower institutions and mechanisms for effective consultations in economic policy making, planning, and implementation among State and non-state stake holders, and enhance partnerships; *[Office of the Prime Minister, Planning Commission, National Assembly]*
- Take pro-active measures to address problems of poverty and inequality by enabling farmers to hold on to their land and strengthening the capacity of institutions established to assist micro, small and medium enterprises; [Planning Commission, Ministry of Finance, ministries responsible for agriculture, land and industry]
- Launch a mass sensitisation and civic education programme geared towards promoting entrepreneurship. *[Office of the President, ministries responsible for agriculture, transport and communications, industry, mining, tourism, and the media]*

Objective 2: Implement Sound, Transparent and Predictable Economic Policies

I. Summary of the CSAR

548. According to the CSAR, the focus of economic policy in Tanzania since the turn of the century was on poverty alleviation. In the process of formulating economic policies, government embarks on wide-ranging consultations with stakeholders, including non-state actors. These consultations extend all the way to the local government

level and include top government officials, such as the President, Ministers and Members of Parliament, who visit various parts of the country to engage in dialogue and consultations with stakeholders, including ordinary citizens, with a view to more effectively addressing national needs in an inclusive manner. This is a modern-day version of the "barazza process" - a traditional form of meetings convened to promote dialogue and arrive at a consensus. The annual budget, Public Expenditure Review, as well as the Public Expenditure and Financial Accountability Review (PEFAR) all go through these consultative processes.

549. The CSAR also highlights the process of making macroeconomic projections and forecasts, the key underlying assumptions, as well as the key steps involved in the planning process. It notes that Tanzania implemented IMF-supported programs for over two decades. During this time, macroeconomic projection methods were dominated by the IMF's financial programming framework. As a result, a large number of technical staff involved in policy formulation received financial programming training. So far the framework has served the country well as generally, over the past five years or so, projections were attained, to a reasonable degree. It goes further to present macroeconomic projections for both the Mainland and Zanzibar, and notes how important it is for those projections to be accurate to sustain credibility.

550. Steps taken by the Zanzibar Government to make the macroeconomic framework sound and supportive of sustainable development include:

- Ensuring that Ministries, Departments and Agencies (MDAs) implement activities according to MKUZA targets;
- Improved and strengthened statistical units in MDAs to ensure that they provide timely and reliable data;
- Empowerment and strengthening of the Office of the Chief Government Statistician (OCGS) for accurate and reliable data provision;
- An empowered national M&E Unit under MKUZA regular and sound analyses of the activities undertaken;
- M&E Units of MDAs that analyze their activities and report their findings on a quarterly basis; and,
- MDA activities implemented under MKUZA mainstream MDGs.

551. Survey results show that households were generally of the opinion that there is transparency and accountability in economic policies (54.7 per cent and 69.6 per cent on Mainland and Zanzibar respectively), and experts were of the opinion that the level of transparency is moderate (37.9 per cent) for Mainland and low (40 per cent) for Zanzibar. Transparency in public administration was enhanced through a number of measures such as publishing the report of the Controller and Auditor General (CAG).

552. Despite the fact that there are still challenges, the APRM assessment survey results for the Mainland show that experts considered reliability of the statistics (as inputs to or output from policy processes) as being fair (48.3 per cent of respondents). The challenges that remain nevertheless revolve around the multiple institutions that need to be better coordinated for improved efficiency.

553. In Zanzibar, a number of key measures were taken in terms of legislation, policies and programs, institutional development and resource allocation for effective and transparent government economic policy delivery. The measures include involving a broad spectrum of stakeholders in various policy formulation and budget processes. The Government of Zanzibar has collaborative arrangements at local authority level for economic policy and programme implementation. District authorities undertake activities related to different sectors at district and lower levels. It is also noted that national projects and programmes are rarely abandoned. Challenges highlighted include a lack of absorptive capacity; the slow district level disbursement processes and delays in submitting periodic reports.

554. The APRM assessment survey shows that experts are of the opinion that Zanzibar has fairly reliable government economic policies (60 per cent of respondents). As far as independent advice is concerned, 63 per cent of the experts surveyed acknowledged this as applicable on the Mainland. However, in Zanzibar, 73 per cent of the experts surveyed stated that independent advice was rarely taken into account.

II. Findings of the CRM

Predictability of government economic policy

555. Since independence, Tanzania's development agenda was driven by the quest for economic growth and development and addressing the scourge of poverty. These goals were pursued through a succession of long- and medium-term development plans. With economic liberalisation, focus shifted to more short-term, needs-based programmes developed within the framework of support from Bretton Woods Institutions. The planning process became ad hoc, leading to a loss of focus over the long-term strategic direction. Some planning process weaknesses were overlapping jurisdictions, especially at the institutional level, and unsuitable planning tools for effective government planning. Recognising these weaknesses, in 1994 government began developing a long term vision (Vision 2025) which was launched in 1999. Vision 2025 aims at achieving economic transformation and development, leading to middle income status by 2025[90].

556. In February 2008, the President issued a Notice on the assignment of Ministerial Responsibilities (Instruments) vide Government Notice No. 20. This led to transfering the planning function from the Ministry of Planning and Economic Empowerment (now merged with the Ministry of Finance to form a new Ministry of Finance and Economic Affairs) to a new Planning Commission, under the Office of the President. The Planning Commission is a network of professionals with confirmed expertise and competence, responsible for monitoring, analysing and advising on major and long-term sectoral policies and socio-economic developmental issues, with a focus on policy-makers' needs on current policy issues. Given the Planning Commission's highly important functions, the CRM believes that its capacity should best be strengthened for it to effectively carry out its mandate.

557. Over the years, efforts were made to put in place effective procedures for developing the medium-term fiscal framework against which the budget is prepared[91]. Since the late 1990s, relatively conservative revenue forecasts and increased predictability in budget support financing flows contributed to a realistic budget framework. Forecasting accuracy consequently improved. Government has recently taken active steps to improve the Medium Term Expenditure Framework (MTEF) by upgrading macroeconomic modeling and strategic budget allocation tools, among others.

558. While Tanzania has preserved fiscal discipline and stability relatively well, a number of challenges will need to be addressed to maintain credibility. The main weaknesses of the current PFM system include weak linkages between national development plans and annual budgeting through MTEF; weak linkages between spending activities in development projects and the recurrent cost of their operations; lack of a fully operational integrated procurement management information system; lack of consolidated fiscal oversight as well as inadequate oversight of LGAs and PEs.

Oversight and control measures

559. To address some of the afore-mentioned weaknesses, Government strengthened budget oversight functions by the enactments of Public Audit Act No.11 of 2008, which empowered and enhanced the operational independence of the Controller and Auditor General (CAG), and Parliamentary Accounts Committee functions. The CAG is protected by law from political interference. However, the President has powers to remove the CAG without final direct consent of the judiciary or the legislature, even though this has never happened in practice. The National Audit Office capacity was strengthened by recruitment and training, and given tools and equipment. The CAG also improved external auditing by introducing risk-based auditing methodology and recently automated the audit process. CAG audit reports now show signs of better compliance with financial legislation and regulations. The CRM noted the importance of these initiatives and the need to continue efforts to strengthen the budget oversight function.

560. Regarding public procurement, Government has faced particular challenges, especially with regard to the number and quality of procurement practitioners at LGA level. To acquire knowledge about the Public Procurement Act

[90] The Tanzania Five Year Development Plan 2011/2012-2015/2016, United Republic of Tanzania (2011).
[91] *United Republic of Tanzania: Improving Preparation, Execution and Reporting of the Budget,* IMF (April 2011).

and its regulations, officials need special training. This is particularly relevant in the context of decentralisation trends in Tanzania. In response to these procurement-related challenges, Government enacted the 2004 Public Procurement Act along with its 2005 regulations, leading to the establishment of the Public Procurement Regulatory Authority (PPRA) and the Public Procurement Appeal Authority (PPAA). PPRA's functions are adequate and well defined in the legislation. Its regulatory decisions in enforcing good practices in tendering and public contracts award processes are subject to appeal to the PPAA.

561. In 2007, Government amended the Local Government Procurement Regulations to enable LGAs to use PPA, CAP 410. A web-based Procurement Management Information System (PMIS) was also developed. The system enables PEs to submit procurement plans and implementation reports to PPRA. In addition, there was increased transparency, awareness and access to procurement information published through a weekly Tanzania Procurement Journal and the PPRA website (www.ppra.go.tz). Also, a Procurement Policy Unit (PPU) was established under the Ministry of Finance to formulate and oversee procurement policy implementation. The Unit is also mandated to ensure professional public procurement, properly coordination and supervision. The CRM observes that adequate measures, in terms of legislation and institutional arrangements, have been put in place. Effective implementation and enforcement need to follow. This will mean taking the necessary measures to strengthen the capacity of relevant bodies such as the Public Procurement Regulatory Authority.

562. In the area of debt management, in 2004 Government amended the 1974 Loans, Guarantee and Grants Act No. 30 to empower the Minister for Finance to borrow on behalf of government and eliminate irregular borrowing. The Act established the National Debt Management Committee and Technical Debt Management Committee as advisory committees. Government also adopted advanced tools for improved management of both public and publicly-guaranteed external debt, domestic lending, and domestic debt. This has improved the government capacity to manage the debt portfolio in a more consolidated manner. Furthermore, MOF, with the assistance of IMF and WB, developed a Medium-Term Debt Management Strategy, which aims at ensuring an optimal budget financing mix. A robust process of debt sustainability analysis as well as a performance assessment framework was put in place. The CRM notes that these are all steps in the right direction as the country endeavors to improve debt management.

Stakeholder consultation and access to information

563. It was observed that government consults extensively on economic policy management and implementation. As mentioned earlier, one major form of consultation is visits by high level officials to various parts of the country to dialogue and consult with stakeholders and citizens. For example, Vision 2025 and the current 5-year Development Plan were formulated through such consultative processes at both sector and regional levels. Special arrangements are in place allowing for consultationwith Zanzibar on all Union matters. Key categories of stakeholders consulted in such processes include sector ministries, former national leaders, the private sector, civil society, and parliament.

564. The CRM confirmed that government policy provides for vigorous consultation processes on all economic policy issues, and by and large, such consultations do take place. However, how effective they are is open to question in some cases. One of the key findings of the CRM is general dissatisfaction with the consultation process in both the Mainland and Zanzibar. It appears that the process is ineffective and unsatisfactory. The CRM has therefore identified the need to evaluate consultation processes to ensure that they are more inclusive, far-reaching, and owned by various stakeholders.

565. On improving public access to fiscal information, Government continues to use a number of channels: websites, local newspapers, the Government Gazette, radio and television. Information provided includes planning and budget guidelines, financial legislation, annual budgets, budget implementation reports, financial statements and audit reports, as well as annual budgetary allocations. Accuracy and reliability of such information is critical to its credibility. Government therefore needs to take the necessary measures to guarantee such credibility.

Effective public sector management

566. To some extent, the Tanzanian public sector has been characterized by weak financial controls and accountability, resulting in resource leakages. There has, however, been some progress in public sector performance. Still, there is need for improving internal controls as well as better integration of budget management into transparent and realistic medium-term expenditure and borrowing plans, underpinned by vigorous oversight systems and structures. Challenges remain with the public procurement system, especially over the number and quality of procurement practitioners at LGA level. Knowledge of the Public Procurement Act and its regulations requires significant enhancement. This is particularly important given Tanzania's decentralisation policy.

567. Over the years, Government has embarked on a series of reforms aimed at improving public sector service delivery. The Civil Service Reform Programme (CSRP) (1991–1999), focusing on cost containment and the government restructuring was followed by the Public Service Reform Programme (PSRP), implemented in a series of overlapping but mutually supportive phases. The first phase (2000 - 2007) focused on "Instituting Performance Management Systems" with a view to building an integrated system for a shared vision, understanding and agreement about the results to be achieved, and the operational framework for continuous performance improvement in public service delivery standards and quality in Tanzania.

568. The second phase (2008-2012) addresses 'Enhanced performance and Accountability' as a major theme[92]. Some PSRP II achievements include the creation of Performance Management Systems in all ministries, independent departments, executive agencies and regional secretariats; harmonisation of national planning and budgeting processes; creation of 31 executive agencies; outsourcing some non-core services to the private sector; promoting decentralised decision making; HR compliance inspections carried out by the Public Service Commission; and, public service capacity building programmes.

569. The 1999 Public Service Management and Employment Policy and the Public Service Act, No. 8 of 2002 provide the policy and legal framework for installing performance management systems in Tanzanian public service institutions. Both instruments made it easier to institutionalise performance management systems in the public service. While the policy clearly stipulated the need for a performance and results-oriented management philosophy in the public service, the Act provides an enabling legal framework for public service performance management. These instruments are important, giving legal status to the performance management initiative in the public service.

570. The policy and legislation were important instruments to facilitate the gradual creation of a performance-accountability culture in the public service. A number of processes, tools and mechanisms were introduced to facilitate the institutionalisation of a performance management system. Specific performance management tools include strategic and operational planning, client service charters, service delivery surveys, self-assessment programmes, performance budgets, the introduction of Open Performance Review and Appraisal System (OPRAS), and a comprehensive Monitoring and Evaluation (M&E) system. The CRM noted the benefits of instituting the performance management system and identified the need for steadfastly implementing the ensuing phases of the programme.

III. Recommendations

571. The APR Panel recommends that:

- Adequate technical capacity be developed to ensure effective economic policy formulation, planning and implementation, both at central and local government levels; [Public Service Management, Office of the President, National Planning Commission]
- Steps be taken to ensure effective implementation of successive phases of the ongoing public sector reform programme (PSRP) to ensure that gains recorded so far are sustained and existing weaknesses addressed; *[Public Service Management, Office of the President]*
- Capacity for data collection and analysis be enhanced to ensure credibility of budgets and reports. *[Ministry of Finance, National Statistics Office]*

[92] Dr. Benson A. Bana, Paper on Management in the Tanzania Public Service (2009)

Objective 3: Promote Sound Public Financial Management

I. Summary of the CSAR

572. In order to evaluate the efficacy of public financial management, the CSAR examined overall development challenges, namely: a good record of economic growth of over 7 per cent per annum between 2001 and 2008 followed by a decline in the same since 2009; an annual single-digit inflation rate until 2009 when it increased to an estimated 13 per cent; enlistment of Tanzania as a Heavily Indebted Poor Country (HIPC) requiring debt relief; an unfavorable trade balance; enhanced fiscal and budget deficits, from 2.7 per cent to 3.8 per cent between 2007/08 and 2008/09; implementation of a substantial economic stimulus package in anticipation of a growth rate of more than 7 per cent per annum without any estimation of the impact on inflation; enhanced levels of public debt; increased unemployment; inability to be on track in achieving several MDGs; about 34 per cent of the 34 million population living below the basic needs poverty line; rapid annual 2.9 per cent population growth; Tanzania being one of the world's poorest countries for human resources development; and, an international financial and economic crisis.[93]

573. The development philosophy is articulated in the Tanzania's Development Vision[94]. The Vision specifically states that *"Tanzania cherishes good governance……in the process of creating wealth and sharing benefits in society and seeks to ensure that its people are empowered with the capacity to make their leader and public servants accountable"* (p3). The Vision also recognises four main impediments that have constrained past development initiatives. These are: donor dependency syndrome and a dependent and defeatist development mindset; weak and low capacity for economic management; failure in good governance and in the organisation of production; and, the ineffective implementation syndrome.

574. The national strategy for growth and poverty reduction recognises that *"good governance and accountability are fundamental components to shaping a favorable environment for economic growth and poverty reduction"*[95]. One element of good governance is accountability whereby leaders and public servants are supposed to be accountable to the people.

575. The MKUKUTA Annual Implementation Report 2009/201[96] asseses progress using the following indicators: revenue collected as a per centage of revenue due; proportion of procuring entities complying with Public Procurement Act and Procedures; proportion of government entities awarded clean audit certificates by the National Audit Office; proportion of local government authorities that receive the full calculated amount of their annual formula-based budget allocation; number of convictions in corruption cases; revenue received from concessions and licenses for mining, forestry, fishing and wildlife; and, the pace of implementation of the Local Government Reform Programme.

576. Interrogation and consultation with stakeholders on the validity of the content of the CSAR, the manner in which the challenges identified in the CSAR are effectively addressed and the pace of implementation of the proposed Plan of Action.

Policy framework

577. The CSAR rightly recognises that institutionalising internationally accepted elements of good public financial management is a necessary condition for development. The CSAR covered three areas of policy framework, namely: i) financial sector reforms; ii) budgeting processes; and, iii) the expenditure framework and peoples' participation. On financial sector reforms, the CSAR gives an overview of recent financial sector developments. The financial sector went through a number of reforms aimed at: enhancing competition, viability, integrity and sustainability of financial institutions through the liberalisation of commercial banking and other financial sector activities; liberalising forex exchange and trade regimes; enhancing the penetration of financial services

[93] United Nations Development Assistance Plan (UNDAP):2011-2015 p.7, United Nations, Tanzania, 2011.
[94] *The Tanzania Development Vision 2025,* the President's Office Planning Commission, Dar es Salaam, United Republic of Tanzania,1999.
[95] *National Strategy for Growth and Reduction of Poverty II,* p.82. United Republic of Tanzania, 2010.
[96] *MKUKUTA Annual Implementation Report 2009/10:* Taking Stock of Achievements and Challenges over the last five years, United Republic Of Tanzania, 2012.

in the country; the introduction of markets to mobilise savings and investment financing; and, liberalising and regulating the insurance business.

578. Various reform outcomes and the remaining challenges are also presented. The outcomes include: an expansion of banking sector institutions; introduction of both mobile and internet banking; the resiliation of non-performing loans in state-owned banks through the Loans and Advances Resiliation Trust; restructuring and privatisation of two government banks; the liquidation of one state-owned bank; expansion of the inter-bank forex market; expansion of insurance institutions, establishment of the Dar es Salaam Stock Exchange; expansion of Savings and Credit Cooperative Societies (SACCOS) and Village Banks. The remaining challenges are: inadequate access to financial services by the majority of the population; inadequate development of finance infrastructure; high borrowing rates making it difficult for the larger segment of the population to access credit; and, harsh terms and lending conditions by banks.

579. The CSAR further states that the Second Generation Financial Sector Reforms are being implemented to address the remaining legal and structural constraints to make financial services more accessible and affordable for a majority of Tanzanians.

580. The CSAR examines macroeconomic policies that enhance economic growth. One such is an appropriate a fiscal framework for improved government revenue collection. It notes that the last ten years have seen an improvement in tax administration in line with TRA's Corporate Plan, resulting in an upward trend in revenue collection.

581. On the budgeting process, the CSAR discusses the national budgeting and the formulation of expenditure frameworks and processes. The budgeting process involves determining resources and using them to attain government objectives. It also serves as a tool for economic and financial management and accountability, as well as a mechanism for resource allocations to different needs and priorities. The whole process essentially involves budget formulation, scrutiny of budget proposals and dialogue, budget execution, and budget monitoring and control. It is a process linked to a chain of interventions, and legal and regulatory mechanisms that facilitate the preparation of budget estimates, authorisation, implementation, control and accounting. The relevant facilitating legal frameworks and participating parties are specified.

582. The legal basis of the budget is more specifically stated in articles of the Constitution: the 1982 Local Government Finances Act; the Public Finance Act (Cap. 348); the Finance Act; and, the Appropriation Act. The Public Finance Acts provides the legal framework for budget revenue, expenditure control and accountability. The Appropriation Act enpowers to the Minister for Finance to draw money from the Consolidated Fund and allocate it to the various votes. The Finance Act authorises the Minister of Finance to mobilise resources by levying taxes to raise funds to finance the budget.

583. The MTEF Committee prepares budget guidelines containing an overview of macroeconomic performance, medium-term projections for priority sectors, and the budget frame and vote expenditure ceilings based on resource availability. Development Partners are also consulted. A Task Force – chaired by the then Ministries of Finance and Economic Affairs (both Mainland and Zanzibar) - invites stakeholder opinions, through open debate and dialogue, from Government, private sector, civil society academia and professionals, among others, in order to enhance transparency and receive expert input. The resultant budget proposals are then scrutinised by an Inter-ministerial Committee of all Permanent Secretaries before submission to the cabinet for approval. The approved budget is then submitted to Parliament for authorisation. Sectoral Parliamentary Committees scrutinise the budget before debate and authorisation by the entire house through enactment of the Appropriation Bill.

584. On the expenditure process, the CSAR spells out the PER process and the concomitant MTEF whose objective is to monitor the budget process in terms of management, control and accountability. The PER has been in operation since 1998. Key stakeholders in the process are the Ministry of Finance, President's Office, Public Service Management, Regional Administration and Local Government, sector ministries, Tanzania Revenue Authority, Bank of Tanzania, Research Institutions, Development Partners and Civil Society. The principal objective of this process is to consult, enhance budget sustainability, promote synchronised expenditure objectives, and strengthen output-oriented budgeting.

585. In Zanzibar, the MTEF was introduced in 2002. The PER process involves the Central Bank, the Tanzania Revenue Authority, the Zanzibar Revenue Board, the Chief Government Statistician, the Ministry of Finance and Economic Affairs, and non-state actors. There are PER working groups in all ministries and a special PER group for civil society. The budgeting system is reviewed so that it is in line with the MTEF, and PER and also aligned to that of the Union.

Fiscal decentralisation

586. The report states that for a long time, Tanzania implemented a decentralisation policy whose legal framework is enshrined in several legal provisions, particularly: the Constitution of the United Republic of Tanzania (Chapter 8), the Local Government (District Authorities) Act, Local Government (Urban Authorities) Act, the Local Government Finances Act, Cap. 290 (which provides for sources of revenue and the management of funds and resources of Local Government Authorities and for matters connected or incidental to securing the proper collection and sound management of finances in the Local Government system); and, the Regional Administration Act. The LGAs, through these provisions, generate their own development policies and programmes.

587. In addition, the government implemented key reforms to enable LGAs to manage public financial resources. These include: the good governance component, fiscal empowerment to improve the LGA revenue capacity, human resource development, restructuring local authorities in line with the decentralisation process, legal and institutional frameworks to continue improving regulations that still impede the smooth working of LGAs, and decentralisation by devolution (D by D) allowing for authority, powers, and resources to be devolved to LGAs such that they have mandate over their priorities.

588. Identified challenges attendant to fiscal decentralisation include: inadequate local government official capacity to develop and execute local plans and budgets; insufficient LGA capacity to generate revenue for development and recurrent programmes; narrow tax base rendering LGAs unable to meet a larger part of their recurrent and development expenditures; too much LGA dependence on central government for resources that affect governance; ineffective expenditure control by MDAs and LGAs; weak distinction at the local level between central government administration and LGAs at the level of implementation, as a result of which there is a tendency for central government to interfere with the operations of LGAs; weak transparency and accountability on local government revenues; and weak planning in accordance with MKUKUTA and MKUZA by LGAs.

Oversight over Government's fiscal operation

589. The CSAR discusses accountability in the management of public finance. It emphasizes the need for disclosure in the use of public resources, strengthened procurement processes and independent expenditure audits. The underpinning principles for controls and accountability are stipulated in The Public Procurement Act No. 21 of 2004. It provides that: (a) no tax shall be imposed and no money shall be spent without the authority of the National Assembly; (b) expenditure shall be made only for the purpose authorised by Parliament; (c) there shall be a single fund known as the Consolidated Fund for receiving and recording all revenues and expenditures, unless otherwise directed by Parliament; and (d) all money spent on the Consolidated Fund must be accounted for to Parliament.

590. The participatory Public Expenditure Review (PER) process involves key stakeholders, namely: the Ministry of Finance; President's Office; Public Service Management, Regional Administration and Local Government; sector ministries; Tanzania Revenue Authority; Bank of Tanzania; research institutions; Development Partners; and civil society. The overall objective of the PER/Medium Term Expenditure Framework for a three-year period is to monitor the budget management, control and accountability processes and to improve budget management in general. The main focus of PER is to improve budget accountability, enhance budget sustainability, promote prioritisation of expenditure objectives and allocative efficiency, and strengthen an output-oriented budget that focuses on service delivery improvements.

591. In terms of people's participation, the prescription for enhancing the people's participation in economic and public financial resource management is adequately documented in the CSAR, the Development Vision 2025, the

Five Year National Development Plan, and the National Strategy for Growth and Reduction of Poverty II. Initiatives to empower the population to participate in the management of public resources have been designed and some are being implemented.

592. The CSAR also spells out areas of best practice specific to public finance management. These are: using participatory mechanisms to improve planning processes, e.g. the budget process, public expenditure review and the public expenditure and financial accountability review; strengthening institutions and processes to fight corruption and money laundering; and round-the-clock monitoring of the soundness of the financial sector.

593. The Zanzibar CSAR specifies the reforms and initiatives implemented since 2003 to improve policy and planning instruments and improve coordination in public finance management. They include: strengthening aid coordination and external resource management; improving accounting, control, reporting and auditing procedures; enhancing the domestic revenue base; developing human resources; civil service reforms; strengthening debt management; improving budgeting and expenditure frameworks through the MTEF process; and fiscal decentralisation.

594. The Zanzibar CSAR also lists the outcomes of the various reforms to date. Several remaining challenges are identified. They include: the inadequacy of financial services; lack of modeling capacity for forecasting revenues and expenditures; lack of capacity to properly use the MTEF mechanism; uncoordinated fiscal decentralisation efforts; and lack of an Internal Auditor in Zanzibar.

II.Findings of the CRM

595. The CRM observed that Tanzania is well equipped with good policies and financial sector reform initiatives aimed at enhancing public finance management. It is noted that the sector has undergone substantial changes since 1991. This led to significant improvements in the financial landscape. The number of banks stood at 42 as at end of December 2010 (consisting of 28 commercial banks and 14 non-bank financial institutions), up from three in 1994; ownership structure of the banking sector also changed (with five institutions that had majority state ownership and 37 were majority privately owned); ownership in terms of foreign and local is at 50-50 per cent; forex bureaus were 180; the number of Savings and Credit Cooperative Societies and Village Banks, as well as membership thereof substantially grown since 2005; the first deposit-taking microfinance institution was registered; the network of banking institutions increased with the bank branch network (branches and agencies) standing at 473 in 2010, compared to 430 in 2009; banking services were provided through a network of 995 ATMs and 1,304 Point-of-Sale devices; and, insurance companies increased from two in 1996 to 25 in 2011 (Bank of Tanzania, Annual Report 2010).

596. Further available data shows that banking, pension funds, the insurance sector and other financial intermediaries account for 75 per cent, 21 per cent, 2 per cent and 2 per cent, respectively, of total financial sector assets, However, bank branch networks are still concentrated in the major cities of Dar es Salaam, Mwanza, and Arusha.

597. This concentration in the main cities means shallow financial system penetration and a correspondingly limited access to financial services to support economic growth for the majority of the population, especially small-scale and medium-sized businesses. This finding confirms the 2010 Economic Survey statement: *"despite the growth in financial assets, the financial system depth remains small and access to finance is limited for both urban and rural population. …..the proportion of adult population who use banks and other formal financial institutions was only 12.4 per cent in 2009"*.[97] Stakeholders, especially in the regions outside the major cities, stated that despite the visible expansion of banking sector institutions and products, effective access remained a major challenge due to high inflation and interest rates, and collateral requirements. For example: CPI inflation (annual averages) consistently increased from 4.5 per cent in 2002 to 12.1 per cent in 2009; lending rates remained around 15 per cent for the period 2002 to 2009; and, deposit rates were below three per cent for the same period. In addition, because of a tightening of prudential requirements by the Bank of Tanzania, commercial bank lending conditions were onerous.

598. Banking and Financial Institutions (Microfinance) Regulations were promulgated in 2005 in order to open up the field for deposit-taking by microfinance institutions. However, only one such institution had started

[97] *The Economic Survey 2010*, Ministry of Finance, United Republic of Tanzania, 2011.

operations by the end of 2010. Yet, 4.3 per cent and 27.3 per cent of the population are served by semi-formal microfinance institutions and SACCOS, and informal village associations, respectively. The sector is faced by serious regulatory challenges.

599. The CRM was informed of an unwavering commitment by the authorities to continue with the Second Generation of Financial Sector Reforms aimed at removing structural constraints still impeding financial sector development.

600. The CRM confirmed that Tanzania adheres to the stipulated budgeting process. However, stakeholders, especially the public and mostly in the regions, indicated that consultation is inadequate and they are not knowledgeable enough to competently provide inputs into the budgeting process.

601. The CRM confirmed that Government made significant efforts to enhance tax administration. The TRA initiated interventions to ensure that it meets its revenue targets. Systemic, institutional, and operational reforms in the tax system are being implemented. Some key government initiatives include: continued efforts by the TRA to implement the 2008/09-2012/13 Corporate Plan for increased domestic revenue collection; efforts to strengthen non-tax revenue collection and administration; enhanced efforts to expand the tax base; and, continuing review of the legal and regulatory tax exemption frameworks to minimise the potential for abuse.

602. Government and TRA initiatives narrowed variances between projected revenue and actual collections. They also improved domestic revenue collection. For example, Ministry of Finance data show that total domestic revenue collection (including LGAs) increased from TShs2, 124,843.7 million in fiscal year 2005/2006 to TShs 7,126,448.5 million in the 2011/12 fiscal year (projections). This improvement, translating to an average of a more than 8 per cent annual growth in revenue collection, was recorded for all tax components: import duty; excise duty; value added tax; income tax; and, other taxes. It also applied to non-tax revenue, namely: parastatal dividends; ministries and regions; and, LGAs own tax.

603. However, many stakeholders, including public servants, informed the CRM that key challenges to revenue and expenditure administration persist, namely: poor performance in revenue collection; challenges in institutionalising Public Expenditure Tracking Surveys (PETS); loopholes in the tax regime giving investors - especially in the extractive and hospitality industries - opportunities for manipulation and failure to declare taxable income; existence of a growing informal sector that is both cumbersome and expensive to make a part of the formal sector, thereby hindering tax revenue collection. There continue to be too many discretionary tax exemptions and a multiplicity of institutions that need to be coordinated in order to improve efficiency in revenue performance. For example, stakeholders in the regions said that small and medium businesses were unwilling to formalise their businesses for fear that the Tanzania Revenue Authority would descend on them. Also, most stakeholders, including those in authority, confirmed that big private companies are exploiting a loophole in the country's investment law by periodically changing franchise in order to avoid paying taxes.

604. Further, it is clear that, notwithstanding the reforms and efforts being implemented by both the Ministry of Finance and the TRA to strengthen tax administration, there is still a long way to go if Government is to succeed in enhancing domestic resource mobilisation to reduce its dependency on development partner financing (amounting to 40 per cent of its annual budget). A lot off ethical and corruption cleaning is need for TRA staff to reduce revenue leakages. In addition, TRA operations are also constrained by the existence of institutions also mandated to collect revenues, e.g. LGAs. Many stakeholders, including state actors, are concerned about the significant leakages in revenue collection - especially when it comes to revenue that Local Authorities are supposed to collect - because of corruption and institutional and systems weaknesses.

605. The CRM observed that for the past ten years, Tanzania has been continuously running a budget deficit and in many cases annual estimates diverge from expenditures[98]. For example, the Estimates of Government Revenue and Expenditure for the fiscal year 2011/2012 (as introduced in the National Assembly) presented trends in government finance showing that the balance between domestic revenues and total expenditures registered deficits to the tune of 9.06 per cent, 7.1 per cent, 11.2 per cent and 14.2 per cent of the country's GDP for fiscal years 2006/7 to 2009/10, respectively, and was estimated to be 15.6 per cent of GDP in 2010/11 fiscal year. This explains the continued dependency on development partners funding, as well as fiscal management capacity constraints.

[98] *Bank of Tanzania Annual Report: 2010/11,* Bank of Tanzania, 2012, and The Economic Survey 2010, the United Republic of Tanzania, 2010.

606. The CRM observed that the policy framework – the financial framework and budgeting and expenditure processes - is well developed and meets desired standards for good economic governance and management. It further confirmed the existence of a multiplicity of constraints, namely: inadequate macroeconomic management capacity; poor accountability by public servants; weak capacity to manage funds at regional and ministry levels; challenges in the MTEF implementation in the absence of a shared understanding of the utility of this mechanism; inadequate capacity for data collection, analysis and management; low levels of technical know-how for financial data and information systems operations and management; and limited human and other resources capacity for taking on responsibilities and activities at sub-national levels.

607. The Plan of Action stipulates a fairly good framework for: (a) enhancing Public Procurement Act activities; (b) building MDA and LGA capacity to manage funds and improve performance; (c) enhancing tax administration; and, (d) instituting effective government expenditure control mechanisms in MDAs and LGAs. However, stakeholders told the CRM it would be difficult to implement the lengthy wish list of proposed actions within the stipulated time. This challenge to implementation is broadly associated with the more fundamental issue of a lack of coordination. It is difficult to clearly identify the key drivers of all the prescribed reforms in the country's public finance management.

608. The CRM noted that if indeed NPoA was able to achieve results in an efficient manner, the assumption is that a sustained effort to implement a *"macroeconomic framework which prioritizes efficiency and effectiveness in public service delivery to achieve results, transparency and accountability in the use of available resources*[99]*"* is a necessary condition for success. However, stakeholders agree that the most serious constraint in this effort is both institutional and technical capacity to generate, analyse and use comprehensive, current, reliable and centralised data. In addition, it is widely acknowledged that the data is not available because of fractious organisational responsibilities, weak institutional capacities, and low demand for statistics.

609. The CRM observed that initiatives to empower the population to participate in various aspects of public finance management were designed, some of which are being implemented. However, most Tanzanians had not made the necessary paradigm shift that is a pre-requisite for their effective involvement in economic decision-making. Over the years, they were conditioned to actively participate in political decision-making. At the same time, however, their connection to economic decision-making was minimal. They were conditioned and accepted central government and/or elected leaders to direct all their economic decisions. Consequently, reform policies and specific initiatives aimed at enhancing people's participation in establishing a strong macro-micro link and making public finance management more sound are unlikely to deliver the desired results in the short- and medium-term, as anticipated in the NPoA.

610. The CRM observed that there is indeed a problem with statistics and up-to-date data is wanting or unavailable centrally. State stakeholders confirmed this to be the case. The solution resides in vertically- and horizontally-coordinated programming over the long term, focused manpower training and deployment, in addition to the generation of up-to-date statistics. They further informed the CRM of three initiatives planned for implementation to reduce human and data capacity constraints. These are the National Statistical Master Plan[100] and the National Manpower Development Plan, and the Household Survey planned for this year. However, they agree that these initiatives will require a lot of financial resources and hence there are no definite implementation time-lines.

611. In close interaction with the executive, it was confirmed that Government is firmly committed to achieving the fiscal decentralisation goals. The relevant institutions, systems and tools continue to be established. The same was confirmed by non-state stakeholders throughout the country. Overall, the policy framework is sound and implementation progressing well, albeit at a slow pace. This positive development notwithstanding, the CRM observed that the ownership of the process has not spread adequately - both vertically and horizontally - across the government establishment.

612. The CRM observed that sustainability is an issue for LGA revenue and that the POA only stipulates that a proportion of LGAs own funds to total expenditure of LGAs will be achieved through improved tax administration. However, all stakeholders appreciate that this is neither well-articulated nor clearly linked to regional and LGA economic activities. They press for the identification of regional anchor development and commercial projects (government or PPP).

613. These projects should have strong backward- and forward-linkages and capacity to both preserve natural

[99] *The Tanzania Five Year Development Plan 2011/2012-2015/2016:* Unleashing Tanzania's Latest Growth Potentials, President's Office Planning Commission, United Republic of Tanzania, 2011

[100] *Tanzania Statistical Master Plan 2009/10-2013/14,* National Bureau of Statistics, United Republic of Tanzania, 2010.

resource values and generate employment and tax revenues. Currently, local populations in the regions only appear to be involved in identifying development projects that meet their daily needs. The majority of them do not comprehend the intricacies of long-term planning and delayed benefits. Therefore, in consultation with the people, the government needs to promote development projects that are clearly understood by the people in the various regions.[101]

614. The CRM confirms the dire shortage of human and technical capacities to plan, execute, monitor and evaluate public financing for development projects. The lack of coordination and low levels of participation by the population in public finance management initiatives are also noted. Interaction with stakeholders in all visited regions showed that ordinary people do not have the capacity to supervise budget expenditures. For their part, development partners informed the CRM that the Local Government Reform agenda is faced with serious capacity challenges and lacks clear champions in many aspects. However, there is a definite positive commitment by the authorities to expand the space for stakeholder participation and to continue building requisite capacity.

615. The CRM observed that while planned and on-going reforms in Local Government Authorities - in terms of implementing the Local Government Development Grant System, the Capacity Building Grant and other initiatives aimed at strengthening management systems - are a necessary condition for the success of decentralisation, development partners are currently the major financial champions for these activities. This raises sustainability issues.

616. In close interaction with Permanent Secretaries, Heads of Department and Heads of Executing Agencies, it was confirmed that Government is fully committed to ensuring that Tanzanians get value for public financial resources. Government has put in place several institutions to perform oversight functions to this end. These include the Public Procurement Authority, the Inter-ministerial Committee to monitor expenditures, PCCB, the Parliamentary PAC, and the Independent Internal Audit Directorates. However, there are serious capacity deficiencies that inhibit performance. For example, the 10-15 year freeze on public sector recruitments in the past contributed to the paucity of human capacity.

617. Interactions with PCCB and PAC indicated that they were functional despite technical capacity limitations. Government is committed to enhancing capacity development to implement the various programmes. The CRM was informed of an ongoing national manpower development strategy, which would ultimately contribute to reducing human capacity constraints faced by most of these bodies.

618. The CRM further found a disconnect between the initiators/implementers of decentralisation efforts and the people. Fiscal decentralisation architecture is founded on the assumption that popular participation is effective, especially when it comes to providing oversight over government spending to ensure value for money. The lack of popular empowerment to effectively question expenditure was found to be a serious constraint to the success of the decentralisation reform agenda.

619. The CRM concluded that Government designed decent public finance policies aimed at enhancing access to financial intermediation, improving budgeting and expenditure processes, strengthening fiscal decentralisation to Local Government Authorities, and enhancing public finance management and accountability. While efforts are being expended to implement most of these policies, activities are not sufficiently synchronised/coordinated or strategically sequenced and public ownership/participation is not sufficient. Further, obvious systemic capacity constraints are likely to inhibit the realisation of the desired objectives.

620. The CRM observed that ongoing initiatives in Zanzibar are not substantially different from those on the Mainland. Similar challenges are being encountered. However, an interaction with state stakeholders confirmed their commitment to continue implementing public finance reforms in Zanzibar.

621. The Mission also confirmed with the stakeholders in Zanzibar that the fiscal decentralisation policy framework, though based on a legal framework, has encountered a lot of implementation challenges. Non-state stakeholders were unanimous: the people feel no ownership of the framework and are not sufficiently sensitized of how it works. They participate only marginally in planning and oversight.

622. The CRM further noted a simmering unease between the Union Government and the Government of Zanzibar. For example, Zanzibar is more culturally close-knit and may wish to adopt a decentralisation model that accommodates their cultural norms. There is also a feeling that their financial sector landscape should be more

[101] It is noted that the Five Year National Development Plan stipulates a Road Map which emphasises the use of development corridors and/or Special Economic Zones and goes on to identify specific projects. However, stakeholders in the regions have not been adequately informed and empowered to appreciate and participate in these development initiatives.

independent from Mainland Tanzania. These, among other concerns, bring to focus the possibility of implementing policy frameworks that are not sufficienty synergised and which could adversely affect development results.

623. Overall, and notwithstanding the commonality of findings for both Mainland and Zanzibar, the CRM further concludes that the paucity of manpower is a more binding constraint in Zanzibar. In addition, attaining the Tanzania Statistical Master goals, within the stipulated time frame, appears to be the biggest challenge.

III. Recommendations

624. The APR Panel recommends that the United Republic of Tanzania:

- Continue implementing stated financial sector reform policies but in a more coordinated and sequenced manner; *[Planning Commission, Ministry of Finance and Economic Affairs]*
- Continue strengthening all aspects of revenue administration, especially fiscal forecasting and the Integrated Financial Management System operations; *[Ministry of Finance, TRA]*
- Develop and implement a policy framework targeted at enhancing the penetration and affordability of financial services outside the main cities; *[Bank of Tanzania/Ministry of Finance and Economic Affairs]*
- Establish clearly-defined and time-bound activity and performance milestones for those implementing the various aspects of the reform policies, as specified in the PoA; *[Ministry of Foreign Affairs and International Cooperation, NGC, Ministry of Finance and Economic Affairs]*
- Enhance programmed civic education activities for building capacities to question government expenditure at the grassroots; *[Local Government Authorities (Ministry responsible), Ministry of Finance and Economic Affairs, CHRAGG, CSOs,]* and,
- Zanzibar should embark on a more aggressive and coordinated manpower development programmes, which would alleviate internal human capacity constraints. *[Zanzibar Ministry of Education (Manpower Development), Ministry of Finance and Economic Affairs]*

Objective 4: Fight Corruption and Money Laundering

Summary of the CSAR

625. Tanzania strengthened the Legal and Institutional Framework to combat corruption by enacting the Prevention and Combating Corruption Act in 2007. This was preceded by Tanzania ratifying three important multilateral and international instruments relevant to preventing and combating corruption, namely: the Southern African Development Community (SADC) 2001 Protocol against Corruption; the 2003 African Union Convention on Prevention and Combating Corruption; and, the 2003 UN Convention against Corruption, which came into force on 14 December 2005. In addition, Parliament passed the 2000 Economic and Organized Crimes Control Act; the 2006 Anti-Money Laundering Act; the Public Finance Act, cap. 348; and, the 2004 Public Procurement Act.

626. The CSAR notes that Tanzania implemented many programmes that include strengthening the Anti-Corruption Bureau, increasing incentives for civil servants, increasing transparency, and introducing a competitive climate on the job. The country also reported having taken steps to deal effectively with money laundering. The most significant of these was enactment of the 2006 Anti-money Laundering Act.

627. The CSAR states that although there were positive developments in the war against corruption, several weaknesses in the fight against these vices are still observed. These include: weak transparency in contracts of national interest; limited awareness of the adverse impact of corruption and money laundering; an overweening monopoly of power on the part of public servants; the growing problem of money laundering and drug trafficking; an lack of PCCB independence; and excessive use of cash transactions making Tanzania vulnerable and susceptible to money laundering.

628. The CSAR notes that while it is widely acknowledged that money laundering does exist in Tanzania, it is difficult

to ascertain the extent of the problem. Data collection in this area is not an easy assignment. It also notes that there are numerous steps underway to minimise this problem.

II. Findings of the CRM

629. The CRM confirmed the existence of a National Anti-Corruption Strategy and Action Plan[102]. It also confirmed that initiatives and actions are being taken to: strengthen anti-corruption mechanisms at all ministries, departments and agencies of government; introduce integrity, accountability, and transparency systems into Local Government Administration, and empower civil society organizations and non-state actors in anti-corruption processes; raise public awareness of anti-corruption; enhance the capacity of relevant institutions to deal with corruption; and, implement the National Anti-corruption Strategy and Action Plan. For example, the PCCB is being decentralised to the districts and its capacities are being enhanced; various transparency and accountability as well as oversight organs were institutionalised at different levels of government and society; and, larger budget allocations given to the relevant agencies. In addition, the CRM observed high levels of public awareness and an increasing number of allegations of corruption reported to the authorities. For example, incidences of reported corrupt activities and attendant elements for the period 1995 to 2012 are reported in the table below:

Table 4.2: Incidences of corruption reported

YEARS	Allegations Received	Cases Investigated	Completed Investigation files	Administrative actions taken	Files transferred to other agencies	New cases into courts	Total cases Prosecuted	Conviction cases	Acquittal cases	Saved Money/ Asset recovered
1995	261	261	145	-	-	8	16	1	7	2,706,800,000/=
1996	513	513	245	-	-	21	34	2	9	1,900,651,000/=
1997	510	510	289	-	-	9	18	1	4	6,932,950,000/=
1998	545	545	200	-	95	15	31	2	6	9,300,478,000/=
1999	1,116	1,116	304	-	209	62	47	9	25	14,795,169,650/=
2000	1,244	1,244	276	-	234	49	42	6	3	11,100,000,000/=
2001	1,354	1,354	285	1	154	57	53	-	-	2,500,000,000/=
2002	1,383	1,383	732	42	222	52	191	12	12	2,714,199,000/=
2003	2,285	1,796	540	21	36	51	178	9	28	3,800,266,000/=
2004	2,223	1,149	458	126	25	60	202	6	8	4,000,216,000/=
2005	3,121	677	540	111	2	50	218	6	10	2,500,600,000/=
2006	6,320	1,528	1,688	209	496	71	251	18	28	1,301,492,528/=
2007	8,235	1,266	2,015	280	460	196	352	35	45	1,580,099,081/=
2008	6,137	928	936	74	184	147	416	37	71	13,203,459,357/=
2009	5,930	884	1,175	40	152	222	463	46	73	436,132,336/=

[102] *The Enhanced National Anti-corruption Strategy and Action Plan 2008-2011*, President's Office, Good Governance Coordination Unit, United Republic of Tanzania, 2008.

YEARS	Allegations Received	Cases Investigated	Completed Investigation files	Administrative actions taken	Files transferred to other agencies	New cases into courts	Total cases Prosecuted	Conviction cases	Acquittal cases	Saved Money/ Asset recovered
2010	5,685	870	924	29	135	224	587	64	98	10,123,258,300/=
2011	4,765	819	773	30	84	193	466	52	61	4,638,939,558/=
2012 (Jan)	337	39	386	1	4	25	30	2	2	3,641,854/=
TOTAL	**51,964**	**16,882**	**11,911**	**964**	**2,492**	**1,512**	**3,595**	**308**	**490**	**93,538,352,664**

Source: PCCB/HQ, February 2012.

630. It is noted that although 51,964 allegations were received between 1995 and January 2012, and a number of administrative actions taken against public servants proven to have taken bribes, it is understood that not all reported allegations relate to corruption. It is noted that only 4.9 per cent of the reported cases since the new Act (PCCA, 2007) became operational were filed in court while the number of convictions against corrupt offenders since 1995 was less than one per cent of cases reported. Further, the total amount of assets recovered is not significant.

631. The CRM notes that the emergence of a market-driven economy and a competitive environment aggravated the problem of corruption. All stakeholders in the Tanzanian economy recognise this fact and there is a general perception that the problem is becoming widespread. Both overt and covert corrupt activities - impunity in business deals and bribery in government offices - appear to be on the rise, and both non-state and state stakeholders are in agreement with this position. Non-state stakeholders almost everywhere told the CRM that they perceive the police, the judiciary and TRA to be the most corrupt in the country. In the commercial world, private investors are alleged to take advantage of loopholes in investment laws to financially exploit the economy.

632. The CRM confirmed that Government has gone a long way to develop policies and measures to combat this vice. However, it is widely agreed by all stakeholders that the measures under implementation are either weak or inadequately backed by a firm commitment on the part of the political leadership. Further, the proposed actions specified in the NPoA may not be monitorable in quantitative terms. In addition they have ambitious and possibly unrealistic time-frames and budgetary implications.

633. The CRM confirmed the existence of six institutions of accountability dealing with corruption in Tanzania. They are: (a) the National Audit Office; (b) the Public Procurement and Regulatory Authority; (c) the Prevention and Combating of Corruption Bureau; (d) the Commission for Human Rights and Good Governance; (e) the Ethics Secretariat; and, (f) Parliament. The CRM noted that institutions' performance in enhancing accountability and combating corruption has not been significant. This observation is confirmed by, for example, Peter Bofin and Daniel Kobb (2011). They examined the effectiveness of these institutions and concluded that, *"By most international measures Tanzania performs relatively poorly in terms of accountability, corruption and governance"*[103]. Again, the issue of inadequate capacity - especially manpower - emerges as the main constraint. In addition, the CRM noted that the PCCB mandate is not well understood at all levels of society and the institution has not been decentralised below district level.

634. While positive steps continue to be taken to combat corruption, stakeholders concur that more political commitment from the top is a prerequisite for solving accountability and corruption issues. The CRM is of the view that involving civil society in the anti-corruption war as well as increasing public awareness, will contribute to improve the image of the country. Transparency International - in its Worldwide Corruption Perception Ratings of Countries (2011) - shows that Tanzania's rating in terms of government effectiveness in combating corruption

[103] *How effective is institutional oversight in Tanzania? An examination of accountability institutions,* Peter Bofin and Daniel Kobb (2001)

has remained around 3 out of 10 between 2003 and 2011, with no significant annual improvement in those years.

635. The CRM confirmed the perception of a majority of stakeholders that money laundering is also a problem. However, its incidence is difficult to be quantified. The public generally feel that money laundering is big business on the part of some 'big shots' in government, and their associates. The stakeholders agreed that there are many instances of money laundering being reported through the media and by the PCCB, and that the problem may be on the increase. The CRM further confirmed that Government continues to take steps to effectively deal with this problem. These include putting in place the necessary legal provisions, strengthening institutions mandated with the task of fighting money laundering, financial sector reforms requiring more disclosure of information on financial transactions, creating public awareness, and cooperation with neighbouring countries.

III. Recommendations

636. The APR Panel recommends that the United Republic of Tanzania:

- Continue strengthening the institutions and instruments which are already in place to fight corruption and money laundering; *[The Presidency]*

Objective 5: Accelerate Regional Integration by Harmonising Monetary, Trade And Investment Policy

I. Summary of the CSAR

637. The CSAR notes that Tanzania's participation in regional trading arrangements, notably in the East African Community (EAC) and the Southern African Development Community (SADC), is inspired primarily by economic benefits, including trade-related advantages. Over time, this is expected to increase of intra-REC trade volumes. There are also the related economic advantages of enhanced integration emanating from increased market size and economies of scale.

638. The CSAR reports that in 1999, the Treaty on the Establishment of the East African Community (EAC) was signed, and entered into force in 2000. The EAC is now at the stage of a customs union and negotiations to set up a common market concluded. The Protocol was signed by the Heads of State in 2009. The Treaty on the Establishment of the East African Community envisages integration among the East African countries to progress from a Customs Union to a Common Market, then a Monetary Union and ultimately, a Political Federation (Article 5(2)).

639. The key objective of the EAC is to develop policies aimed at widening and deepening cooperation in all fields, for the mutual benefit of its members (Article 5 of the EAC Treaty). The EAC's specific objectives include: (a) promoting sustainable growth and equitable development of its members, including rational utilisation of the region's natural resources and environmental protection; (b) strengthening and consolidating the long-standing political, economic, social, cultural, and traditional ties of its members; (c) enhancing the participation of the private sector and civil society; (d) mainstreaming gender in all its programmes and enhancing the role of women in development; (e) promoting good governance, including adherence to the principles of the rule of law, accountability, transparency, social justice, equal opportunities, and gender equality; and, (f) facilitating peace and stability within the region. EAC members are also eligible for non-reciprocal preferential treatment under the Generalised System of Preferences (GSP); the Cotonou Agreement with the EC; and, the U.S. African Growth and Opportunity Act (AGOA).

640. EAC integration is guided by a number of implementation frameworks, including the EAC Development Strategy (2011-2015), as well as other policies and strategies, related protocols, directives and decisions. The EAC Customs Union Protocol was ratified in 2004 and full implementation commenced in January 2010. The Common Market Protocol was signed in November 2009 and entered into force in July 2010. The move to a Common Market is expected to lead to freer trade and freer movement of goods, services, capital and people within the region and hence, to increased trade.

641. On the Southern African Development Community (SADC), the CSAR reports that the regional economic community (REC) was crafted out of the Southern Africa Development Co-ordination Conference (SADCC) in Lusaka, in 1980. At its inception, the organisation focused on functional cooperation in key sectors and used a decentralised structure of sector-coordinating units and commissions to manage its Program of Action. Implementation of the SADC Free Trade Area (FTA) began as early as 1 January 2008, although it was launched on 17 August 2008. About 85 per cent of goods trade between the SADC FTA participating member states is conducted tariff-free. With the exception of the Democratic Republic of the Congo (DRC), Malawi, Angola, and Seychelles - yet to sign the FTA protocol - all SADC Member States participate in the SADC FTA. SADC Member States also continue to implement the FTA and other joint projects such as the North-South Development Corridor and Zambezi Watercourse Commission (ZAMCOM). SADC has plans to transform the bloc into a common market by 2015.

642. The CSAR highlights recent developments in enhancing integration in the Eastern and Southern Regions of Africa. One of the active regional economic groupings in Africa is the Common Market for Eastern and Southern Africa (COMESA). Tanzania is not a member unlike other members of the EAC and SADC. In 2008, COMESA, EAC and SADC Heads of State and Government approved the expeditious establishment of a Single Free Trade Area encompassing the three RECs. This Tripartite arrangement holds immense opportunity for countries within the economic space, including Tanzania, to benefit from larger market size and increased economic activity. It is also a major boost to efforts geared towards an African Economic Community.

643. The CSAR underscores a number of challenges. In the area of external trade, growing trade between Tanzania and other members of both EAC and SADC was noted. However, in terms of performance, Tanzania's trade balance recorded mixed results. In the case of SADC, the country experienced an unfavorable balance of trade in recent years. However, in the EAC, Tanzania recorded trade surpluses in 2007, 2008, and 2010. Therefore, Tanzania needs to intensify efforts to sustain those gains in the EAC and take adequate measures to reverse the negative trade deficits within SADC. This includes capacity building and enhancing competitiveness.

644. On overlapping membership, a characteristic of many regional groupings in Africa, the CSAR notes that most countries belong to two or more RECs, and Tanzania is no exception. In practice, this overlapping membership poses certain difficulties, mainly because of resource implications (administrative costs, multiple membership fees, etc.) and differences in, inter alia, rules of origin, and intra-regional trade liberalisation scenarios under various agreements. This is Tanzania's experience by virtue of its participation in both EAC and SADC. Furthermore, conflicting objectives among rival arrangements have the potential to slow progress in some areas.

645. Other key issues highlighted in the CSAR include low levels of public awareness about regional integration, thus constraining the ability of Tanzanians to take full advantage of emerging opportunities from the integration process. In order to address this and related challenges, Government developed an awareness-raising program about the EAC integration process to educate the general public on EAC integration and potential opportunities related to it. In addition, Government is in the process of developing a National Integration Policy and National Strategy for the implementation of the EAC Common Market.

646. The CSAR also notes that there was a heated debate on Tanzania's membership in both EAC and SADC, especially given unfavorable trade performance, mainly in SADC. The general perception in some quarters is that integration is not favourable to Tanzania. Furthermore, the perceived loss of sovereignty, linked to the fear that integration implies that important decisions will be taken at the bloc level leaving no room for ordinary Tanzanians to influence domestic policy-making, also tended to influence public opinion on regional integration. There is therefore a strong need to address some of the afore-mentioned views by general information and awareness-raising.

647. In conclusion, the CSAR notes that Tanzania has put in place the necessary policy framework to guide its participation in international trade and regional integration processes. The country progressed considerably in promoting participation and accelerating regional integration through tariff reduction, in conformity with signed protocols. This calls for more intensified efforts to empower Tanzanians to compete in regional integration schemes, as well as awareness-raising efforts for the public to better understand the benefits and opportunities of integration. Challenges posed by a multiplicity of memberships in regional arrangements also need to be addressed.

II. Findings of CRM

648. The CRM confirmed Tanzania's commitment to regional integration as demonstrated by its membership of two regional groupings and the continental body, the African Union. Participation in these regional groupings holds huge potential benefits for Tanzania, including economies of scale in the exploitation of development opportunities, access to larger markets, better management of shared resources, and enhanced economic growth due to the free movement of people, goods, services and capital. Within this framework, Tanzania implemented both external and domestic trade liberalisation programs for close to two decades, geared towards facilitating and increasing the volume of trade within the various economic groupings. Some of the measures taken under global trade liberalisation include lowering applied and bound tariff rates, simplifying trade procedures, and abolishing licensing as well as administrative controls. Liberalisation measures on the domestic front include the elimination of state controls and phasing-out monopoly commodity marketing boards and state companies. Additional measures in this regard include liberalisation of foreign exchange markets and attempts to open up rural areas to markets through infrastructure development. A national trade policy was also adopted in 2003, responding to and building upon the afore-mentioned reforms.

649. These efforts have yielded some results. Since 2006, Tanzania's exports of goods and services averaged 22 per cent of GDP while imports averaged 35 per cent. Exports increased from $1.9 billion in 2006 to $3 billion in 2009, while imports rose from $3.9 billion in 2006 to $5.9 billion over the same period[104].

650. The CRM noted that Tanzania's participation in regional trading arrangements is yielding benefits in terms of increased trade volumes. Evidence of this comes from intra-regional trade statistics showing that trade volumes more than doubled between 2005 and 2010 due, mainly, to the removal of tariffs among member states, application of a common external tariff, and steps towards the creation of an EAC Common Market. Statistics show that Tanzania recorded a trade surplus within EAC throughout the period 2007-2010, except in 2009 when a trade deficit of $49 million was recorded. Exports to other members of the bloc increased from $289.4 million in 2005 to $450 million in 2010, a clear demonstration of the increased scope for intra-EAC trade.

651. The CRM also noted that a number of challenges beset regional trade flows and investment opportunities. Key among these is protectionism, with countries securing market share and companies resisting market enlargement, stemming from the fear that bigger economies in the region, like Kenya, would gain competitive advantage. The CRM observed the generally negative perception of integration, based on fears that more competitive neighbours are better placed to benefit from integration arrangements. Active steps need to be taken to address these negative perceptions.

652. In 1996, SADC member states signed the Trade Protocol, which came into effect in 2000. The Protocol aims at removing intra-regional trade barriers, turning the Community into a free trade area for 85 per cent of goods by 2008, and for all goods by 2012. Tanzania is making commendable progress in implementing the SADC Trade Protocol. Barriers to intra-SADC trade are progressively being dismantled, particularly those related to the removal of tariff and non-tariff barriers and import duties. The liberalisation of Tanzania's trade regime resulted in a more than 7 per centage point tariff reductions since the mid-1990s. While other countries in Eastern and Southern Africa have adopted liberalisation as well, Tanzania's import duties have fallen below the regional average[105].

653. However, despite the above developments, Tanzania's trade balance within SADC, remains largely negative, raising legitimate concerns among ordinary Tanzanians about the benefits of integration. The CRM considers this a major concern that needs to be addressed. Adequate steps will need to be taken to reverse this trend. This will require identifying and tackling binding constraints.

654. The CRM noted the existence of several constraints, including production, policy and trade barriers adversely influencing Tanzania's effective participation in regional trade. In particular, any substantive benefits for Tanzania from participation in regional trade was retarded by inadequate supply and delivery capacity, characterised by low levels of technology, inadequate physical and human capital, and under-developed infrastructure.

[104] United Republic of Tanzania Country Strategy Paper 2011-2015, African Development Bank, June 2011.
[105] Oswald Mashindano, Dennis Rweyemamu, and Daniel Ngowi, *Deepening Integration in SADC vol.9 (Feb. 2007): Tanzania- Torn Between EAC and SADC,*

655. On the policy level, although Tanzania unveiled a good National Trade Policy in 2003, adequate measures were not put in place to support traders or implement targeted policies that would take advantage of available opportunities. In addition, traders and business people did not engage aggressively enough in regional trade, partly because of a lack of market information. With regard to production, some business enterprises lack confidence in the quality of their products. Equally important is the lack of commercial farming and food processing which limits adherence to quality and standards required for participating in external trade. Most smallholders produce for their own consumption and the little surplus left is sold on the domestic market. Further, the lack of processing facilities means exporting unprocessed agricultural products that have serious limitations, including low value-added, poor quality control, and perishability because of poor storage facilities.

656. The CRM learnt that Tanzania prepared a draft EAC Common Market Implementation Strategy 2011-2015 but this is yet to be finalised. The document outlines the opportunities and challenges, identifies the roles of various institutions, sets out strategic intervention areas where actions are required, and provides recommendations for policy, planning and resource allocation. The CRM observed that adoption and implementation of this strategy will go a long way in helping Tanzania prepare adequately for full participation in the Common Market.

657. The CRM noted that there is an underlying uneasiness regarding the participation and representation of Zanzibar in the EAC. The Zanzibar government has expressed wishes to be directly represented in the organs of the EAC.

658. The CRM welcomed the fact that Tanzania's 5-year Development Plan (2011/2012 - 2015/2016) set a number of targets, including increasing Tanzania's world market share, from the current 0.022 per cent to 0.1 per cent by 2015/16; market share in the EAC from the current 28 per cent to 40 per cent by 2015/16; market share in SADC from the current 5 per cent to 10 per cent by 2015/16; contribution of trade to GDP from the present 16 per cent to 20 per cent by 2015/16; establishing trade and marketing information systems; renewing and enforcing the related legal framework.

659. In order to achieve the above trade-related targets, the Plan prioritises the removal of a number of crucial constraints to accelerated economic growth and development in Tanzania. These include the lack of a reliable and adequate supply of electricity; poor infrastructure quality, especially for the transport network and, in particular rural feeder roads, railways and sea ports; inadequate supply of skilled labor; limited access to secure land rights; limited domestic value added to primary products; and a lack of access to finance, especially for SMEs and in the agriculture sector.

660. The Plan puts considerable emphasis on trade and notes that increasing benefits to Tanzania from participation in regional and global trade depends on the country's ability to increase its production capacity; to increase product competitiveness (in terms of the cost of production and quality of products); to have accessible markets; to facilitate producers' access to market information; and to have an efficient financial service infrastructure to facilitate payments and settlements. These conditions are addressed throughout the Plan, which aims at promoting the country's productive capacity and leveraging the geographical location to enhance competitiveness. The CRM confirmed that trade issues identified in the Plan are indeed critical and are being vigorously pursued to ensure that Tanzania benefits from trading arrangements.

661. A major observation of the CRM during the consultations is that the general public lack a proper awareness of integration matters, including the potential benefits. An appropriate communication policy and strategy was adopted at the level of the EAC but this is yet to be fully implemented in Tanzania. Efforts are also underway to develop a national communication strategy to fill the information gap. It was observed that EAC integration matters are under the purview of the Ministry of East African Cooperation while SADC matters are handled by the Ministry of Foreign Affairs and International Cooperation. This poses the challenge of effective coordination and alignment of integration matters. Bringing the two portfolios under a single ministry will improve coordination and create synergy.

662. The CRM took note of the outcome of the Tripartite Summit of Heads of State and Government of EAC, SADC and COMESA held in Kampala, Uganda in 2008. They provided guidance on advancing cooperation and coordination of programmes under the Tripartite arrangement. The Tripartite Summit agreed on the following key areas of

cooperation: (a) a program of trade regime harmonisation for the three RECs (b) free movement of business persons within the three RECs (c) joint implementation of regional infrastructure projects and programmes, and (d) legal and institutional arrangements for regional cooperation. The Summit agreed to establish an FTA with the ultimate goal of establishing a Customs Union. At the second Tripartite Summit held in Johannesburg, South Africa in June 2011, the three regional blocs adopted a developmental integration approach built on three pillars of industrial development, infrastructure development, and market integration, and launched negotiations for the establishment of a Tripartite Free Trade Area.

663. The CRM welcomes this initiative in view of its immense potential to address the problem of multiple membership and related constraints faced by countries such as Tanzania. This is indeed a model worthy of emulation by other regional groupings. It has been observed that the coming into force of the Tripartite FTA will create both opportunities and challenges. The opportunities come in the form of larger market size and huge opportunities for trade and investment. The challenge relates to enhanced competition among member states and therefore countries like Tanzania will need to put in place the necessary mechanisms to address supply-side constraints, improve productivity, and enhance competitiveness for the FTA to bring benefits rather than trade-related losses.

III. Recommendations

664. The APR Panel recommends that the United Republic of Tanzania:

- Develop physical infrastructure in order to reduce the cost of production and transportation and hence increase the level of competitiveness as a means of benefitting from opportunities presented by larger market size; *[Ministry of Works, Ministry of Transport]*
- Strengthen financial markets, investment and business regulation and procedures, and customs procedures; *[Ministry of Industry, Trade and Marketing, Ministry in Charge of Investment, and Empowerment, Prime Minister's Office]*
- Implement schemes aimed at developing production, marketing, business education and entrepreneurial skills of the private sector (particularly SMEs) in order to enhance cross-border trading possibilities; *[Ministry of Industry, Trade and Marketing, Ministry in charge of investment and Empowerment, Prime Minister's Office)*
- As a matter of urgency, finalise, adopt and implement Tanzania's EAC Common Market Implementation Strategy (2011-2015) which outlines the opportunities and challenges, identifies the roles of various institutions, sets out strategic intervention areas where actions are required, and provides recommendations for policy, planning and resource allocation; *(Ministry of East African Cooperation)*
- Improve coordination of regional integration matters by bringing both EAC and SADC affairs under a single ministry; *[Office of the President]* and,
- Implement the EAC communication policy and strategy to guide the process of participation of all Tanzanians in the integration process, including a better understanding of how they can reap the benefits of integration. *[Ministry of East African Cooperation]*

CHAPTER FIVE

CORPORATE GOVERNANCE

5.1 Overview

665. Tanzania's private sector is increasingly becoming a key partner in development, as is the case in many African countries. Consequently, it has become critical for the Tanzanian Government to create a better environment for private sector development in order to build integrity and attract both local and foreign investors. On the other hand, the private sector has to accept and implement good corporate governance, for sustainability.

666. The concept of corporate governance is very much in its infancy in Tanzania, but is growing due to an emerging and burgeoning private sector. Even in Zanzibar, the subject of corporate governance has received little attention. One school of thought attributes this to the "ideological crisis" faced by Tanzania, following the abandonment of socialist ideologies and the half-hearted adoption of market-driven economics. In this environment, local entrepreneurship is still tentative and unambitious.

667. However, in the capital markets, there are formal and established corporate governance frameworks that govern listed companies. In addition, sectors that are prudentially regulated, such as the banking and insurance sectors have been compelled by their independent regulators to operate at high levels of governance.

668. The assessment of Tanzania's corporate governance stance is premised on the examination of applicable international standards and codes, and the investigation of five objectives regarding the promotion of an enabling business and regulatory environment; corporate citizenship, codes of business ethics, stakeholder treatment and the accountability of corporations and directors.

669. Tanzania has ratified and adopted most significant international standards and codes as a preliminary step towards ensuring the promotion of good conduct and practices in corporate governance, although the extent of the actual application of some of these standards and codes (particularly those concerned with fiscal transparency, effective banking supervision and budget transparency) remained questionable. The differential application of corporate governance standards between listed and unlisted entities and between prudentially-regulated entities and others also points to the generally weak adoption of recognised standards and codes, especially among small to medium enterprises, which comprise the bulk of the corporate sector in Tanzania.

670. The economic liberalisation policies that came into being in the early 1990s significantly changed the corporate environment in Tanzania, by introducing the concept of competition and compelling Government to play a more active role in ensuring the creation of a level-playing business field and fair competition policies. Small-scale enterprises and the informal sector have assumed their place as the drivers of economic and social value, taking over from a state-dominated economy. However, despite the assumption of this critical role, the private sector in Tanzania remains young and under-developed.

671. The extractive industry (especially gold mining) is considerably the most developed of all the aspects of the private sector. However, the corporate governance record in this sector is characterised by a heavy dominance by big corporations and an exclusion of 'ordinary Tanzanians', low tax and royalty revenues, indifference to environmental concerns, and an abuse of both investor incentives and employee rights.

672. The adoption of Codes of Business Ethics is premised on three levels: internal codes as set out in individual human resource manuals, external codes of ethics drawn and promoted by self-regulatory, professional bodies and thirdly, codes of ethics that emanate from the interface between the private and public sectors. The record of compliance of the internal codes that relate to listed entities is high, owing to stringent oversight of the industry regulator. Conversely, the observance of business ethics codes enforceable by professional bodies has been inadequate.

673. Zanzibar's Good Governance Policy of 2011 commits Government to establishing effective mechanisms to ensure that business entities participate fully in development endeavors and comply with the legal obligations pertaining to the rights of stakeholders. Effective implementation of the policy is necessary in order to safeguard the rights of shareholders, employees, the community, supplier and customers.

674. The accountability of corporations, directors and officers is generally affected by the capacity challenges facing the National Board of Accountants and Auditors (NBAA). However, the Dar es Salaam Stock Exchange has established superior financial reporting and disclosure standards for all securities market intermediaries and listed entities, which ensure a timely accurate disclosure of financial and other information to the market, to enable informed decision-making. Other prudentially-regulated sectors, such as the banking and insurance sectors have similar disclosure regimes, prescribed by their respective regulators.

675. The absence of a functioning Corporate Governance Institute has not only compromised the establishment and implementation of a national code in this regard, but also implies that the immense responsibility of ensuring corporate governance training and corporate behavioral change throughout the country, has not received its due attention.

5.2 Standards and Codes

I. Summary of the CSAR

676. The CSAR notes that standards and codes of conduct are part of the environment which shapes corporate governance in a country. These standards are related to trade, labor, financial accounting and auditing. Standards constitute reference points for actions and act as the broad guidelines for corporate decision making.

677. Accordingly, the 6th Summit of the Heads of State and Government Implementation Committee of NEPAD held in Abuja, Nigeria on 9 March 2003 resolved to adopt a number of international Codes and Standards for corporate governance. These codes and standards are listed as:

(i) Code of Good Practices on Transparency in Monetary and Financial Policies;
(ii) OECD and Commonwealth Principles of Corporate Governance;
(iii) International Accounting Standards;
(iv) International Standards on Auditing;
(v) Code of Good Practices on Fiscal Transparency;
(vi) Core Principles for Effective Banking Supervision;
(vii) Best Practices for Budget Transparency;
(viii) Guidelines for Public Debt Management;
(ix) Labour Codes of the International Labor Organization (ILO); and (x)• Codes on Industrial and Environmental Safety and Hygiene of the World. Additionally, included in the NEPAD Framework is the African Charter on Human and People Right's.

678. The CSAR notes that NEPAD Heads of State and Government decided to adopt the OECD and Commonwealth Principles of Corporate Governance as they appear to be universally useful, and are emulated by many countries world-wide. The instruments comprise internationally accepted best practice for corporate governance. The principles are premised on the fact that corporate governance is a set of relationships among shareholders, management, stakeholders and the board of directors. It is noted that controlling interests in the form of individual shareholders, family holdings, alliances or other corporate actors, such as institutional investors, can significantly influence corporate policy and behavior. As owners of equity, institutional investors, for example, may influence certain decisions. Tanzania has in principle taken various steps in a bid to conform to and ratify many of the codes and standards adopted by the NEPAD.

II. Findings of the CRM

679. The CRM notes with satisfaction that Tanzania ratified and adopted the most significant international standard and codes listed under the APRM structure (as listed in the summary of the CSAR) which set up agreed benchmarks for good conduct and practice in corporate governance. However, the CRM was unable to confirm the extent to which some of these standards were applied, namely, the Core of Good Practices on Fiscal Transparency, Core Principles for Effective Banking Supervision, and Best Practices for Budget Transparency in the area of corporate governance.

680. Accordingly, the CRM observes that addressing some corporate governance challenges require close collaboration between the Government of Tanzania and the private sector. In particular, the application of corporate governance standards beyond listed companies and the need to improve the capacity of regulators and supervisors to effectively enforce adopted standards and codes.

681. The CRM found that domestic regulatory and legal instruments such as the Companies Act, Cap 212 of 2002 - the overall framework for establishing, operating and winding up privately owned companies in Tanzania - is in conformity with international practice. The institution responsible for administering this law is the Business Registration and Licensing Authority (BRELA) for Mainland Tanzania and the Registrar General for Zanzibar.

The banking and financial institutions regulatory framework

682. Legal and regulatory frameworks for banking and financial institutions operate through various instruments. Enforced by the Bank of Tanzania, unless otherwise indicated, these include: the Bank of Tanzania Act of 2006, the 2006 Banking and Financial Institutions Act; the Cooperative Societies Act of 1991, enforced by the Registrar of Cooperatives; the 2005 Microfinance and Micro-Credit Activities Regulations; the 2005 Financial Cooperative Societies Regulation; and, the 2005 SACCOs Regulations, enforced by the Registrar of Cooperatives.

683. With regard to accounting, auditing and disclosure laws and standards, the CRM notes that the International Accounting Standards (IAS) - issued by the International Accounting Standards Board (IASB) - constitute the contemporary best practice framework for accounting. The corresponding framework in auditing is the International Standards on Auditing (ISAs), issued by the International Federation of Accountants (IFAC). In Africa, the promotion and coordination of best practices in accounting and auditing is spearheaded by ECSAFA (the Eastern, Central and Southern Federation of Accountants) of which Tanzania is a full member. Evidence collected by the CRM also demonstrates that the above accounting and auditing guidelines have been mandatory for Tanzanian listed and non-listed companies since 2004.

Labour laws and standards

684. At the international level, the ILO formulates international labor standards in the form of conventions and recommendations setting minimum standards for basic labor rights that member countries are supposed to ratify and implement. Some of ILO's fundamental conventions are freedom of association, the right to organise, the right to collective bargaining, abolition of forced labor, equality of opportunity (employment and occupation) and treatment (equal remuneration), and abolition of child labor.

685. Tanzania has ratified the Freedom of Association and Rights to Collective Bargaining Convention that provides for workers to form and join unions. The Employment and Labour Relations Act No 6, 2007 permits workers to form unions voluntarily without requiring membership in an umbrella organization. There were a total of 12 unions operating in the country as of 2003, including the teacher's union,- the largest and most active - as well as health workers' unions and other job-specific groups. The Trade Union Congress of Tanzania is the coordinating union umbrella group.

686. Tanzania has also ratified the Minimum Age Convention protecting children from child labour. In this regard Tanzania has developed strategies for elimination of child labour and listed hazardous types of labour not to be performed by children under 18 years, consistent with ILO convection No. 182 of 1999. However, the law does not apply to children working on family farms or herding domestic livestock. Tanzania also ratified the workman's

compensation law but stakeholders have suggested that the law was not fully applied. For example, it was said during stakeholder interactions that the level of compensation provided for under the law was far lower than the cost of compliance. Employers were therefore more inclined to compensate injured workers than to observe safety standards.

Environment

687. The CRM notes that Tanzania started implementing the Kyoto Protocol on Climate Change in February 2005 and has already developed a Cleaner Development Mechanism (CDM) and guidelines on how to prepare a CDM project. CDM projects are already underway. The country is a signatory and has acceded to other environmental treaties that include: the Convention on Biological Diversity ratified on 8 March 1996; the Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region and Related Protocols, ratified on 1 March 1996; the United Nations Convention to Combat Desertification, ratified in April 1997; the United Nations Framework Convention on Climate Change ratified in April 1996; The Vienna Convention on the Protection of the Ozone Layer and Montreal Protocol on Substances that Deplete the Ozone Layer, acceded to on 7 April 1993 and 16 April 1993, respectively; the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, acceded to on 7 April 1993; and, the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movements of Hazardous Wastes within Africa, ratified on 7 April 1993.

III. Recommendations:

688. The APR Panel recommends that the United Republic of Tanzania:

- Consider, in cooperation with the private sector, applying corporate governance standards and practices beyond listed companies, giving more attention to small and medium-sized enterprises; *[Ministry of Trade, Industry and Marketing, BRELA, the Registrar general, Zanzibar]*
- Establish a task force to significantly improve the capacity of regulators and supervisors to effectively enforce corporate governance codes and standards for all business enterprises; *[Ministry of Trade, Industry and Marketing, BRELA, the Registrar general, Zanzibar]* and,
- Launch, in cooperation with the private sector, public awareness activities in standards and codes of corporate governance through the media, publications and trainings. *[Ministry of Trade, Industry and Marketing, BRELA, the Registrar General, Zanzibar, business associations]*

5.3 Assessment of the Performance of APRM Objectives

Objective One: Promoting an Enabling Environment and Effective Regulatory Framework for Economic and Business activities

I. Summary of the CSAR

689. According to the CSAR, the Tanzanian corporate governance framework consists of various laws for establishing and operating corporations, laws on fair competition, specific laws for banks and financial institutions, insurance laws, and laws that regulate business and corporate behavior in specific industries, such as the aviation industry, water and energy, marine transport, food and drugs, and so on. A myriad of institutions have also been established to administer and enforce these laws. In addition to the overall framework for establishing corporate entities, there are laws that provide additional governance guidelines. These sector-specific laws, including the Banking and Financial Institutions Act of 2006; the Microfinance and Micro-credit Activities Regulations of 2005, are in conformity with internationally-accepted standards.

690. Regarding microfinance, the CSAR notes that the National Microfinance Policy (NMP) was adopted in 2000 and implemented in 2001 to harness microfinance potential for industrial development. From a corporate governance perspective, the 2006 Banking and Financial Institutions Act provides a general framework for the governance of banks and other financial institutions. The Act stipulates some conditions disqualifying a person from being appointed a bank director and the timeline for availing information to stakeholders on year end.

691. The CSAR reveals that competitive markets are usually an important mechanism for encouraging good corporate governance. In Tanzania, economic liberalisation policies introduced in the early 1990s have increased market competition. Government, for its part, continues to establish institutions for the purpose of ensuring the development of a sound market economy. It is committed to a fair competition policy in order to enhance freedom of trade, choice by consumers, and fair access to markets. In this regard, the country enacted the 2003 Fair Competition Act and the Fair Trade Practices Act of 2004. These laws regulate the conduct of companies in the market and promote market competition. They are administered by the Fair Competition Commission based in the Ministry of Trade, Industry and Marketing.

692. With regard to small-scale enterprises and the informal sector, the CSAR notes that the Tanzania Government recently recognized the economic and social value of the informal sector and its critical role in combating poverty. The Tanzanian Government believes that one third of GDP originates from the small and medium enterprise (SME) sector. SMEs operating in the informal sector alone consist of more than 1.7 million businesses, engaging about 3 million people or about 20 per cent of the Tanzanian labor force. Government estimates that there are about 700,000 new entrants into the labor force annually. A large segment of this labor force is absorbed by the informal sector. As a major provider of jobs, the sector does contribute to the transfer of knowledge from one generation to another.

693. The CSAR states that prior to Tanzania's economic liberalisation, the state dominated the economy. The private sector played an insignificant role because of nationalisation policy. For this reason, the domestic private sector in Tanzania is relatively small and in its infancy, when compared to countries like Kenya where the private sector was encouraged to grow and the state played a facilitative role for several decades. Tanzania, therefore, faces many challenges in promoting private sector development. Ongoing government reforms in the corporate sector are, in many ways, geared at nurturing a burgeoning corporate business and industrial sector.

694. In countries that encouraged private sector growth, one can easily see an appreciable growth in private companies. For example in Kenya, a neighbouring country, four of its companies - Kenya Airways, East Africa Breweries, Kenya Commercial Bank and Nation Media Group - are listed on the Dar es Salaam Stock Exchange. Tanzania has no company cross-listed on a stock exchange in the region. Capitalisation through the stock exchange is very low but growing due to deliberate state-initiated efforts to facilitate growth.

695. The private sector in Zanzibar is also in a state of infancy and is characterised by small enterprises. It is noted that Zanzibar is a relatively small island economy with very few large-scale business undertakings. Many enterprises are firms employing 1-49 workers, an estimated 88 per cent of the corporate sector workforce, compared to Dar es Salaam's 51 per cent and 59 per cent in other parts of Tanzania's Mainland.

696. On the investment front, the CSAR notes that Tanzania has created very generous conditions in order to attract foreign capital investments. It further notes that Tanzania encourages foreign investors to plough back their earnings into the manufacturing and other targeted sectors. Big foreign-owned companies such as Ashanti Gold, Barrick Gold Mines, De Beers and starred new hotels are not listed on the Dar es Salaam Stock Exchange (DSE). Originally wholly government-owned banks - the National Micro-finance Bank (with branches all over the country) and the National Bank of Commerce with foreign majority shareholding - were not listed on the DSE. Corporate governance has a long way to go to make a significant impact on national (domestic) economic growth. A major challenge is creating the conditions for the companies refererred to above to participate on the DSE.

697. Finally, the CSAR reveals that a generous corporate investment climate was extended to foreign and local private investors. However, this is prone to abuse and investors have stayed in the country for years without paying adequate taxes, amid allegations of manipulating tax and investor-related incentives.

II. Findings of the CRM

Business environment

698. The CSAR contains a fair analysis of the business environment in Tanzania based on survey data from the World Bank's *Doing Business*. However, updated survey results were recently published by the World Bank *(Doing Business 2012)*. Accordingly, the following analysis is based on updated survey results.

699. In assessing an economy's regulatory environment for business, a good starting point is to find out how it compares with the regulatory environment in other economies. In this regard, the *Doing Business Report* sheds light on the ease with which a local entrepreneur in 183 economies can open and run a small to medium-size business while complying with relevant regulations. The report measures and tracks changes in regulations affecting 10 areas[106] in the life cycle of a business, all of which have corporate governance implications. Table 5.1 below shows Tanzania's ranking in the 10 areas in the life cycle of a business for the period beginning 2011 and 2012.

Table 5. 1: Tanzania: Overall 'Ease of Doing Business Rank' (Out of 183 Economies) and the Ranking by Each Topic

Topic Rankings	DB 2012	DB 2011	Change in Ranks
Starting a business	123	122	-1
Dealing with construction permits	176	177	+1
Getting electricity	78	80	+2
Registering property	158	155	-3
Getting credit	98	96	-2
Protecting investors	97	93	-4
Paying taxes	129	123	-6
Trading across borders	92	115	+23
Enforcing contracts	36	33	-3
Resolving insolvency	122	120	-2

Source: World Bank, Doing Business 2012.

700. During regional interactions between the CRM and various stakeholders, it emerged that a majority of stakeholders were of the view that the major obstacles to starting a business in Tanzania were difficulties in getting credit from commercial banks owing to high interest rates, onerous collateral requirements, stringent licensing requirements and poor contract enforcement.

701. While Tanzania is an average performer in the Doing Business survey, compared to other sub-Saharan African countries, rankings improved in only 3 out of 10 of the stipulated assessment areas, as demonstrated in Table 5.1. These areas are: *"dealing in construction permits", "getting electricity" and "trading across borders."*

702. Internationally, Tanzania stands at 123 in the ranking of 183 economies on the ease of starting a business. For sub-Saharan Africa, the regional average ranking for starting a business and dealing with construction permits is 123 and 112 respectively.

703. Access to reliable and affordable electricity is vital for businesses. To counter erratic electricity supply, many

[106] The 10 areas referred to are: starting a business, dealing with construction permits, getting electricity, registering property, getting credit, protecting investors, paying taxes, trading across borders, enforcing contracts and resolving insolvency.

firms in developing economies have to provide their own, often at a prohibitively high cost. Whether electricity is reliably available or not, the first step for a customer is connectivity. Tanzania stands at 78 in the ranking of 183 economies on the ease of getting electricity. The rankings for comparator economies, and average regional rankings, provide another perspective in assessing how easy it is for an entrepreneur in Tanzania to connect a warehouse to electricity. For SSA the regional average ranking is 122.

704. Tanzania stands at 158 out of 183 economies on the ease of registering property, while the average sub-Saharan Africa ranking in this area is 119. Tanzania, has done remarkably well given its late entry as a market economy. However, more effort is needed.

Access to credit

705. Two types of frameworks can facilitate access to credit and improve allocations: credit information systems and the legal rights of borrowers and lenders under collateral and bankruptcy laws. In assessing how well the credit information system and collateral and bankruptcy laws in Tanzania facilitate access to credit, the World Bank ranks the Tanzanian economy at 0 on the depth of credit information index and at 8 on the strength of legal rights index, with the index score ranging from 0 to 10. Higher scores indicate more credit information and stronger legal rights for borrowers and lenders. Globally, Tanzania stands at 98 in the ease of getting credit ranking of 183 economies. For sub-Saharan Africa the regional average ranking is 110.

706. Investor protections matter for the ability of companies to raise the capital they need to grow, innovate, diversify, and compete. If the laws do not provide such protections, investors may be reluctant to invest unless they have a controlling share. The Tanzanian economy has a score of 5.0 on the strength of investor protection index, with a higher score indicating stronger protections. Internationally, Tanzania stands at 97 in the ranking of 183 economies on the strength of investor protection index. The regional average for sub-Saharan Africa is 112.

707. From an East African business perspective, the World Bank/IFC rankings for 2012 rank Tanzania at 127 for overall business environment, as compared to neighbouring Kenya (position 109) and Uganda (position 123). This means the Tanzania environment is more difficult for doing business than some of its neighbouring states. Among the 10 variables, Tanzania performs better than Kenya in 4 categories (getting electricity, paying taxes, trading across borders, and enforcing contracts) and better than Uganda in 5 categories (starting a business, getting electricity protecting investors, trading across borders, and enforcing contracts). Data demonstrate an improvement of the business environment but, at the same time suggest, that more need to be done in improving Tanzania's business environment that supports private enterprise.

Table 5. 2: Tanzania's ranking on indices measuring ease of doing business
(Kenya and Uganda for comparison)

Variable	Tanzania	Kenya	Uganda
Overall Business Environment	127	109	123
Starting a business	123	132	143
Dealing with construction permits	176	37	109
Getting Electricity	78	115	129
Registering property	158	133	127
Getting credit	98	8	48
Protecting investors	97	97	133
Paying taxes	129	166	93
Trading across borders	92	141	158
Enforcing contracts	36	127	116
Resolving insolvency	122	92	63

Source: Doing Business 2012, World Bank.

Laws and regulations governing businesses

708. Commercial and company law govern national business policies. The laws constitute the functional support for the existence and growth of companies and private enterprises. A new version of the law came into effect in March 2006. The fact that Tanzania reviewed its company law demonstrates the existence of regulatory support for private enterprises. Business conduct is also regulated by other laws and institutions including those relating to: (i) corporate governance; (ii) capital markets; (iii) the fiscal and investment environment; and (iv) accounting, auditing and disclosure. Overall, laws and regulations governing businesses in Tanzania are listed below in Table 5.3.

Table 5.3: Tanzania's Laws and Regulations Governing Businesses

Banking and credit laws	• Bank of Tanzania Act, 2006 • Banking and Financial Institutions Act, 2006
Civil Procedure Codes	• Civil Procedure Code, 1966
Commercial and Company Laws	• Companies Act, 2002 • Business Activities Registration Act, 2005 • Export Processing Zones (Amendments) Act, 2006 • Fair Competition Act, 2003 • Special Economic Zones Act, 2006
Constitutions	• Constitutions (Consequential, Transitional and Temporary Provisions) Act, 1977 • Constitution of Tanzania
Labor Laws	• Employment and Labor Relations Act, 2004
Land and Building Laws	• The Contractors Registration Act (Act No.17), 1997 • The Written Laws Act (Miscellaneous Amendments) (Act No. 18-1997),1997 • Architects and Quantity Surveyors Registration Act (Act No. 16-1997),1997 • The Engineers Registration Act (Act No. 15-1997),1997 • Land Act, 1999
Securities Law	• Capital Markets and Securities Act, 1994
Tax Laws	• Income Tax Act, 2004 • Value Added Tax Act
Trade Laws	• Export Processing Zones (Amendments) Act, 2006 • Tanzania Trade Development Authority Act, 2009 (Act No4/09)

Source: World Bank and IFC Law Library.

Corporate governance since 2001

709. The CRM notes that Tanzania has developed a code of corporate governance consistent with other guidelines such as the King (South Africa) and Cadbury (United Kingdom), including OECD Principles of Corporate Governance (1999). The Dar es Salaam Stock Exchange promotes the code among listed companies. At the same time there exists a Tanzanian Institute for Corporate Governance.

Capital markets

710. In Tanzania, capital markets are regulated by the Capital Markets and Securities Authority (CMSA) while the DSE is the only formal trading place for securities. The existence of capital markets in a country implies a greater potential for promoting corporate governance laws and standards since publicly traded companies are usually under greater scrutiny for transparent accountability, given their public nature, as opposed to private (non-publicly traded) companies. There are currently only eight listed companies, two of which are not incorporated in Tanzania. Thus, only six Tanzanian based companies are listed and can demonstrate the high governance standards demanded by capital markets regulations.

Investment incentives

711. The 2012 Index of Economic Freedom ranks Tanzania in the 110th position and under the category of "mostly unfree". Although Tanzania's financial markets were modernised over the past 10 years and credit to local enterprise is gradually increasing, these gains were offset by an under- developed legal framework that interferes with regulatory efficiency and trade policies.

712. The Tanzania Investment Act (Act No.26 of 1997) attracts investments to Tanzania by creating very conducive conditions under certificates of incentives that allow investors exemptions from taxes levied under the Income Tax Act of 1973, the Customs Tariff Act of 1976 and the Sales Tax Act of 1973. These tax exemptions are unconditionally granted under section 21. Under section 19 (1), any amendments to the Act shall not be made to the detriment of the investor enjoying the benefits thereby provided. Such benefits include, for example, unconditional transferability through any authorised dealer bank in any convertible currency. As argued by 'The Africa Mining Vision'[107] the serious repercussions of these *"special incentives"* offered to mining companies is the reduction of the share of rent on which African governments depend to fund their social, infrastructural and developmental programmes.

Foreign investors in the gold mining industry

713. Gold mining is the fastest growing sector of Tanzania's economy. According to the report titled *"A golden opportunity: How Tanzania is failing to benefit from gold mining"* by Mark Curtis & Tundu Lissu 2008, minerals now account for nearly half of national exports and Tanzania is Africa's third largest gold producer. Paradoxically, ordinary Tanzanians are not benefiting from this boom because the Government implemented tax laws that are overly favorable to multinational mining companies. The CRM noted the growing public perception that Tanzania is being plundered of its natural resources and wealth. Between 1997 and 2005, Tanzania exported gold worth more than $2.54 billion. In the same period, Government received around $28m a year in royalties and taxes on these exports, amounting to just 10 per cent over the 9-year period. The 3 per cent royalty brought government only an average of $17.4m a year, in recent years. The Report argues that raising the royalty to for example 5 per cent would have increased government revenues by an estimated $58 million over the past five years.

714. The key challenges associated with the gold mining industry in Tanzania, include: (i) It provides government with low tax revenues; (ii) it is subject to minimal governmental and popular democratic scrutiny and is largely associated with corruption; and, (iii) people living in the gold mining areas, and Tanzanians in general, hardly benefit from these activities.

715. During CRM interactions with stakeholders in the regions, the above-mentioned challenges were confirmed. There was a general consensus that not only did the mining companies pay very low taxes, but that the practice had been going on for decades. Stakeholders complained about lack of development in the gold mining areas and the fact they were becoming more destitute owing to the massive appropriation of arable land with insufficient compensation or relocation.

716. The issue of environmental sustainability is another major concern regarding gold mining in Tanzania. This is discussed in detail in the following section (Objective 2).

[107] The African Mining Vision is a publication of the African Union, February 2009

717. As far as Tanzania's implementation of and compliance with the Extractive Industries Transparency Initiative (EITI) is concerned, the CRM found that following a validation report of May 2011, the EITI Board declared in August 2011 that Tanzania had made "meaningful progress" in the direction of EITI implementation. It set out corrective actions for the country to achieve full compliance. These efforts are being spearheaded by the Tanzania EITI multi-stakeholder group that was launched in February 2011. Tanzania's candidacy to EITI will be reviewed on the 15th February 2013 at which time full compliance is expected.

Summary of the Expected Corrective Actions for Tanzania towards EITI compliance:

- Tanzania should agree on a clear definition of "material payments and revenues" and incorporate this definition into the reporting templates and reconciliation process for the second EITI report. This should specifically address the question of the participation of small companies and payments by companies to local government.
- The second report should clearly demonstrate that entities that make or receive material payments are participating in the reporting process.
- Tanzania should take steps to ensure that Government disclosures to the reconciler are based on audited accounts to international standards and agree a strategy for addressing these issues in accordance with specified requirements.
- In accordance with the agreed definition of "materiality" Tanzania should ensure that all material oil, gas and mining payments by companies to Government are disclosed to the reconciler and incorporated in the second EITI report.

Box 5. 1 : What is Extractive Industries Transparency Initiative (EITI)
The Extractive Industries Transparency Initiative is a multi-stakeholder initiative comprised of governments, companies, civil society groups, investors and international organizations. The purpose of EITI is to strengthen governance by improving transparency and accountability in the extractives sector. This is achieved by governments publishing what they receive from extractive companies and the latter publishing what they pay to governments. It is a voluntary initiative that is implemented by countries whose governments sign-up to do so. The government must meet five sign-up criteria before a country is accepted as an EITI 'candidate country'. These are: 1) the government is required to issue an unequivocal public statement of its intention to implement the EITI; 2) the government is required to commit to work with civil society and companies on the implementation of the EITI; 3) the government is required to appoint a senior individual to lead on the implementation of the EITI; 4) the government is required to establish a multi-stakeholder group to oversee the implementation of the EITI; and 5) the multi-stakeholder group, in consultation with key EITI stakeholders, should agree and publish a fully costed work plan, containing measurable targets, and a timetable for implementation and incorporating an assessment of capacity constraints.

Source: eiti.org

III. Recommendations

718. The APR Panel recommends that the United Republic of Tanzania:

- Review its mining policies and further amend its mining laws to ensure that the national economy and Tanzanians benefits much more from the extractive industry; *(Government, Parliament)*
- Publish existing mining contracts and subject them to parliamentary scrutiny; *[Ministry of Mines, Parliament]*
- Implement the newly passed provisions on public-private sector partnership (PPP) by creating a task force composed of members from the Chamber of Commerce, Industry and Agriculture, high level government officials, and the private sector at large.

Objective Two: Ensuring that Corporations act as Good Corporate Citizens with regard to Human Rights, Social Responsibility and Environmental Sustainability

I. Summary of the CSAR

Observance of employee rights

719. Tanzania's primary labour laws are the Employment and Labour Act (ELRA) of 2004 and the 2004 Labour Institutions Act. Among other objectives, ELRA seeks to provide the legal framework for effective and fair employment relations, minimum labour standards regarding conditions of work, and to give effect to the provisions of the Constitution of the United Republic of Tanzania of 1977, in so far as they apply to employment, labour relations, and conditions of work.

720. The CSAR admits that a growing number of corporation observe *"the very minimum"* legal requirements with respect to human rights and environmental concerns. This is problematic, in practice. Yet, provisions of the Constitution of the United Republic of Tanzania (Articles 12-24) and the Constitution of Zanzibar (Part III) provide for rights pertaining to employment and the provision of labour. This is also despite Tanzania's adoption of the UN Global Compact and the ratification and localisation of international human rights instruments, the African Charter on Human and Peoples Rights[108] the African Charter on Rights and Welfare of the Child[109] and the 8 core ILO Conventions. As the report put it *"Corporations still behave in aberrant ways."*

721. The CSAR states that the rights enshrined in the international instruments referred to above were made to fit local conditions and are implemented by CHRAGG. As noted elsewhere in this report, this Commission is established under Article 129(1) of the 1977 Constitution, as amended by Act 3 of 2000 and the Commission the Human Rights and Good Governance Act No. 7 of 2001. Nevetheless, despite having been established as an autonomous body to promote and protect human rights and good governance, CHRAGG independence has, as noted in Chapter Three, been questioned since its commissioners are presidential appointees.

722. The CSAR reveals that ensuing compliance with the ILO conventions rests with the Labour Inspectorate Department. It does this through local legislation as well as the promotion of good labour practices. Specifically the ELRA has espoused the following labour rights:

a) The prohibition of child labour;
b) The prohibition of forced labour;
c) The prohibition of discrimination;
d) The right of association;
e) The right to free collective bargaining;
f) The right to equal remuneration and severance pay;
g) Rights to information;
h) Right to strike;
i) Right to annual leave; and,
j) Right to sick leave, maternity leave and paternity leave.

723. In addition, local legislation makes provision for conditions of work, including hours of work, training, termination of employment, occupational safety, health, social security, and conditions applying to special categories of employees.

[108] Ratified by Tanzania in 1984
[109] Ratified by Tanzania in 2003.

Enforcement of Rights

724. The CSAR admits the scarcity of information on corporate prosecutions over violations of employee rights. However, it points to a 2010 report by CHRAGG that surveyed 5 companies[110], in which it concluded that companies respected human rights.

725. The CSAR reveals that Government is in the process of revising the Child Development Policy of 1996 in order to better address the protection of children from the worst forms of child labour and HIV/AIDS. It quotes the ILO-IPEC 2000/2001 Integrated Labour Force and Child Labour Survey as evidence of poor implementation of child labour prohibitions. To remedy this, Government responded by implementing ILO Time-Bound Programs to strengthen the frameworks for monitoring and checking this vice. In addition, Government included child labour indicators in its Medium-Term Growth and Poverty Reduction Strategy of 2010 – 2015, with a commitment to reducing child labour from the current level of 25 per cent to 10 per cent, by 2015.

Table 5.4: Summary of ILO-IPEC Integrated Labour Force and Child Labour Survey 2000/2001

Item	Quantum
Children aged between 5 and 9 who are economically active	1,271,813
Children aged between 10 and 14 who are economically active	2,204,687
Children involved in the worst forms of child labour	1,200,000
Per centage of children between 5 and 9 attending school	26 %
Per centage of children between 10 and 14 attending school	56 %

Source: ILO – IPEC.

726. Sections 7 and 8 of the Employment and Labour Relations Act, 2004 (ELRA) make provision for prohibition against discrimination on the grounds of colour, nationality, tribe, place of origin, race, national extraction, social origin, political opinion, religious opinion, sex, gender, pregnancy, marital status or family responsibility, disability, HIV/AIDS, age, or station of life. Every employer is mandated to promote equal opportunity in employment and to strive to eliminate discrimination in any employment policy or practice. Further, every employer is obliged to register a plan to promote equal opportunity and to eliminate discrimination in the work place with the Labour Commission. In addition, the Labour Commissioner is empowered to require an employer to develop a plan and to register it with the Commissioner. However, the CSAR admits the poor implementation of Convention 100 and cites public knowledge of institutionalised HIV/AIDS discrimination, particularly in the health and private security sectors.

727. Freedom of association is reserved under Section 9 of ELRA and every employee enjoys the freedom to form and join a trade union, and participate in the lawful activities of the trade union. However, there are three exceptions arising from the need to check potential conflict of interest: (i) a magistrate may only form or join a trade union that restricts its membership to judicial officers; (ii) a prosecutor may only form or join a trade union that restricts its membership to prosecutors or other court officials; and, (iii) a senior management employee may not belong to a trade union that represents non-senior management employees of the employer. In addition, the law protects employees from discrimination on the grounds that the employee exercises or has exercised any right under this Act or any other written law administered by the Minister; belongs to or has belonged to a trade union; or participates or has participated in the lawful activities of a trade union.

728. Similarly, under section 10 of ELRA, every employer enjoys the freedom to form and join an employer's association and to participate in the lawful activities of an employers' association. Discrimination against an employer on the grounds that the employer exercises or has exercised a right under the Act; belongs or has belonged to an employees Association; or participates or has participated in the lawful activities of an employers' association is prohibited.

[110] Vodacom Tanzania, Twiga Bankcorp, NMB Bank, Urafiki Textiles and TANESCO

729. The CSAR points to unpublished reports from research by the Trade Union Congress of Tanzania (TUCTA) to the effect that selected industries in the Export Processing Zone of Dar es Salaam prohibit their workers from joining trade unions, in contravention of the law and the right to freedom of association.

730. Collective bargaining is provided for in detail under Part VI of the ELRA that includes the process of entering into collective bargaining agreements. The CSAR states that "some public corporations" were engaged in collective bargaining to determine minimum wage levels. In some cases, these wages were fixed "well above" the statutory minimum. Unfortunately, these corporations were not named.

731. The right to equal remuneration is defended by ELRA provisions relating to the prohibition of discrimination. The CSAR reveals a general lack of information about how this principle is implemented and the fact that the implementation of equal remuneration principles was challenging in Tanzania. Minimum wage levels continue to differ between companies and trade unions continue to complain about the disparity of remuneration between nationals and non-nationals, especially in foreign-owned firms where non-nationals earn substantially more, despite equal qualifications and identical job descriptions as the nationals. Discriminatory practices along nationality are also revealed in the mining sector.

732. The CSAR quotes a revealing case concerning the employees of Barrick Gold Corporation, 1,370 of whom were fired in October 2007 for demanding their rights to medical insurance and other benefits offered to non-nationals but denied to local employees.

733. On the issue of fair wages, sections 34 and 35 of the Labour Institutions Act of 2004 establishes wages boards as tri-partite institutions with the mandate to advise the minister on minimum wages and terms and conditions of employment on a sectoral basis. Wage boards are also empowered to investigate remuneration and terms and conditions of service in any sector. The creation of wage boards that are more representative of the sectoral spread has been a challenge. To alleviate this, the CSAR proposes a subdivision of the *"big boards"* like trade, industries, commercial and services, transport and communications, and domestic and hospitality services. The CSAR reveals a *"failure"* to pay minimum wages set by Government owing to the need to give due consideration to factors such as productivity, competitiveness, and affordability. The failure is also attributed to the desire to have sustainable enterprises that create more jobs, at the end of the day.

734. Section 15 and 16 of the ELRA protect the right to information. Section 15 provides that every employee shall receive written particulars of their employment terms and conditions and Section 16 obliges employers to display information on employee rights. However, enforcement weaknesses have also affected the implementation of this principle. The Barrick case cited above is a demonstration of this challenge: a denial of employee's right to information on their terms and conditions of service, and how these compare with the terms and conditions of other classes of employees.

Right to unionise

735. The CSAR reveals that section 9 of the ELRA provides for the right to form or be part of a union and offers protection against acts of anti-union discrimination. Under section 45 of the same Act, both trade unions and employer associations must be registered within six months of establishment. It is an offence for the trade union or employer association to remain unregistered after this period.

736. The registrar of trade unions has 21 registered unions on record but statistics on the per centage of the labour force belonging to the unions is not available. Even in the absence of these statistics, the CSAR reveals that trade unions in Tanzania represent a very small fraction of workers in the country, which obviously undermines their strength.

Procedures for handling and settling labour disputes

737. There is a three-pronged dispute resolution mechanism for industrial disputes covering mediation, arbitration and adjudication. According to the 2004 Employment and Labour Relations Act, all disputes must be referred to

the Council for Mediation and Arbitration (CMA) as established under Section 12 of the 2004 Labour Institutions Act. The CMA is established as an independent department of government, free in its day-to-day operations from the influence of any political party, trade union, employer's association and federation of trade unions, or employer associations.

738. There are CMA zonal offices in 11 zones: Dar es Salaam and the Coast, Arusha, Manyara and Kilimanjaro, Dodoma and Singida, Mwanza, Kagera, Mara and Shinyanga, Mbeya and Rukwa, Tanga, Morogoro, Tabora and Kigoma, Ruvuma, Mtwara and Lindi and Iringa. However, operational challenges still exist: the Commission lacks proper office accommodation, adequate staff, working tools and equipment, owing to funding constraints. Funding limitations have also affected capacity building for mediators and arbitrators. Nevertheless, the CMA registered a commendable rate of case resolutions even in the face of these challenges.

Table 5. 5: Record of Dispute Settlement for the Period Jan. 2006 – Dec. 2007

Period	Total number of disputes	Number of disputes resolved through mediation and arbitration
January – June 2006	1977	925
July 2006 – September 2007	2582	1092
October – December 2007	2682	871

Source: CSAR (CMA data)

Mediation

739. The CSAR states that mediators are obliged to resolve disputes within 30 days or such longer period as the parties involved may agree. Provision is made for representation by a member or an official of a trade union to which any of the parties is a member, or an advocate. Where mediation fails in the case of a dispute of general interest, the Act makes provision for the affected party to issue notice of its intention to commence a strike or a lock out. Where mediation fails in the case of a complaint, provision is made under the Act for the affected party to refer the matter to arbitration or a labour court, which is a labour division of the High Court. Disputes in essential services are referred to compulsory arbitration.

Arbitration

740. The Act provides that arbitration must be applied in the case where the dispute of interest involves essential services or involves a complaint over the fairness of an employee's termination of employment or any other contravention of any labour law in which the amount claimed is below the pecuniary jurisdiction of the High Court. Arbitration is also applied where parties fail to resolve a dispute referred to mediation. In an arbitration hearing, parties are free to be represented by a member or official or that party's trade union or employee association, or by an advocate. The arbitrator has thirty days within which to make an appropriate award. The arbitration award has a binding effect on the parties and may be executed in the Labour Court.

Adjudication

741. As far as labour disputes are concerned, adjudication vests in the Labour division of the High Court, which has exclusive jurisdiction to interpret the provisions of the Act and decide complaints outside arbitration.

Observance of employee rights (including the right to unionise) and procedures for handling and settling labour disputes in Zanzibar

742. The Labour Relations Act of 2005 of Zanzibar is the primary law on labour matters. It establishes the Labour Commission to deal with labour issues and rights, and the Dispute Handling Unit to deal with disputes related to rights or interest. The CSAR admits that despite the presence of the institutional framework, the Labour Dispute Unit is in its infancy, leaving the widespread labour violations (including arbitrary firing and inadequate wages) to go unchecked. In addition, the independent conciliators and the dispute resolving commission are yet to be established.

Workman's Compensation

743. Tanzania has a new Workman's Compensation Act of 2008, which aims at providing adequate and equitable compensation for employees who suffer occupational injuries or contact occupation diseases in the course of their employment, and in the case of death. The law also makes provision for the rehabilitation of employees who have suffered occupational injuries or contracted occupational diseases. The CSAR quotes reports from the Labour Department[111] that demonstrate a poor compensation record for employees who have been injured in the course of work. According to statistics drawn from the Dodoma Labour Office for the period 2005-2007, industrial accidents were "not compensated in time or not compensated at all."

Table 5.6: Workman's Compensation Record (2005-2007)

Year	Status of Organization							
	Central Government		Local Government		Parastatal Organisations		Private Organisations	
	Reported accidents	Compensated accidents	Reported accidents	Compensated accidents	Reported accidents	Compensated accidents	Reported accidents	Compensated accidents
2005	12	4	14	0	10	0	14	2
2006	26	5	17	0	11	2	22	9
2007	14	0	7	0	6	0	9	3

Source: CSAR (from Labour Department, Dodoma)

Occupational safety

744. Tanzania recently enacted the Occupational Safety and Health Act of 2003 whose objective is to ensure the creation and maintenance of ideal work environments, free from occupational hazards that may cause injuries or illness to employees in work environments. The Occupational Health and Safety Authority (OSHA) is charged with the implementation of this law. Unfortunately, the CSAR states poor compliance with health and safety standards at work, partly due to the fact that Tanzania has not ratified key health and safety ILO conventions[112]. A second reason for this poor compliance record is the fact that Tanzania has no comprehensive national occupational safety and health policy.

[111] Labour department of Dodoma.

[112] Convention 155 – Occupational Health and Safety.
Convention 161 – Occupational Health Services.
Convention 167 – Safety in Building and Construction Sites.
Convention 176 – Safety and Health in Mines.
Convention 184 – Safety and Health in Agriculture.

Corporate social responsibility

745. Corporate Social Responsibility activities in Tanzania are mainly philanthropic and discretionary. According to the CSAR, the Tanzanian National Assembly has even debated the need for a policy to guide corporate social responsibility activities in order to make them more responsive to community needs.

Environmental Sustainability

746. Environmental management is governed by the Environmental Management Act of 2005, which maintains the National Environmental Management Council (NEMC) as established in 1983, as the implementing institution for sustainable management of the environment. The Act outlines principles for management (precautionary principle, polluter pays principle, public participation in development policies principle, development of plans and processes for environmental management principle), provides for risk and impact assessments, prevention and control of pollution, waste management, environmental quality standards, compliance and enforcement.

747. The CSAR states that despite the new law and the articulation of the applicable environmental principles, many companies in Tanzania (particularly in the extractive sector) do not operate in an environmentally responsible manner and do not compensate for the environmental damage occasioned by their activities. A case in point is the mining activity in North Mara, where the tailings dam from Barrick's mining site flowed freely into the main water sources[113] and pasture, causing serious contamination. As a result people's health in the vicinity of the mine was gravely affected, not to mention their crops and livestock. A second example of environmental destruction cited in the CSAR relates to the former Buhemba Gold Mine, where the company left open pits and lingering questions as to reclamation plans. Environmental problems in the extractive sector also stem from the fact that the Environmental Impact Assessments are not objective. In fact, environmental impact assessments are done on terms of reference specified by the project proponent or developer. The developer also pays for the assessment, and obviously thereby, controls its content.

748. According to the CSAR, Government has also shown indifference to environmental concerns in some cases, preferring to move forward with investment interests instead. One such case is Lake Natron Area in northern Tanzania. The area is unique for being the breeding ground and home to 75 per cent of the world's endangered Lesser Flamingoes. However, Government went ahead to approve the establishment of a soda ash plant in the area with the attendant risk of industrialising the lake shore and seriously endangering these unique (and already endangered) birds.

II. Findings of the CRM

Observance of employee rights

749. The CRM notes that the 2004 Employment and Labour Relations Act upholds labour rights and is reflective of the ILO Conventions ratified by Tanzania. This is evident from the main objective of the Act, which is to provide for core labour rights by, inter alia, giving effect to the core conventions of the International Labour Organization and other conventions ratified by Tanzania. The Act is also explicit in the prohibition of child labour, forced labour, discrimination in the workplace, discrimination in trade unions and employer associations, and freedom of association. However, interviews with both state and non-state stakeholders confirm the view that Tanzania has a very good record in the adoption of international standards but a very poor one in implementing what has been adopted. The sample of five companies that constitutes the CHRAGG survey in 2010 is too small to support the conclusion that companies in Tanzania respect human rights, especially since it did not include companies in the extractive sector from which a majority of complaints emanate. In addition, being relatively new laws, it was also found that a large part of the population is unaware of the contents and procedures under the Employment and Labour Relations Act and the Labour Institutions Act, since awareness-raising activities have been inadequate.

[113] The main water source referred to is the Tigithe River in North Mara, which is a water source for approximately 2,534 households in the area.

Child labour

750. The CRM agrees with the CSAR conclusion that, despite the adoption of ILO Conventions 138 and 182, the incidence of child labour in Tanzania remains high, especially in the main economic sectors of agriculture, mining, and quarrying[114]. Cases have been quoted of child labour in the tobacco growing area of Urambo, the Tanzanite Mines in Mererani, the tourism industry around Arusha and the salt mining areas in Kigoma. A Legal and Human Rights Centre Survey revealed that approximately 20 per cent of children under 17 years were employed in high risk sectors such as agriculture, mining, and fishing[115]. The same trend was noted in Zanzibar in the fishing and tourism sectors. In the commercial agricultural sector, a large number of children were employed to provide much of the manual and machine-based labour on tobacco, coffee, tea, sugarcane, and sisal plantations[116].

751. In one area of the coastal region, the CRM was informed that about 30 per cent of sisal plantation workers are children aged 12 to 14. They labor up to 11 hours per day with no specific rest periods, six days a week. Their wages are half that of adults, while nourishment and lodging are inadequate. Only half have completed primary school. Some plantations require as much as 14-, 16-, or even 17-hour work days. Mines and quarries also employ large numbers of youth who spend most of their days toiling above or below ground in very hazardous conditions. They risk injury from dust inhalation, blasting, mine collapse, flooding, as well as illness from silicosis. (http://www.tanzaniagateway.org/docs/reducing_childlabor_tanzania_through_Education.pdf)

752. In response to this problem, the ILO - through its IPEC projects - intervened in some districts, including the district of Urambo where child labour in the tobacco industry was pervasive. Through the establishment of Child Labour Monitoring Systems (CLMS), identified children were given access to education. In addition, Child Labour Committees were created at village and district levels and Child Labour Coordinators appointed at village, district, and national levels[117]. However, the following implementation challenges remain: Committee members at village levels are not effectively monitoring child labour activities because of inadequate incentives; and, poor linkages between district and national levels has affected reporting and coordination.

Table 5.7 - Child labour prevalence

Districts in Tanzania notorious for child labour	Kilwa
	Lindi
	Unguja North
	Micheweni
	Ilemela

Source: Tanzania Human Rights Report 2010.

753. Tanzania's National Strategy for Growth and Reduction of Poverty (2005-2010) includes specific references to the elimination of the worst forms of child labor. The NSGRP commits the Government to reducing the per centage of children engaged in child labor to less than 10 per cent by 2010, by providing former child labourers with a range of educational alternatives. It also aims to increase the rates of primary school enrollment, attendance and completion for child labourers, as well as orphans and other vulnerable children.

754. Tanzania's 2012 Draft National Human Rights Action Plan outlines additional steps taken to address the protection of children's rights. These include the enactment of the 2009 Law of the Child Act, the Youth Employment Action Plan, the National Plan of Action for the Prevention and Eradication of Violence against Women and Children (2001 – 2015), the 2001 Zanzibar Child Survival, Protection and Development Policy, the 2005 Zanzibar Youth and Development Policy, and the 2006 Education Policy. It will be important, as has already been alluded to by the Action Plan, for Government to harmonise various laws and policies addressing the protection of children's'

[114] *Decent Work Tanzania,* ILO Country Program for United Republic of Tanzania, http://www.ilo.org/public/english/bureau/program/dwcp/download/tanzania.pdf

[115] *Tanzania Human Rights Report 2010,* Zanzibar Legal Services Centre and Legal and Human Rights Centre

[116] *"Helping children reclaim their lives – Reducing Child Labour in Tanzania.* http://www.tanzaniagateway.org/docs/reducing_childlabor_tanzania_through_Education.pdf

[117] *Good Practices on Child Labour 2010 Africa*, ILO – IPEC Child Monitoring System (Tanzania);

rights, if they are to be implemented to any effect. Ultimately, as put by a distinguished and leading Tanzanian entrepreneur[118], the question of child labour is a question of poverty and can only be resolved when poverty is alleviated.

Forced labour

755. In view of the sensitive nature of this issue, the CRM could not obtain a lot of information on forced labour from stakeholder interactions. However, on one occasion, during discussions with non-state stakeholders in the Arusha region, it emerged that there was a tourism sector company in the region that operated in a very secretive and oppressive manner towards its employees. Its workers had little interaction with the outside world and were forced to work in dismal conditions for very long hours, well into the night. They were not given annual leave. Her attempts to investigate and cover the story more deeply were fiercely blocked as she was locked out of the factory.

756. According to the US Department Report on trafficking of persons[119], Tanzania is both a source and a destination for women and men trafficked for forced labour from the rural areas to the urban centers and Zanzibar, to work on commercial farms, mines, and the tourism industry. The CRM views this matter as one of serious concern requiring active consideration by the authorities.

Discrimination

757. The Draft National Human Rights Action Plan of March 2012 concedes that discriminatory labour practices remain a challenge in Tanzania. Privatisation and high unemployment rates were quoted as reasons for weakening conditions and welfare of workers. Tanzanians are still subjected to sub-standard working conditions, including long working hours, compulsory night shifts, poor remuneration, forced overtime, and denial of access to trade unions. The Action Plan also echoes the CSAR by stating that persons living with HIV/AIDS are frequently discriminated against and their services often terminated on discovery of their status. Many employers are also guilty of Illegally testing their employees for HIV/AIDS.

758. In Zanzibar, the Tanzania Human Rights Report of 2010[120] reveals that despite Article 23 of the Zanzibar Constitution[121] and the provisions of the Employment Act 2005, women in Zanzibar have limited access to employment opportunities in the formal sector. In this sector, female employees comprise a paltry 36.4 per cent of the total workforce and only 8.64 per cent of these are in supervisory or technical positions.

759. In the Tanzania National Human Rights Action Plan[122], the Tanzanian Government commits to:

i. Strengthening mechanisms to protect employees and ensure an adequate working environment, including increasing the frequency of labour inspections;
ii. Incorporating self-employment skills into educational curricula;
iii. Revising salary scales and indicators to reflect current market indices;
iv. Establishing and strengthening small-scale entrepreneurship groups for youth; and,
v. Raising awareness of labour rights among employees and employers.

Freedom of association and right to unionise

760. The CRM found that regardless of the constitutional guarantees and new laws governing trade unions, many restrictions still apply. Government still maintains a lot of control over trade union activities and unions are generally weak. An illustration of undue Government control is the requirement for all collective agreements to be approved by the Industrial Court and the Court's discretion to deny approval if it finds that the agreement *"does*

[118] Mr. Reginald Mengi, Chairman IPP Group
[119] US Department Trafficking in Persons Report of June 2009
[120] Tanzania Human Rights Report 2010, Zanzibar Legal Services Centre and the Legal and Human Rights Centre
[121] Article 23 sub article 3and 4 of the Zanzibar Constitution 1984 provide for non discrimination in the labour market and equal pay for similar work.
[122] Tanzania' s National Human Rights Action Plan of March 2012: Ministry of Constitutional and Legal Affairs.

not conform to Government's economic policy". The Annual survey of violations of trade union rights (2011) by the International Trade Union Confederation revealed widespread breaches of freedom of association rights in the gold mines. Accordingly, the legal environment is not conducive to trade unions, especially in Zanzibar where all strikes are prohibited.

761. The absence of a registration timeline with respect to labour unions interferes with the freedom and right to unionise, since the lacuna in the law means that labour union registrations may essentially be denied through this open-ended process. This is aggravated by the fact that operating as a trade union prior to registration amounts to a criminal offence. General stakeholder sentiment was that trade unions in Tanzania were generally weak for two reasons: their leadership was frequently compromised by employers, through unofficial financial and non-financial *"rewards"*; and, active members were often intimidated with threats of dismissal.

762. The growth and development of trade unions has also been very slow. For instance, in agriculture, the sector that employs close to 90 per cent of the national labour force, only 5-8 per cent of the force is unionised.

Fair wages

763. The CRM found that the question of fair wages is aggravated by the fact the minimum wages prescribed by the wage boards even when applied by companies (and this is not a guarantee) are not often livable wages. The productivity, competitiveness, and affordability arguments by the corporate sector against fair wages, amount to a justification of labour abuse. While corporate sector growth and its ability to create more jobs is important, it should not be at the expense of fundamental rights. In Arusha, the CRM found that in the tourism industry, almost all the senior management and technical positions are occupied by non-nationals, which in itself has propelled wage disparities between nationals and non-nationals. According to the Wage Indicator Foundation, which is conducting a thorough research on wage levels against man hours, Tanzanians work for many hours but are shockingly underpaid, contrary to ILO benchmarks[123].

Procedure for handling and settling Labour Disputes

764. The CRM notes that the CMA registered commendable successes to date. From 2007 to 2010, the CMA recorded a 73 per cent labour dispute resolution rate, having resolved 25,771 cases out of 35,281 referred to it[124]. In addition, Government has given CMA priority funding, for the roll-out of services nationwide.

Occupational Safety

765. The CRM found that the Occupational Health and Safety Authority has regional offices but its enforcement capacity is weak. Its certification methods are also weak since many a time, the business owner has to call OSHA officials to visit his/her premises and get certified. Limited capacity leads to greater enforcement for industrial site certification than for other businesses. The absence of a policy in this area, as cited by the CSAR, cannot constitute a valid reason for poor implementation of the law since government policy in the area should be legally laid out.

Corporate Social Responsibility (CSR)

766. The CRM established that corporate social responsibility has and continues to play a very important role in Tanzania's social development. Stakeholder interactions notedcontributions from companies in the education, reafforestation, health and sports sectors. Unfortunately, the general impression is that corporate social responsibility activities are merely *"a marketing gimmick"* for companies who give back to the communities only a drop in the ocean compared to what they take out. In the absence of a CSR policy, companies are free to determine the nature and magnitude of CSR activities, not necessarily addressing the critical gaps in the

[123] *"Shock over poor pay for Tanzanian employees"* The Citizen, Monday 5 March 2012

[124] *"Tanzania: Mediation, Arbitration Commission improves services"*; http://allafrica.com/stories/201111110395.html

community. As a result, the communities around key industries have not necessarily been uplifted by these activities. One stakeholder in Dar es Salaam summed stakeholders' opinion about the mining sector, by saying: *"The mining sector is the cause of poverty (in the communities where the mines are). Almost nothing is ploughed back into the society. We all know how Johannesburg developed. Where are the mining cities in Tanzania?"*

767. As a means of encouraging CSR good practice, the Ministry of Energy and Minerals - in collaboration with the Mining Inter Stakeholders Forum (MISF) - launched the Extractive Industries Corporate Social Responsibility Presidential Award in March 2012. The CRM was informed that the first award ceremony will take place in November 2012 and will have six categories, namely: environmental conservation and protection, education contributions and training, health services, and community well-being, skills development, transparency and community safety. It is hoped that the Award will give companies in the extractive sector an incentive to employ relevant and meaningful corporate social responsibility plans and empower local Tanzanians. In the absence of a deliberate policy in this area, the Awards may serve to steer CSR activities to become more responsive and relevant. In line with, the "Africa Mining Vision" whether voluntary or legislated, corporate social responsibility should be firmly entrenched in a national policy framework, clearly defining the responsibilities of the mining companies and government.

Environmental Sustainability

768. Overall, the CRM established that the environmental sustainability record of companies operating in Tanzania is not very good. In Bukoba, for instance, stakeholders were very concerned about the effects of radiation from telecommunications towers and voiced their disappointment in the telecommunications companies for failing to communicate honestly and inform the local community about potential hazards. In the same town, the residents did not know who was responsible for environmental management and whether rehabilitation was the responsibility of Government or the investor. In Songea, the CRM learnt that the local residents were not aware about the exploration of uranium and were completely oblivious to the potentially devastating effects of this toxic metal on their lives and environment.

769. Local authorities too confessed their lack of technical knowledge of this sub-sector, which would obviously impact on their ability to sufficiently monitor investor activities in the uranium mines once exploitation commences. In fact, one of the state stakeholders revealed that they had been advised not to concern themselves with the mining industry, since it was a *"central government matter"*. In Kigoma, stakeholders called for putting sactions and limitations for companies using charcoal technology, since this contributes to the rapid deforestation of the area. The CRM learnt that despite increasing mineral productivity over the years, minimal analysis has been done to determine the impacts associated with this expansion.[125] There is therefore a need to carry out environmental and socio-economic impacts of mining exploiations.

770. Nothwithstanding the challenges, there are some positive developments in the area of environmental sustainability. In Byaramuro district, the activities of small miners, though not regulated by central Government, are contributing to environmental sustainability through self-regulation and government-sponsored environmental management training. There are also cases of responsible and sustainable environmental activities, outside the mining sector. Tanzania Breweries Limited, for instance, was hailed for its modern and environmentally-friendly water effluent plant which recycles effluent and water and ensures the re-use of waste water, thus preserving the local Themi river. In the case of the soda ash project in the Lake Natron area, Government's 45 per cent stake in the industry may mean better observance of environmental sustainability standards.

III. Recommendations

771. The APR Panel recommends that the United Republic of Tanzania;

- Establish monitoring mechanisms to ensure the strict implementation of labour conventions ratified and domesticated in Tanzanian legislation; *[Ministry of Labour and Employment, Trade Unions]*

[125] A.G.N. Kitula, The environmental and socio-economic impacts of mining on local livelihoods in Tanzani,. A case study of Geita District, 2005.

- Harmonize the various policies and laws regarding child labour, for effective implementation; *[Ministry of Labour and Employment, Trade Unions]*
- Strengthen the provisions of mining contracts as regards environmental responsibilities of the developers, including reclamation at the end of exploitation; *[Ministry of Energy and Minerals]*
- Establish a public policy to guide CSR activities; *[Office of the Prime Minister]*
- Revise the procedures relating to Environmental Impact Assessments, to make them more independent and objective. *[Ministry of Energy and Minerals, Ministry of Natural Resources]*

Objective Three: Promoting the Adoption of Codes of Good Business Ethics in Achieving the Objectives of the Corporation

I. Summary of the CSAR

772. The CSAR acknowledges the positive role of codes of ethics in business which had their historical origins in their adoption at the end of the 19th century, and their ascendancy in modern times when they were prompted by scandals in the US defence industry in the 1980s. These codes are designed to promote self-regulation by companies. These prescriptive and proscriptive codes – adopted voluntarily - are promoted internally within an organisation and encourage qualities like loyalty, honesty, objectivity and integrity in the conduct of the company's business. Ultimately, they are designed to foster consistency in employee behavior. In the National Plan of Action (NPoA), the CSAR specifically mentions the Cadbury and King Codes as models of codes of good business ethics, the likes of which government intends to promote and continue to adopt.

773. The CSAR notes that codes of ethics in Tanzania are to be construed at three levels. From the perspective of internal codes of ethics, usually set out in an organisation's Human Resources Manuals and promoted internally, to begin with. On a second level are the external codes of ethics. These are developed by Professional Associations pursuant to their enabling laws and subscribed to by members of professional associations: accountants, auditors, engineers, media practitioners. Sanctions are prescribed for breach of these ethics. The CSAR notes the inadequate monitoring of compliance with external codes of ethics in Tanzania.

774. At the public/private sector interface is a third level of codes of Ethics, typified by the National Anti-Corruption Strategy (NACSAP) which is anchored on the 2007 Prevention and Combating of Corruption Act. This law conforms to international standards and codes such as the 2003 UN Convention Against Corruption that directs state parties to develop and implement, or maintain effective anti-corruption policies (laws) that reflect the rule of law, transparency and accountability. Mainland Tanzania's anti-corruption laws were designed to promote good governance by fostering transparency in the procedures and conduct of governance activities by all agencies and in private sector service delivery. The Prevention and Combating of Corruption Bureau (PCCB) and The Good Governance Unit in the Office of the President were established for this purpose.

775. The CSAR notes active media involvement in exposing cases of corruption. In addition, some individuals were prosecuted in Mainland Tanzania. For example, the former Prime Minister and two Cabinet Ministers were forced to resign in 2008 under charges of corruption. In another instance, two of those involved in grand corruption involving the Central Bank's External Payment Arrears (EPA) were sentenced to five years imprisonment and made to refund the money.

776. In furtherance of these objectives, public sector entities, as well as corporations, are expected to integrate the NACSAP framework into their budgets and activities. The Tanzanian Revenue Authority (TRA) has been in the forefront of this process to date. However, the CSAR acknowledges that despite these efforts, corruption is still rife in the country, particularly in relation to procurement, tax payments, and licensing. The introduction of the Business Environment Strengthening in Tanzania Scheme (BEST) - designed to simplify processes and reduce the cost of doing Business in Tanzania by removing unnecessary bureaucracy and constraints - was meant to address some of these issues.

777. The CSAR notes that Zanzibar is yet to pass its anti-corruption law although preliminary steps have been taken in this regard. The CSAR further observes that no case of grand corruption was brought before the courts in Zanzibar in recent years.

Money laundering and financial crimes

778. The CSAR notes that financial crimes are closely linked with money laundering. It also observes that the full extent of money laundering is not easily established because, (a) associated transactions are shrouded in secrecy; and, (b), law enforcement agents lack knowledge and detection skills.

779. The CSAR reveals that steps to address money laundering and financial crimes include the enactment of the 2006 Anti-Money Laundering Act, which came into force in 2007, and boosting incentives to civil servants. Collaboration between Tanzania's Criminal Investigation Department and financial institutions have been ongoing since 2001. Public and private sector cooperation needs to be a sustained activity. For example, all banks are required to report suspicious transactions - such as large deposits immediately followed by withdrawals - while transactions above prescribed ceilings must be transferred through the interbank system.

780. The CSAR states that Zanzibar has no specific anti-money laundering law. However, the provisions of its 2004 Penal Law, Act no 6 are similar to the Anti-Money Laundering Act of 2007. Other laws enacted to deal with money laundering in Tanzania include the Prevention of Terrorism Act (money laundering is also associated with terrorism); the Proceeds of Crime Act, Cap 256; the Economic and Organised Crime Control Act Cap 200; the 2006 Banking and Financial Institutions Act; and, the Mutual Assistance in Criminal Matters Act, Cap. 250.

781. The National Multi-disciplinary Committee on Anti-Money Laundering and the Financial Intelligence Unit were established under the Anti-Money laundering Act. Charged with the responsibility of receiving, analysing and disseminating suspicious transaction reports, and other information regarding potential money laundering or terrorist financing received from reporting Institutions, the Financial Intelligence Unit also processes such informaton from other sources both within and outside of Tanzania. Alongside legislation, there has also been capacity building to facilitate effective investigation and detection.

Effectiveness of regulatory oversight including Supervision by professional Associations

782. According to the CSAR, State Owned Enterprises (SOEs) are governed by the 1992 Public Corporations Act. In addition, SOEs, such as the Tanzania Communication Company (TTCL) and TANESCO (the Utility Company) - also fully established under specific laws - are governed by their enabling laws. Ministries under which SOEs are placed also have supervisory powers over them. Board members are appointed by the supervising minister who also makes recommendations to the President on CEO and board Chair appointments, The CSAR observes that this SOE system of governance is a challenge to effective governance.

Effective banking supervision

783. The CSAR notes that Tanzania signed and adopted the Basle I & II Principles of Effective Banking Supervision. The Bank of Tanzania (BOT) regulates financial reporting by banks and non-banking financial institutions, as provided for by the 2006 Banking and Financial Institutions Act and Banking Supervision Regulations.

784. Tanzania also signed the International Accounting Standards (IAS) and the International Standards on Auditing (ISA). The country has also developed Tanzania Financial Accounting Standards (TAS). Financial reporting by banks and non-banking financial institutions is in line with international best practice, requiring the submission of financial statements according to the prescribed format. Tanzania adopted International Financial Reporting Standards (IFRS) for the Private Sector and IPSAS for the Public Sector. The National Board of Accountants and Auditors (NBAA) is mandated to ensure conformity and compliance with these standards. The CSAR notes that although these principles are being implemented, enforcement remains a major challenge across the board.

785. As an incentive to corporations and public sector institutions to comply with international accounting standards, the NBAA instituted the Best Presented Financial Reports Award. Under the scheme, corporations are encouraged to present their financial reports voluntarily to the NBAA for scrutiny by experts against the IFRS and IPAS. The entities found to comply most with the required standards are recognised and awarded the Certificate.

786. The CSAR indicates that Tanzania has laws and regulations in place to guide the activities banking and financial sector institutions (especially banks). These regulations promote good business ethics and are not necessarily under the CSAR category of internal and external codes. They can be seen, instead, as an umbrella under which these internal and external codes of ethics and standards, as well as those arising at the public/private sector interface, can be developed. These laws and regulations are also aimed at promoting transparency and accountability by corporations in the sector.

787. The regulations include:

a) The Publication of Financial Statements Regulations (2000), designed to inform the general public about conditions and performance of banks and financial institutions. It provides for quarterly publication of balance sheets, income statements, and cash flow statements, as well as audited financial statements that were once required annually;

b) The Independent Auditors Regulations (2000) that guide banks and financial institutions over the appointment of independent auditors recognised and registered by the National Board of Accountants and Auditors, and by the Bank of Tanzania;

c) Internal Controls and Internal Audit Regulations (2005) that provide internal controls and internal audit functions for banking institutions, prescribing roles for various stakeholders in the internal control and audit functions;

d) The 2001 Management of Risk Assets Regulations that provide prudential guidance on the management of risk assets and the basis for loss provisioning on loans and other risk assets; and,

e) The 2001 Capital Adequacy Regulations that prescribe adequacy requirements for various forms of banking institutions in Tanzania.

788. The CSAR concludes that the banking system in Tanzania operates in line with international best practice and good business ethics. However, institutional support for the promotion and adoption of good corporate governance ethics, codes and best practices is generally weak, at best, and rather tenuous. In other countries, this form of institutional support comes from organisations like the Institute of Directors, the Centre/Institute for Corporate Governance. Although an Institute of Corporate Governance was, in fact, registered by BRELA, the CSAR observes that it is not functioning.

789. The CSAR further notes that information on the internal codes of ethics of companies is not readily available and only one company, Twiga Cement, gave some documented indication of the adoption of a Code of Ethics for its employees in its Annual Report for 2010. The CSAR therefore recommends that other companies be encouraged to do the same.

790. With regard to external codes of ethics, the CSAR observes that the NBAA not only issued a Code of Ethics for its members, these professionals are also expected to observe the code of ethics developed by the International Federation of Accountants to which the NBAA belongs. NBAA members are liable to disciplinary action for breach of these codes. The CSAR discloses that although Tanzania adopted these codes, the NBAA - the regulatory professional body - is overstretched and is unable to effectively undertake its responsibility of on-site and off-site inspection to ensure compliance with applicable codes.

791. The Engineering Registration Board (ERB) also has ethics, as well as codes and standards of practice for its members, and monitors how members practise engineering and construction works. However, these are applicable to Mainland Tanzania only. There is no equivalent professional association for engineers in Zanzibar where supervision and monitoring of engineering and construction works is undertaken by the relevant ministry.

792. The CSAR further observes that despite the fact that the codes of ethics were designed to enforce standards in engineering and construction, the number of buildings that collapse in Dar es Salaam show that these codes are not adhered to. This therefore confirms that there are gaps in the enforcement of codes and standards.

II. Findings of the CRM

793. The CRM found that the corporate sector in Tanzania is generally still in its infancy as a result of the country's long history of socialism. Accordingly, the shift to a private sector-driven economy with corporations in the forefront will need some time to take root. The consequence of this for the promotion of adoption of codes of ethics in business, as well as other principles of good corporate governance, is that these processes are similarly still in their infancy.

794. In addition, the concept of corporate governance as a convergence of stakeholders (that is shareholders, the board and management of a company, the consumer, the state and the community) as well as the environment in which a company operates (also relevant in formulating a Code of Ethics in Business), represents a fairly new way of thinking in Tanzania that is yet to 'catch on'.

795. CRM consultations with stakeholders revealed efforts to develop and ensure the adoption of codes of ethics by listed companies and other large corporations. Companies seeking to be listed on the Dar es Salaam Stock Exchange have to comply with the 2002 Capital Markets and Securities (Corporate Governance) Guidelines, issued by the CMSA. These Guidelines aim at: (a) improving and strengthening corporate governance practices by companies issuing securities through the capital market; and, (b) promoting self-regulation standards to raise the level of corporate governance, in line with global trends. The National Plan of Action in the CSAR indicates that the country will draw on such codes as the Cadbury and the King Codes to guide corporate sector development.

796. The Cadbury Report (1992) was a pioneering report on corporate governance in the United Kingdom. It was directed more at the relations of directors, auditors, and company members and provided a Code of Best Practices. There have been other committees since then, including the Hampbel Committee (1998). Their reports dealt, in the main, with issues of accountability and full disclosure in financial reporting and are discussed further under Objective 5. It is evident that codes and standards of good business ethics and corporate governance are constantly evolving worldwide, although their underlying principles are fairly universal.

797. On internal codes of ethics, consultations with members of the business community in Dar es Salam revealed that most companies do have their own tailor-made internal codes. The codes are duly brought to the attention of employees and are also pasted in conspicuous locations in company premises for the benefit of all staff. It was not clear whether these internal codes encourage 'whistle blowing' by stakeholders (i.e. employees, contractors and the public) to draw attention to fraud, theft, corruption, as well as poor health and safety practices. The last is particularly relevant to the mining sector (a key player in Tanzania's economy), because of the constant risks to employees.

798. Discussions with stakeholders in Mbeya and Dodoma revealed that the Tanzanian Chamber of Commerce made an effort to provide institutional support for the promotion of formalisation of businesses and generally, the adoption of best practices in the conduct of business.

799. With regard to the ability of accountants to enforce codes of ethics, consultations with the business community in Dar es Salam revealed an acute shortage of qualified accountants in Tanzania. The problem is therefore more one of insufficient numbers than of poor performance. The National Board of Accountants and Auditors (NBAA) considerably advanced the accountancy profession in Tanzania. However, the professional education still falls short of international standards, compromising the quality of the professionals in the discipline.

800. Apart from specific references to accountants and engineers in the CSAR, media practitioners have their own external code of ethics issued by the Media Council of Tanzania, established by the media in June 1995. The Media Council oversees the practice of the profession. It has an Ethics Committee that enforces compliance and receives reports of breaches in the Code of Ethics.

801. Consultations also revealed the diversity of media ownership in Tanzania and as such, media houses also provide their own codes of ethics, policies and guidelines that must be adhered to by individuals within their organsations.

802. Interaction with stakeholders across the regions confirmed that media practitioners recognise their fundamental role in, (a) promoting the adoption of codes of ethics by different professions; (b) highlighting issues of ethics,

their breach, and the need for and actual enforcement of consequential sanctions, as well as any follow-up activity that may be required. Media practitioners expressed dissatisfaction with the Media Act which gives the minister the power to shut down a media house if deemed necessary.

803. On ethics and standards in building and construction works, consultations revealed that, although a process of reviewing existing building rules has begun, it is not yet concluded. Engineers implicated in incidents of building collapse and poor road construction are struck off the roll. The same applies to construction companies. The Architect and Quantity Surveyors Registration Board (AQSRB) also has a Code of Ethics in its bylaws of 2000, made under the AQSRB Act no 16 of 1977, to which members subscribe.

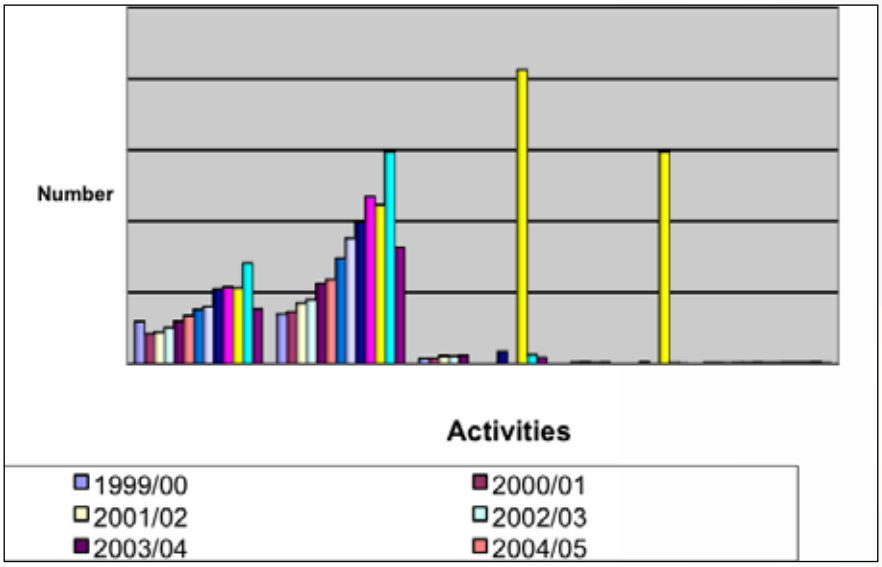
804. It was the consensus of opinions from the consultations, that enterprises in the fishing industry exhibit high ethical standards because they have to ensure that the fish they export conform to international standards. This is also true of the tea and coffee processing and packaging industry.

805. Regarding the anti-corruption strategy, the CRM found that in Zanzibar, parliament had passed the anti-corruption law and it was expected that the President of the Revolutionary Government would assent to it before the end of 2012.

806. Although all available records and consultations across the regions and Zanzibar confirmed the relative infancy of the corporate sector in Tanzania, the corporate sector is essentially found in Mainland Tanzania and to a greater extent, in Dar es Salaam. Statistics from BRELA, shown in the chart below, further revealed a gradual increase in the number of business entities (including companies) registered since 1999. Specifically, the number of registered companies grew from 2,949 in 1999/2000 to 7,058 in 2010/2011. The increase in registered business names was much more as those numbers grew from 3,467 in 1999/2000 to 14,866 in 2010/2011.

807. There is therefore reason to believe that with sufficient public enlightenment, more business will be formally established and accordingly codes of good business ethics will increasingly be adopted. The plan by BRELA to introduce mobile registration services using especially designed vehicles for on-the-spot registrations, will also enhance such formalisation. (This proposal was set out in a Report on the Implementation of the Roadmap for doing Business up to February 2012 made available to the CRM by BRELA)

BRELA: ACTIVITY RESULTS FROM 1999/2000 TO 2011/12 (DEC 2011)



*This chart was obtained directly by the CRM from the BRELA office, on request for the information contained therein.

808. The CRM consultations found that although an Institute of Corporate Governance was registered in Tanzania, it is yet to become functional.

III. Recommendations

809. The APR Panel recommends that the United Republic of Tanzania:

- Intensify the public education programme on, (a) the private sector-driven economy; and, (b) the need to formally register businesses and for them to adopt codes of good business ethics, with sanctions for any breach; [Ministry of Industry, Trade and Marketing, Presidents Office (Good Governance Unit)]
- Ensure that in formulating codes and standards of business ethics, Tanzania's agencies keep abreast of global trends while taking due cognisance of national needs; (Institute of Corporate Governance)]
- Ensure that the previously registered Institute of Corporate Governance becomes operational; *[President's Office (Good Governance Unit)]*
- Ensure a multi-agency approach for implementing recommendations geared to improve good business ethics. *[Good Governance Unit in the Presidency BEST BRELA the TRA, the DSE, the Ministry of Trade and Industry, Parliament, Media, Tanzania Business Council, Local Investors Roundtable and Chamber of Commerce]*

Objective Four: Ensuring that Corporations treat all their Stakeholders (Shareholders, Employees, Communities, Suppliers and Customers) in a Fair and Just manner

I. Summary of the CSAR

Stakeholder treatment

810. The Companies Act of 2002 provides for the protection of shareholder interest by making this duty incumbent on the directors. The Act obliges directors to carry out their duties in good faith and in the best interests of the company. The Companies Act also makes provision for the protection of minority shareholder rights, where aggrieved minority shareholders can apply to the courts of law for protection of their interests.

II. Findings of the CRM

811. A majority of the areas under this objective were dealt with in detail under Objective 3 above. Consideration of community interests was discussed as part of the "Natron case" and the interests of employees discussed in the context of labour rights and occupational safety. However, the following are additional findings to those discussed previously.

Stakeholder treatment

812. The CRM found that Mainland Good Governance Framework and Zanzibar's 2011 Good Governance Policy address the rights of stakeholders. Government commits to setting up effective mechanisms to ensure that business entities participate fully in development endeavours and, at the same time, comply with legal obligations pertaining to the rights of stakeholders.

813. Furthermore, the Government of Tanzania is committed to develop an effective corporate governance framework to guarantee the stakeholdes rights; determine key ownership functions and ensure equitable treatment of stakeholders; clearly set out the role of the corporate governance, ethical principles, values and practice that contribute to a balance between economic and social goals; and, put in place mechanisms to ensure accountability and transparency.

Community Interests

814. In Dar es Salaam, consultations revealed that local communities were not usually consulted by investors and villagers had no say on proposed economic activities in their locale. One resident of Bukoba echoed this view saying, *"We don't know how these investors come and we are not given any prior information on their activities. When they get here, they use excessive force which causes the local community to withdraw."*

Suppliers and Customers

815. The CRM established that local companies differ from foreign-owned entities in attending to supplier and customer interests. Local enterprises had a greater impact on local suppliers and customers, by incorporating them in their supply chains. On the contrary, stakeholders in Dar es Salaam revealed that foreign companies often imported their supplies and exported their products; thereby having little impact on local suppliers or customers. The President, H.E Jakaya Kikwete, has shown concern about this disturbing trend and has expressed his disappointment in foreign companies *"that import goods and services even when the same commodities and services are found locally"*[126].

816. On consumer protection, the CRM found that following the shift from a centrally-planned mode of production to a market economy mode of production, the country enacted a number of laws to regulate trade liberalisation, including the Fair Competition of 2003. This law established the Fair Competition Commission of Tanzania, a statutory body with a dual mandate over both consumer protection and fair competition. The law, which came into force in 2004, is premised on the principles of the UNCTAD model law. Other institutions that were created by the Act include the Fair Competition Tribunal and the National Consumer Advocacy Council. In addition, competition principles are also provided for in various laws and regulations administered by regulatory authorities and Consumer Advisory Councils have been established in every regulatory authority[127]. Although the consumer protection framework is clearly robust, stakeholders reported that consumer abuse and rights violations were on the rise, especially in the banking and financial institutions sector. The CRM was not able to establish the effectiveness of the Fair Competition Commission or the Consumer Consultative Councils

III. Recommendations

817. The APR Panel recommends that the United Republic of Tanzania:

- Ensure the swift implementation of the Good Governance Policy 2011; *[President's Office, Good Governance Unit- Zanzibar]*
- Engage the corporate sector to spread economic opportunities to the local communities by incorporating them in the supply chain; *[Ministry of Industry and Trade, Zanzibar Chamber of Commerce]*
- Step up efforts for consumer rights protection and provide education on consumer's rights. *[CHRAGG, Fair Competition Commission, Consumer Consultative Councils]*

Objective Five: Providing for Accountability of Corporation Directors and Officers

I. Summary of CSAR

818. The CSAR shows that Tanzania's corporate sector is very much in its infancy. This is due to the long period of state dominance . The economy only recently opened up to a policy of liberalisation, as noted in Chapters Two and Four. In real terms, this new business environment is dominated by foreign private capital participation in areas like banking and mining. Domestic private capital participation is largely limited to micro projects such as artisan works, shop-keeping and relatively few medium small-scale enterprises.

[126] *"Taking profits to the communities"*, Daily News, Friday, 16 March 2012

[127] Some of these include: the Energy and Water Utilities Regulatory Authorities Consumer Consultative Council; Surface and Marine Transport Authority Consumer Consultative Council; Tanzania Civil Aviation Authority Consumer Consultative Council; Tanzania Communications Regulatory Authority Consumer Consultative Council.

819. As part of efforts to 'nurture and develop the informal sector', the Government of Tanzania formulated the Small and Medium Enterprises Policy (2001-2011) and the Sustainable Industrial Development Policy (2006-2020). Development partners - ILO, UNIDO, and UNDP - also sponsored a Road-Map Study of the Informal Sector in Mainland Tanzania, in 2002. The Study identified key strategies and regulatory constraints on micro and small enterprises. These constraints are being addressed by various government policies including the National Trade Policy and the Sustainable Industrial Development Policy (2001-2011).

820. In Zanzibar, the corporate sector is similarly in its infancy, characterised by small enterprises -mainly sole proprietorships. No further information was given in the CSAR on these charactersitics.

821. The CSAR reveals the existence of a framework (institutional and regulatory) to facilitate the accountability of corporations, their directors and officers in Tanzania. Such accountability is to stakeholders typified by: shareholders; the legal authorities (i.e. the State and her Agencies); the general public which includes the consumer, the community, and the environment.

822. Tanzania's Companies Act of 2002 makes copious provisions for company accounts and audits. These range from the requirement to keep prescribed books of account to sufficiently show and explain the company's transactions and to disclose, with reasonable accuracy, the financial position of the company, to the requirement of giving details of its sales and purchases. The Act also imposes a statutory duty on company directors to prepare the director's report and enjoins directors to observe the duty of good faith and the duty to act in the company's best interest. These are all covered by Sections 159 to 182 of the Act. Sections 195 to 209 of the Act further impose a duty of disclosure on company directors in situations ranging from payment for loss of office and payment made in connection with the transfer of shares in the company, to details of directors' interests in contracts. There is, in addition, the requirement of having a register of directors' shareholding as well as particulars on the company's accounts, of directors' salaries, pensions other monetary benefits.

823. Other mechanisms provided in the legal accountability framework include the following: (a) the prescription of Audit Committees for companies. In the case of banks, these committees are to be chaired by a non-executive director in accordance with the 2006 Banking and Financial Institutions Act; (b) the existence of sector-specific supervisory institutions for different categories of companies. Examples include, the Bank of Tanzania (BOT) in the case of banks, and the Tanzania Insurance Regulatory Authority (TIRA) established under the 2009 Insurance Act, for insurance companies.

824. Among the efforts to effectively supervise and monitor insurance companies, the 2009 Insurance Act changed the composition of the board of TIRA. The board now includes professionals from the insurance industry and related sectors, and other institutions related to the insurance sector. This is likely to bring greater professionalism to insurance sector supervision. The 2009 Insurance Act also makes other provisions that further enhance corporate governance in insurance companies. These include the provisions for the establishment of Audit Committees and Investment Committees. There is in addition, the requirement that all insurance companies employ accountants of good standing, registered with the NBAA. The Act also defines persons who do not qualify to be directors of an insurance company.

825. There are other supervisory authorities that apply across the board such as the Business Registration and Licensing Agency (BRELA). In addition, the Capital Markets and Securities Authority (CMSA), as well as the Dar es Salaam Stock Exchange (DSE), have supervisory roles over company accountability in its dealings on the capital market. CMSA requires companies seeking to be listed to disclose their financial standing and regulates companies whose shares are traded on the DSE. The DSE, in turn, regulates financial reporting by listed companies. By virtue of the 1997 CMSA Accounting and Financial Requirements, as amended in 2003, brokers, dealers, and investment advisors are expected to prepare annual financial statements in accordance with the Tanzania Financial Accounting Standards issued by the NBAA, which are in conformity with the International Accounting Standards (IAS). The CSAR notes that the reporting format prescribed by the NBAA is not the same as the IAS, however. It must be noted that the difference in formats does not affect the substance of the report as prescribed standards are maintained.

826. Financial reporting by banks and non-banking financial institutions is regulated by the Bank of Tanzania under the 2006 Banking and Financial Institutions Act and the BOT'S Bank Supervision Regulations. The CSAR notes

that timeliness is of the essence as audited financial statements must be submitted to the Director of Banking Supervision no later than 105 days after year end.

827. Under the 2006 Banks and Financial Institutions Act, the Bank of Tanzania is responsible for issuing an accounting manual, for mandatory application by all banks and financial institutions. Every bank or financial institution is required to annually appoint an independent auditor who shall undertake the annual audit in accordance with international auditing standards. There is also the requirement under that Act for the boards of banks and financial institutions to appoint internal auditors. The internal auditor is charged with verifying the accuracy and efficient implementation of internal control systems and credit management, among other responsibilities. The internal auditor is required to report to the Audit Committee.

828. Under the provisions of the Act, all banks and financial institutions are also required to publish audited financial statements, including detailed notes to the accounts. This requirement is being fulfilled, notes the CSAR, as banks and financial institutions have been widely publicising their financial statements in the press. In Zanzibar, the supervisory role of the Bank of Tanzania is carried out by the Peoples' Bank of Zanzibar (PBZ) under a Memorandum of Understanding between both institutions.

829. In addition to the foregoing, Tanzania adopted relevant international codes and standards that should promote the accountability of companies, their boards and officers to the different stakeholders. These include the objectives, standards and codes of the OECD, the Commonwealth, the International Accounting Standards, and the International Standards on Auditing. With regard to financial reporting, the CSAR shows Tanzania adopted the International Standards on Financial Reporting. In addition, all company accounts must be certified by a Certified Public Accountant who could be viewed as an independent. The Report observes however, that the capacity of the National Board of Accountants and Auditors (NAAB) to monitor compliance with the required standards of financial reporting is constrained by the paucity of professional accountants and auditors in Tanzania.

830. The CSAR notes that there is a gap between the legal and regulatory framework and the capacity of the enforcement institutions. It further observes that although there have been constraints the professional Associations (e.g. the Engineers' and Accountants') are more able to ensure accountability by their members.

The internal governance mechanism and corporate governance

831. The CSAR notes that internal workings of corporations are vital for promoting good corporate governance. Internal mechanisms revolve around the ownership structures and the boards of directors. Shareholders are propelled by these structures to monitor management. According to the CSAR, concentration of ownership – in the hands of one or a few shareholders – tends to have shareholders actively involved in company affairs, willing to monitor management and take resonsibility for replacing managers and appointing board members. Where there is wide dispersal of shareholding, conversely, directors tend to exercise firm control.

832. The CSAR notes that in Tanzania, share ownership is concentrated, with levels ranging between 20 and 75 per cent as illustrated by companies listed on the DSE (i.e. the major corporations). The inference is that the shareholders have to be in control. In terms of board composition, most of them have more Non-Executive Directors (NEDs) and over a three year period, NEDs accounted for over 80 per cent of the board. As the shareholding was concentrated, the NEDs were in more of an advisory role than in control.

833. The role of Audit Committees in assessing the financial affairs of companies (including financial reporting and liasing with the external auditors) and advising the board thereon, is an integral component of corporate governance. The CSAR showed that for DSE-listed companies, their Audit Committees were mostly chaired by NEDs between 2008 and 2010

834. According to the CSAR, accountability to stakeholders – to those outside the company, in particular - is further undermined by the fact that the Tanzaniam corporate sector is dominated by foreign companies whose activities are largely shrouded in secrecy. There is also what the report describes as *''collusion, rent seeking behaviour, corruption and a lack of corporate integrity that have been illustrated by defective and expensive energy contracts, misappropriation of government funds from the Bank of Tanzania".*

835. The populace's low level of awareness of their rights and relative ignorance of corporate social responsibility for corporations in their communities makes it easy for these companies to fail to be accountable on issues like the environment and its sustainability. Appointment or election processes for board members also reflect the extent of fidelity to stakeholder accountability obligations. The CSAR notes that in state-owned corporations, board appointments are made by the minister in charge. The CEO and Chairman are appointed by the President, on the recommendation of the minister. The CSAR also notes that the practice of having senior government officials and Members of Parliament on the boards of these corporations can undermine board accountability to the wider society.

II. Findings of the CRM

836. Interaction with corporate sector players in Dar es Salaam confirmed that the small number of accountants in Tanzania explains NBA inability to effectively monitor member compliance with financial reporting standards. These consultations also revealed that with regard to financial reporting and disclosure, the perception is that many companies prepare more than one statement of accounts; one for publication; the other(s) for very limited circulation.

837. CRM consultations with BRELA revealed that it receives filing of company statements of accounts and that whatever is filed becomes the authentic official record of the companies' financial statements. Accordingly, all institutions, including the Tanzania Revenue Authority (TRA) as well as other officials who deal with companies, are expected to carry out due diligence inquiries on the accounts filed with BRELA. The issue thus turns on accountability, transparency, and full and accurate disclosure, which also reflects the adopted standard of financial reporting.

838. The extent to which Tanzania's corporate accounting system is compliance-based or risk-based is not clear. According to South Africa's King (3) Code (2009), *'A compliance-based approach to internal audit adds little value to governance of a company as it merely assesses compliance with procedures without an evaluation of whether or not the procedure or process is an adequate control. A risk-based approach is more effective as it allows internal audit to determine whether controls are effective in managing the risks which arise from the strategic direction that a company, through its board has decided to adopt."* The point to emphasise, is that at this early stage of Tanzania's corporate sector development, the relative merits of the different approaches should determine the choices made.

839. In the NPOA on the adoption of codes of ethics in business (Objective 3), the CSAR stated that to fashion out its own codes, Tanzania will draw on the Cadbury and King Codes.

Standards and Codes of Corporate Governance are constantly evolving worldwide. For example, the Hampbel Committee (1998) was set up to review the Cadbury Code (UK) and it took on financial aspects and other corporate governance issues. The King Code (South Africa) has been revised twice since it was released in 2002. King (3) is reputed to be the first in the world to address IT Governance. In this evolutionary process, these codes have, on occasion, culminated in actual legislation. An example is the U.S. Sarbannes Oxley Act (2002) also known as the Corporate Responsibility Act, designed to protect investors by prescribing full, fair, and accurate disclosure by corporations that would similarly ensure better accuracy and reliability of information given pursuant to the Securities Laws of the United States. It was a direct response to the Enron scandal. These precedents will be useful guides as Tanzania draws up its blueprint for corporate accountability and financial reporting.

Sanctions for non-compliance

840. The East African Business Week (Kampala) (http.//all Africa.com/ stories/20107181545.html) reported that for failure to submit its Financial Reports for 2009 and 2010, the Dar es Salaam Stock Exchange (DSE) delisted the National Investment Company Ltd (NICOL) in July 2011, after a one-month suspension. During its suspension, the company had been required by the DSE to submit its 2009 and 2010 Financial Results report on the intention to sell 22 million shares: a partial stake in the National Micro Finance Bank (NMB). Failure to comply with

these directives resulted in automatic delisting from the DSE. As the first company in the history of the DSE to be delisted, NICOL constitutes a good example of the application of sanctions for breach of disclosure and accountability requirements.

841. During the interaction with corporate sector actors and the general public, a framework for identifying stakeholders of a given company was used to illustrate the perception that effective and regular stakeholder engagement could also enhance accountability. Such engagement could take the form of regular meetings, (for communities, these could be town hall meetings) as well as participation in other community activities. Accordingly, a framework to identify the nature of stakeholders (internal and external) and the attendant implications of the effect of company activities should be provided. In this regard, the internal and external codes of good business ethics and best practices in corporate governance should provide the required framework for accountability to identified stakeholders. Although compliance with external Codes is voluntary, they do provide a benchmark for assessing standards of accountability demonstrated by corporations, their boards and officers.

842. Consultations revealed that an improved Tanzanian Revenue Authority (TRA) delivers services through a more efficient system of identifying taxpayers in the corporate sector. Tax Identification numbers are now to be issued, along with the company registration certificate, part of the ongoing TRA digitalisation project, expected to be completed in May 2012. This should be a first step towards effective collection of taxes.

843. Consultations also revealed that Zanzibar is currently reviewing the 2004 Income Tax Act with a view to removing loopholes for tax evasion and avoidance. On the issue of manpower development, the CRM established that universities in Tanzania are making serious efforts to produce the work force (including professionals), that will render much needed services to the corporate sector.

III. Recommendations

844. The APR Panel recommends that the United Republic of Tanzania:

- Review tax laws with a view to striking the right balance between providing much-needed incentives to attract foreign investment and protecting the sources of tax revenues; *[Ministry of Finance, TRA]*
- Facilitate the formation of Shareholder Associations that will promote accountability in companies in which they have invested*; [BRELA, DSE, CMSA, the Chamber of Commerce and other private sector groups]*
- Step up efforts towards producing more accountants and other professionals required for the development of the corporate sector. *[Ministry of Education, Universities, Professional bodies in Tanzania]*

CHAPTER SIX

SOCIO-ECONOMIC GOVERNANCE

6.1. Overview

845. Sustained Socio-economic Development (SED) implies continuous improvement in the people's well-being and living standards. It is premised on the principle that, in the context of accelerated economic growth, poverty can be effectively tackled through, (i) the promotion of democracy, good governance, peace and security; (ii) the development of human and material resources; (iii) gender equality; (iv) openness to international trade and investment; (v) allocation of appropriate resources to the social sector; and (vi) building strong partnerships between Government, the private sector and civil society.

846. Tanzania has taken significant steps towards sustained socio-economic development since the formation of the Union between Mainland Tanzania and Zanzibar in 1964. National socio-economic development processes can be classified into three broad distinct phases. The first phase which began at the time of the *Arusha Declaration* in 1967 was the period of *Ujamaa* socialism.

847. This policy placed the economy under state entrepreneurship: the blueprint and framework for socio-economic development and self-reliance. The policy implied that the economy would be premised on socialist-oriented political and economic policies. This led to the creation of a one-party system, declared state controls of the economy, and nationalisation of all major enterprise. The capitalist, private sector market-led economy inherited from colonial Britain at independence was replaced by a state-owned, centrally-planned and controlled economy. Private sector entrepreneurs were looked upon as exploiters and enemies of the state.

848. The extensive compulsory *"villagesation"* programme of the *Ujamaa* philosophy of development promoted some amount of equity in society. Investments in social services from this phase of national socio-economic development remain fundamental to present economic developments and changes in the country. These include all levels of education and health facilities.

849. Although the period experienced human capital investments, the economy and per capita incomes grew by an annual 0.7 per cent[128], propelled by the public administration sector, with some contribution from agriculture and manufacturing. Poor economic growth led to rising poverty.

850. During the second phase of its socio-economic development, Tanzania abandoned the state entrepreneurship policy, embraced a much-resisted World Bank Structural adjustment Programme, and adopted capitalism by introducing market-oriented and private sector-led growth policies as defining characteristics of national socio-economic development policy. Thus, between 1986 and 1995, partial reforms and liberalisation policies were introduced. These included: liberalisation of formerly state-owned enterprises nationalised during the *Ujamaa* era; liberalisation of exchange and trade regimes, agricultural marketing systems, and domestic prices; and, the initiation of financial system, parastatal and civil services reforms, and even political reforms with the introduction of multi-party democracy.

851. Despite these reforms, large segments of the economy were still dominated by public monopolies and large fiscal deficits, and low growth rates persisted throughout most of 1986 to 1995. In 1996, macroeconomic stabilisation and full structural reforms were introduced to address these challenges to socioeconomic development. The ensuing socio-economic development framework has focused on re-organising and restructuring economic institutions through well-articulated institutional frameworks, strategies and plans. One of the most significant plans in this regard is Tanzania Vision 2025, which provides the overall policy and strategic framework for long-

[128] Honest Prosper Ngowi, *Economic Development and Change in Tanzania since Independence: The Political Leadership Factor,* African Journal of Political Science and International Relations, p. 263, Vol. 3 (4), May 2009.

term socio-economic development. It was implemented on the basis of human-centred development for poverty reduction by 2025.

852. Building on this plan, the government inaugurated a National Strategy for Growth and Reduction of Poverty (NSGRP I) known in *Kiswahili* as *Mpango wa Kukuza Uchumi na Kuondoa Umaskini Tanzania (MKUKUTA I))* for the period 2005/06 to 2009/10. The Strategy aimed at promoting high and shared growth, high quality livelihoods, peace, stability and unity, good governance, high quality education, and international competitiveness. This Strategy has since been replaced by NSGRP II (MKUKUTA II) which covers the period 2010/11 – 2014/15

853. Ministries, Departments and Agencies (MDAs), local authorities and other stakeholders implemented interventions as outlined in these plans and strategies in order to improve livelihoods. This process gave rise to commendable positive results leading to eight consecutive years of GDP growth rates in excess of 6 per cent. But for a very severe drought and the global financial and economic crisis, these growth rates might have been even higher. Furthermore, tremendous strides were made in access to education. Net primary enrolment increased from 59 per cent in 2000 to 87 per cent in 2008, and secondary net enrolment jumped from 6 per cent in 2002 to 30.8 per cent in 2010[129].

854. However, at a more fundamental level, the high GDP growth rates have not had a commensurate impact on rural poverty reduction due, mostly, to relatively slow agricultural sector growth rates. The MDGs relating to eradication of extreme poverty, improvement of maternal mortality rates, and provision of improved drinking water sources to rural population may not be achieved[130] by the target date of 2015. Generally, the country is experiencing a serious policy implementation problem; wide disparities in terms of access to quality education between regions; rural and urban; rich and poor; and, private and public schools. Tanzania also experiences frequent land disputes and insecurity of land tenure.

6.2 Standards and Codes

I. Summary of the CSAR

855. The CSAR identifies standards and codes relevant for the assessment of the socio-economic thematic as illustrated in Table 6.1. The presentation in the CSAR shows that the Government of the United Republic of Tanzania (URT) adopted, signed and ratified a number of those standards and codes.

856. The CSAR notes that in Tanzania, international treaties and conventions are not self-executing and that domestication may occur in a number of ways. One way is to directly incorporate the treaty provision into domestic law by giving it force of law, whether in whole or a specific provision of the same. Another way is to incorporate the treaty by enacting the same as a domestic law, as was done in the case of the Treaty for the Establishment of East African Community enacted as Act No. 4 of 2001 of the Laws of Tanzania.

857. The CSAR undertakes a thorough discussion of the processes towards ratification and domestication of the standards and codes, most relevant to the governance indicators for this thematic area. Indeed, the report indicates that Government adopted policies and legislative measures to ensure the attainment of NEPAD objectives. Programmes and various initiatives in priority sectors such as water, energy, ICT, agriculture and food security, human development, and the environment were designed and are at varying stages of implementation.

858. The CSAR indicates that on 31 May 1982, Tanzania become a signatory to the Right to Development in the African Charter on Human and People's Rights including the Protocol on the Rights of Women in Africa, subsequently ratifying the Convention on 18 February 1984. The implementation of the Charter, in particular the provision relating to the Right to Development, is demonstrated by the incorporation of a peoples'-focused right in the Constitution.

859. The CSAR notes that the 1990 African Charter for Popular Participation in Development and Transformation was adopted by the Economic Commission for Africa on 19 May 1990. Consequent to adoption, Tanzania supported

[129] CSAR, p. 402.
[130] *Tanzania Country Report on the Millennium Development Goals 2010*, p.vii, Dar es Salaam, 26 September 2011..

the submission of the Charter to the United Nations General Assembly through a letter dated 6 July 1990. The CSAR underlines challenges such as access to information, communication barriers, harmonisation of various participatory processes, and capacity building as constraints preventing government from full compliance with the Charter.

860. The CSAR notes that Tanzania acceded to the UN Declaration on the Right to Development on 11 June 1976 and took positive steps, at both national and international levels, to attain its international commitments. However, Tanzania's efforts to achieve the Convention's objective of ensuring that every human being is given an opportunity to participate, contribute to, and enjoy economic, social and political development as their inalienable fundamental human right has not been smooth. There are a number of challenges in fully complying with the Convention, including having the necessary capacity to implement national and international frameworks, and lacking adequate financial resources which hinders capacity to implement certain programmes.

861. The CSAR indicates that Tanzania adopted/ratified other international and regional standards and codes such as the African Charter on the Rights and Welfare of the Child (ACRWC), the International Labour Organization (ILO) Convention on the Elimination of the Worst Forms of Child Labour, the United Nations Millennium Declaration, the Constitutive Act of the Africa Union, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Beijing Platform for Action (BPFA) for Women's Empowerment. In addition, the Child Development Policy the National Health Care Policy, the Primary Education Development Programme (PEDP, 2002-2006), and other policy measures including the Family Development Policy, were adopted with a view to taking care of the development of children and the empowerment of women.

862. The CSAR concludes that despite progress towards compliance with Tanzania's international obligations, there are still enormous problems and challenges to fully comply with the spirit of these codes and standards. These challenges include children with disabilities, the harmonisation of various national laws, technical and financial capacity for gender mainstreaming, inadequate national and local machineries for advancement of women, and the lack of gender disaggregated data to measure progress in gender empowerment.

Table 6.1: Summary of Actions taken by the Government of Tanzania to comply with Charters and Conventions

	STANDARDS AND CODES	ADOPTED/ SIGNED	RATIFIED	ENACTED	LAST REPORT	Notes/ Reservations
Promote and accelerate broad-based sustainable socio-economic development						
1	New Partnership for Africa's Development (NEPAD),(2001,Abuja Nigeria)	23 October 2001	July 2002	NA		
2	Africa Charter for Popular Participation in Development (1990)	16 February 1990	NA	NA		National and sectoral trategies embody participation at all levels, e.g., O&OD
3	World Summit on Sustainable Development (2002, Johannesburg, South Africa)	4 September 2002	December 2002			
4	United Nations Millennium Declaration and the Millennium Development Goals (2000, New York, USA)	8 September 2000	8 September 2000	NA	2008 Draft Report for submission in 2011	Poverty Reduction Strategies, MKUKUTA/ MKUZA targets reflect many of the MDTs

5	OAU, African Charter on the Rights and Welfare of the Child (1990, Addis Ababa, Ethiopia)	11 July 1990 28 Oct 1998	29 November 1999 16 March 2003 (Tanzania)			
6	World Summit on Social Development Plan of Action (1995)	March 1995	March 1995	NA		
7	Convention on Elimination of All Forms of Discrimination Against Women (Beijing Platform for Action)	1979 17 July 1980	20 August 1985		6th report (during 41 session of CSW)	
9	African Convention on the Conservation of Nature and Natural Resources (2003, Maputo, Mozambique)	11 July 2003	3 August 2005			
10	OAU, Memorandum of Understanding on Security, Stability and Cooperation In Africa (2002, Durban South Africa)	July 2002	July 2002			
11	World Summit for Social Development (1995, Copenhagen, Denmark)	19 April 1995				
145	United Nations Charter (1945, San Francisco, USA)	26 June 1945	24 Oct. 24 1945			
15	Charter for the Cultural Renaissance of Africa (2006, Khartoum, Sudan)	24 January 2006	9 July 2010			National Cultural Policy 1997
16	OAU Solemn Declaration on the Conference on Security, Stability, Development and Cooperation in Africa (2000, Lome Togo)	July 2000				
217	UN Convention to Combat Desertification in those Countries experiencing Serious Drought and /or Desertification, Particularly in Africa (1994, Paris ,France)	17 June 1994	26 December 1996	1997	Third Report, Sept. 2004	Forestry Policy, REDD Strategy Environment Policy and NEMA 2004
181	Kyoto Protocol on the UN Convention Framework on Climate Change (1997, Kyoto, Japan)	11 Dec. 1997	2003		2010	National Adaptation Programme of Action (NAPA)
19	UN Framework Convention on Climate Change (1992, Rio De Janeiro, Brazil)	9 May 1992	1997			
20	OAU Treaty establishing the African Economic Community (1991, Abuja Nigeria)	3 June 1991 (Tanzania)	12 May 1994 10 January 1992 (Tanzania)	19 February 2003 3 February 1992 (Tanzania)		
21	UNO International Covenant on Economic, Social and Cultural Rights (1966, New York USA)	16 Dec. 1966	11 June 1976 (Tanzania)			
Encourage broad-based participation in development						

22	Right to Development in the African Charter on Human and People's Rights (1981) Including the Protocol on the Right of Women in Africa	27 June 1981, 31 May 1982	18 February 1984			URT Constitution Article 6 through 32
Poverty, unemployment and inequality						
23	AU, Ouagadougou Declaration and Plan of Action on Employment and Poverty Alleviation (September 8-9, 2004 Ouagadougou, Burkinafaso)	9 Sept. 2004				Employment Policy Employment and Labour Relations Act
24	African Youth Charter (2006, Banjul, Gambia)	2 July 2006 13 Nov 2008 (Tanzania)	8 August 2009			Youth Development Policy
25	AU Protocol To The African Charter On Human And People's Rights on The Rights of Women In Africa (2003, Maputo, Mozambique)	11 July 2003	25 November 2005	July 2010		
26	Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the UN Convention against Transitional Organised Crime (2000, Parlemo, Italy)	15 Nov. 2001 13 Dec. 2000 (Tanzania)	25 Dec. 2003			
27	UNO Declaration on the Rights of Disabled Persons (1975, New York, USA)	9 December 1975				National Policy on Disability, 2004
Progress towards gender equality, particularly equal access to education for girls at all levels						
28	UNO Convention on the Rights of The Child (1989, New York USA)	20 Nov. 1989 1 June 1990 (Tanzania)	2 September 1990			Law of the Child , 2009
29	AU Solemn Declaration on Gender Equality In Africa (2004, Addis Ababa, Ethiopia	8 July 2004	8 July 2004	2004		

Note: NA=Not Available

II. Findings of the CRM

863. The CRM notes with satisfaction that Tanzania recognises the need for international codes and standards and it is clear from discussion with the stakeholders that Government has made significant progress towards the ratification and subsequent implementation of a number of these codes. However, the CRM observes that in some cases, the dates when certain international instruments were ratified are not provided and it is also not clear why the country was unable to ratify or domesticate the remaining conventions and treaties. In addition, there is inadequate awareness of some standards attributable, essentially, to the fact that all the codes and standards are not yet translated into Kiswahili.

864. A number of standards and codes are in the process of being translated and domesticated into local laws. As stated in the CSAR, Tanzania follows the dual system, meaning international treaties must be incorporated into domestic laws by either amending existing laws or enacting new legislation so as to give force of law to such treaties. This is provided for under the Constitution of the United Republic of Tanzania (Article 63 (3) (e). However,

the process is slow and the CRM is concerned that, although the URT ratified many conventions without any reservations, some of them have still not been domesticated as part of the law. The CRM notes with concern that, without such full domestication, those conventions are not part of the national legal framework and their provisions are not justiciable and enforceable in the courts.

865. The CRM notes that Government has also taken measures to establish institutions, such as the Commission on Human Rights and Good Governance, to promote achievement of the objectives of the codes and standards. The concern which remains is that some implementing agencies are not adequately informed about the status of the treaties. More efforts are therefore required to domesticate the frameworks for effective compliance. These include having a focal point/unit to coordinate the domestication process and translating the standards and codes into Kiswahili for easier access for the majority.

866. During the interactive sessions, the CRM observed a general lack of stakeholder awareness and understanding of the various codes and standards on socio-economic development to which the government is a party. Major factors that hinder the dissemination of information on the ratified codes and standards are high levels of illiteracy and poor command of English across the country. There is also a lack of information on the depository of ratified and domesticated codes and standards. Generally speaking, information on conventions is hard to come by in Tanzania.

III. Recommendations

867. The APR Panel recommends that the United Republic of Tanzania:

- Comprehensivey review and identify relevant standards and codes for signature, ratification or implementation; *[Ministry of Foreign Affairs, Parliament]*
- Facilitate public access by translating all important standards and codes into Kiswahili; *[National and local governments]* and,

6.3 Assessment of the Performance of APRM Objectives

Objective One: Promote Self Reliance in Development and Build Capacity for Self-sustaining Development

Summary of the CSAR

868. The CSAR assesses the extent to which there is a sense of ownership and whether key national development programme were designed and funded in Tanzania. In particular, it highlights steps taken to promote self-reliant development and stakeholder participation, especially for ordinary people, in the design, adoption and implementation of national development strategies and programmes. The CSAR also discusses the proportion to which internal and external resources fund national investment programmes; the responsiveness of development projects to community needs; and, measures taken to sustain local programme ownership.

869. The CSAR recognises the importance of domestic resource mobilisation and the effective use of domestic resources (natural, financial and human). Tanzania's Vision 2025 is the foundation for achieving this vision: the thrust for promoting self-reliant development. Accordingly, Tanzanians see self-reliance in terms of mobilising and effectively using domestic resources (natural, financial and human) for developing and improving the economy and livelihoods. Special emphasis is placed on funding public investment projects and social services from increasing domestic revenues supplemented, where necessary, by external financing programmed to fit national priorities and accounted for through national systems. Self-reliance is also seen as the responsiveness of policies and plans to the priorities of the people. Creating democratic space and strengthening people's capacities to effectively participate in the development process are essential in the pursuit of this objective.

870. The CSAR notes that sustainable development centered on popular participation is critical to self-reliance in development. In this respect, URT put in place institutional and policy instruments to facilitate participatory decision-making processes during policy formulation, planning, development programme budgeting, monitoring, and evaluation, at all levels. Local Government Reform focused on, inter alia, devolving power to local communities to facilitate community participation in decision making processes is central to this.

871. These reforms should be seen within the broader framework of Tanzania's National Strategy for Growth and Reduction of Poverty (NSGRP), commonly known by its Kiswahili acronym-MKUKUTA, and Zanzibar's National Strategy for Growth (ZSGRP) popularly known as MKUZA. According to the CSAR, these are the key guiding frameworks for promoting the country's development. They build on Tanzania's Development Vision 2025, especially with an increased focus on equitable growth and governance, with targets and poverty reduction outcomes consistent with, and indeed in many cases going beyond, the Millennium Development Goals (MDGs).

872. The CSAR further notes that Tanzania made considerable efforts to develop monitoring and evaluation systems and practices, including strengthening statistical systems, although considerable work remains. MKUKUTA/MKUZA development and implementation have taken place in the context of a significant overhaul of national planning and budgeting systems with the intention of boosting results based management, increasing domestic accountability, and greater alignment and harmonisation of external financing. In line with this approach, government pursued a programme to integrate external financing into national systems, carrying through reforms in a manner which builds domestic accountability.

II. Findings of the CRM

873. The CRM confirms the CSAR observation that the United Republic of Tanzania demonstrated a firm commitment to development. This is reflected in the country's legal, policy and institutional framework, intended to facilitate the development process.

Commitment to Development

874. In Tanzania, as elsewhere in the world, development commitment should be measured in terms of national policy support, bureaucratic support, and national policing and programming. The CRM notes that Tanzania, with the support of bilateral and multilateral institutions, developed considerable capacity to prepare its own development plans. This capacity is reflected in the plethora of national development policies and programmes. As discussed in Chapter Four, the basic documents and frameworks guiding economic development in Mainland Tanzania and Zanzibar are the Tanzania Development Vision 2025 and the Zanzibar Development Vision 2020; the Long Term Perspective Plan 2011/12-2025/26 and the Zanzibar Growth Strategy 2006-2015; the National Poverty Eradication Strategy, the Poverty Reduction Strategy Paper and the Zanzibar Poverty Reduction Plan; the National Strategy for Growth and Reduction of Poverty (NSGRP/MKUKUTA 1 and 11) and the Zanzibar Strategy for Growth and Reduction of Poverty (ZSGRP/MKUZA 1 and 11); and, various supportive plans and programmes. The overarching goal of these policies and programmes is to transform Tanzania into a prosperous middle-income country, with targets and poverty reduction outcomes consistent with, and indeed in many cases, going beyond the Millennium Development Goals (MDGs).

Bureaucratic support

875. Bureaucratic support entails a supportive civil service that not only has a strong orientation towards promoting development, but is also accountable to the people it serves. As noted in Chapter Three, Tanzania embarked on an extensive public reform programme to enhance public sector operations and improve service delivery. However, as discussed in both Chapters Three and Four, there are some questions regarding the extent to which current reforms improved service delivery in Tanzania.

Capacity

876. In interviews with local stakeholders in both Mainland Tanzania and Zanzibar, the CRM was informed that there is a serious problem of policy implementation across various sectors. In nearly all meetings held with key stakeholders, the CRM learnt that there was a gap between existing policies and the reality on the ground. Senior government officials attributed this to capacity deficiencies arising from inadequate personnel and funding. The officials stated that, while they had undertaken the necessary reforms to improve effectiveness in the public sector, they had not recruited the required numbers of staff who could ensure the implementation of government policies. More, therefore, needs to be done to improve the quality of service delivery in Tanzania.

877. The CRM commends the United Republic of Tanzania for its efforts to enhance the state's strategic, organisational and physical capacity to play its developmental role more effectively. All of these tasks require a stronger emphasis on the human capacity to carry out the State's work.

878. In Tanzania, the State took the lead in defining a common national agenda, as reflected in the Tanzania Development Vision 2025 and the Zanzibar Development Vision 2020, and is making efforts to mobilise all of society to participate in implementing the agenda, as well as directing society's resources towards this shared programme. The intention is to unite the public sector, business, labour, and civil society in a partnership geared towards implementing the shared national vision.

879. Commendable as these efforts are, the CRM cautions that a lot more needs to be done to actively mobilise the people of Tanzania towards achieving the shared goals that are well articulated in both MKUKUTA II and MKUZA II. The CRM's engagement and interactions with Tanzanians in group discussions suggest that the vision for the future of Mainland Tanzania and Zanzibar, as articulated in MKUKUTA II and MKUZA II, does not create that spark and zeal for development which can drive the nation forward. In group discussions, some respondents were even cynical and viewed the whole process of development planning as a 'populist' attempt to mislead the nation, while others saw the plans as a mere attempt to please the donors.

880. During discussions with stakeholders in Mainland Tanzania and Zanzibar, the CRM observed that there was a danger this cynicism could grow in the URT if people felt excluded from decision-making processes. Judging from their reactions, the people interviewed by the CRM were becoming skeptical and expressing sentiments that reflected a loss of public confidence in the integrity of politicians. Many viewed politicians as corrupt and not to be trusted. In the view of the CRM, this poses a risk to democratic participation in the decision-making process among ordinary people.

881. The CRM suggests that all the citizens of the United Republic of Tanzania need to share in a vision of fairness based on the equitable distribution of national resources. In particular, the country's growth must be inclusive. As discussed in Chapter Four and the Objective below, unless economic growth is more inclusive and broadly shared, the significant achievements of the last decade will not translate into sustained poverty reduction and the economic empowerment of the majority of Tanzanians.

882. One of the key levers to achieve a greater sense of equity and morality in society is an efficient public service, accountable to the people it serves. The State in Tanzania needs the necessary organisational capacity to ensure that it has the most effective and efficient structures and systems to realise its development goals, as enshrined in MKUKUTA II and MKUZA II. The country has to improve systems and structures within each sphere of government, and the national government has to provide the necessary cohesion to deliver the results needed.

883. In group discussions with the CRM in Mainland Tanzania and Zanzibar, stakeholders expressed concern that, while the structures for popular participation in the decision-making process are in place, there are inbuilt constraints that hinder effective participation by ordinary people. These include a lack of planning skills, a poor understanding of issues, and the absence of an effective feedback mechanism system.

884. Deficiencies in effective participation cited by the stakeholders suggest that there is need for the State in both Mainland Tanzania and Zanzibar to equip villagers and ward leaders with planning and evaluation skills to ensure their effective participation in conceptualising, planning, implementing, and monitoring development projects.

885. The state's technical capacity lies in its ability to translate broad objectives into programmes and projects and to ensure their implementation. Economic growth and development in Tanzania, as elsewhere, need high quality and reliable government services – ranging from water and sewage to electricity generation, to transport and spatial planning. Technical capacity also involves state capacity to plan and monitor the implementation of its programmes. As suggested in Chapter Four, the State has to make effective use of inter-governmental and integrated planning across spheres of government, and between different government departments.

886. As already discussed, the United Republic of Tanzania developed some indigenous capacity to prepare and produce plans and programmes, but there are some challenges in effective implementation, monitoring and evaluation. This was a major concern in group discussions with stakeholders.

887. In group discussions, it was evident that the people were less enthusiastic about participating in national, and even local, endeavors. A government social welfare officer in Mtwara, a town in the southern part of Tanzania, complained that, despite her concerted efforts to encourage villagers to take part in planning their projects, they were not willing to do so. Apparently, this apathy was due to their loss of confidence in the ability of Government to deliver services.

Aid Dependency

888. The CRM confirms the CSAR assertion that the United Republic of Tanzania is highly dependent on donor support for its development budget. In group discussions in both Mainland Tanzania and Zanzibar, respondents expressed serious concern that a country that was richly endowed in resources like Tanzania was so heavily dependent on donors. It should be noted however that government demonstrated a commitment to address aid dependence, as discussed under Chapters Four and Five of this Report, through various measures including broadening the tax base, reducing tax exemptions, sustaining macroeconomic stability, and improving the business environment to spur private-sector growth.

889. On the issue of ownership and management of aid, senior Government officials admitted that donors were funding a large proportion of Tanzania's development budget. However, the perspectives of Government officials in Mainland Tanzania on aid ownership and management were slightly different from those in Zanzibar. In Mainland Tanzania, the officials stressed that they had instituted reforms to strengthen aid ownership and management, in line with the Joint Assistance Strategy for Tanzania (JAST). In Zanzibar, senior Government officials stated that, while there was initial excitement about the implementation of the Joint Assistance Strategy for Zanzibar (JASZ), this had lost momentum.

890. Commendably, according to the Africa Development Bank (2012), aid dependence in Tanzania declined slightly in fiscal year 2010/11, with foreign loans and grants covering about 31 per cent of the budget, while in fiscal year 2011/12, foreign loans and grants are expected to finance approximately 29 per cent of the total budget. This is a step in the right direction. Government should continue to strengthen its commitment to addressing aid dependence through various measures including broadening the tax base, reforming the investment regime by reducing tax exemptions, sustaining macroeconomic stability, and improving the business environment.

891. However, the CRM observed with concern that in both Mainland Tanzania and Zanzibar, the extent of complementarities in the inflow of Official Development Assistance (ODA) from both traditional sources (OECD DAC donors) and emerging donors from the South (non-DAC) - such as China, India, South Africa, Brazil, Turkey, and so on - was not discussed in the CSAR. Given the growing role of China, India and other 'emerging countries' in investing and financing infrastructure projects in Tanzania, it would be insightful to learn more about the level of participation of non-DAC donors, as their presence continues to be very strong in Tanzania over the past few years. In particular, there is need for the URT to engage its Cooperating Partners (CPs) in a dialogue over the need to move from aid effectiveness to development effectiveness.

892. The outcomes of the Fourth High Level Forum (HLF-4) on Aid Effectiveness in December 2011 in Busan, South Korea, offer the United Republic of Tanzania the opportunity to ensure that it creates a strong partnership with DPs for effective development cooperation. But this will require strengthening country systems *in terms of governance, proper planning and policies so that the country can make better use of its own resources and the resources that come from development partners.*

III. Recommendations

893. The APR Panel recommends that the United Republic of Tanzania:

- Strengthen state capacity to implement policies and programmes by recruiting the necessary personnel and increasing budgetary allocations to key economic and social sectors; *[Ministry of Finance, Public Service Commission]*
- Empower villagers and ward leaders with planning and evaluation skills to enhance their participation in decision-making processes; *[Prime Minister's Office, Regional Administration and Local Government, Councils, CSOs]* and,
- Strengthen country systems in order to create a strong partnership with development partners for effective development cooperation. *[Ministry of Finance]*

Objective Two: Accelerating Socio-economic Development to achieve Sustainable Development and Poverty Eradication

I. Summary of the CSAR

894. The CSAR details the various policies and mechanisms that Tanzania adopted to accelerate socio-economic development for sustainable development and poverty reduction. Specific indicators adopted to assess this include: legal, policy and institutional steps taken to accelerate socio-economic development and poverty reduction; the resource envelope and criteria used to guide allocation of resources to achieve sustainable development and poverty reduction; challenges encountered and measures taken to address constraints to sustaining progress in development and poverty reduction; and progress registered in key economic growth and social indicators, particularly the MDG indicators strategies and programmes that Tanzania developed and implemented for promoting sustainable economic growth, poverty reduction and private sector development.

895. The CSAR states that, since the late 1990s, accelerating socio-economic development to achieve sustainable development and poverty reduction was guided by key policies and programmes, notably: the Tanzania Development Vision 2025 and the Zanzibar Development Vision 2020; 1998 National Poverty Eradication Strategy (NPES); and, the Poverty Reduction Strategies. As stated in Objective One of this Chapter, the CSAR notes that Tanzania made considerable efforts to develop its monitoring and evaluation systems and practices, including strengthening statistical systems, although considerable work remains.

896. Apart from the macro-policy initiatives covered above, Tanzania's poverty reduction strategies also incorporate various sectoral policies and strategies. Key sectoral policies include the 1997 Agriculture and Livestock Policy, under review to develop an Agriculture Policy; the 2002 Co-operative Development Policy; the 2004 Livestock Development Policy; the 1995 National Land Policy; the National Water Policy of 2002; the National Micro-finance Policy of 2000; the Sustainable Industrial Development Policy (1996-2020); the 2003 National Trade Policy; Investment Promotion; and, the Gender Policy of 2000. More recently developed sectoral policies include: the 2010 National Irrigation Policy; the 2008 Agricultural Marketing Policy; the 2010 National Research and Development Policy; and, the 2010 National Biotechnology Policy.

897. The CSAR notes that, although growth appears to have increased steadily since 1998, a close examination of its trajectory reveals a sharp increase between 2000 and 2002, followed by lower rates of growth between 2002 and 2004. The CSAR admits that Tanzania is not on track for achieving both the MKUKUTA and MDG poverty reduction targets. The report cites the Household Budget Surveys of 2000/01 and 2007 showing limited declines in income poverty levels over the period. The CSAR states that poverty remains highest in rural areas, where 37 per cent of the population falls below the basic needs poverty line. In contrast, Dar es Salaam has the lowest level of poverty, with 16 per cent below the same line. Since 1991/92, poverty declined most in Dar es Salaam and least in rural areas. However, since 2000/01 the declines seem to be of a similar magnitude. According to the CSAR, a clear message from these statistics is that while the macro-economic outlook is favourable - compared with many other developing countries - strong growth rates over the last decade have not led to

significant declines in poverty ratios. Poverty remains an overwhelmingly agricultural phenomenon, particularly among households whose major source of income is from crop production. The large proportion of the population engaged in agriculture, and high rural poverty rates, combine to explain why three-quarters of the poor are dependent on agriculture.

898. On employment, the CSAR states that, through positive growth over the past few years, the economy managed to reduce unemployment slightly in both rural and urban areas. The MKUKUTA operational target was to reduce unemployment from the 2000/01 rates of 12.9 per cent to 6.9 per cent by 2010. It cites the Integrated 2006 Labour Force Survey (ILFS) showing that measured by the national definition, for those aged 15 years and above, unemployment rates are relatively low in Dar es Salaam and other urban areas, compared to rural figures. According to the CSAR, almost all people 15 years and older in Tanzania are working; the central issue is not unemployment but the reliability, quality, and productivity of employment. Earnings are low and hours are long for most Tanzanians. The report cites the 2006 Integrated Labour Force Survey which found that 75 per cent of the employed earn less than TShs 100,000 per month.

899. According to the CSAR, over the past decade, economic policy focused primarily on macro-economic stabilisation and, more recently, on poverty reduction, with relatively little emphasis on the quality of economic growth and structural transformation. In addition, economic management was fragmented among a variety of institutions, creating a certain lack of coordination in policy formulation and implementation. A number of challenges need to be addressed for economic policy making to support and sustain high economic growth and respond appropriately to trends in the domestic and international economy.

900. The CSAR recognizes that faster and more sustainable growth are the requisite underpinnings for Tanzania's development. Hence the need for a clear, coherent and prioritised growth strategy. Such a strategy would identify potential drivers of growth based on an accurate analysis of their comparative and competitive advantage for Tanzania, within the global context. According to the CSAR, Tanzania's management of the economy has not necessarily gone down the wrong path over the past few years. However, public investments in education, health, and roads must take priority. The path taken was mandated by the state of development in the mid-1990s. Prudent fiscal and monetary management was established, and combined with expansion of social services and implementation of key public sector reforms. However, the CSAR concludes that strategic choices involving issues of effectiveness and efficiency in public spending need more active consideration.

II. **Findings of the CRM**

901. The CRM is impressed with the United Republic of Tanzania's efforts to promote sustainable growth. Over the past few years, as noted in both Chapters Two and Four, Mainland Tanzania and Zanzibar enjoyed high rates of growth, accompanied by rising GDP per capita.

902. This positive economic outlook notwithstanding, there is no doubt that Tanzania faces serious challenges: poverty, disease, high child, infant and maternal mortality, in particular. As noted in the CSAR, and also in Chapter Four, the strong GDP growth rates did not lead to significant declines in poverty levels. A major weakness is that growth in Tanzania, as in many other African countries in recent years, was not inclusive for all groups of the Tanzanian population (Box 6.2). Inequality in terms of access to education and health services; limited job opportunities, especially for the youth; and, weak institutional, regulatory and business frameworks remain pervasive, despite national efforts to reform and restructure the economy.

Employment

903. The CRM notes that, contrary to the assertions in the CSAR, Tanzania faces a huge need to create productive jobs and income-generating opportunities for the growing population. Reflecting the country's youthful demographic structure, the labour force is estimated to be growing at high annual rates. While this is comparable to average labour force growth rates in low income (LIC) Africa, the economy still needs to absorb roughly 400,000 new workers each year. This can be accomplished only by creating a compelling environment to foster private investment, business expansion, and productive opportunities for self-employment, as discussed in Chapter Five.

904. The labour force participation rate of 98.3 per cent is well above the average for low-income sub-Saharan Africa, and rates observed in Kenya and South Africa. A participation rate this high is an indicator of widespread poverty: every able body has to work. Closer examination of the data shows that the participation rate for males is above 100 per cent, most likely indicating a high incidence of child labour.

High poverty levels

905. The CRM confirms the CSAR findings that poverty in the URT remains high. In Mainland Tanzania, there were only marginal declines in poverty. According to the recent PRSP progress report, there was not much evidence of declining poverty over the past decade, despite solid macroeconomic performance. Nonetheless, the latest poverty estimates show a lower incidence of poverty than in many other African countries. In particular, the proportion of the population living below the national poverty line was estimated at 35.7 per cent in 2009, much better than the regression benchmark of 56.9 per cent for an African country with Tanzania's level of income, and estimates for Kenya (55.4 per cent) and South Africa (50.0 per cent). This suggests a relatively equitable distribution of income. This inference is corroborated by the UNDP Human Poverty Index (HPI), which takes into account deprivation in health and education, as well as income.

Growing inequality

906. Along with high poverty levels in present day Mainland Tanzania and Zanzibar, income inequality is high and rising. Ideally, as stressed in Tanzania's Vision 2025, the creation and distribution of wealth in society must be equitable and free from inequalities and all forms of social and political relations inhibiting empowerment. On the contrary, Tanzania's growth in recent years saw rising inequalities in national wealth distribution. As shown in Chapter Four, the Gini Index increased from 0.34 in 1991/92 to 0.35 in 2000/01 and was at that same level in 2007 – a sign of growing income inequality. Chapter Four also shows that the wealthiest 20 per cent of the population in Tanzania received 42.4 per cent of national income, compared to 7.3 per cent that went to the poorest 20 per cent of the population.

907. This phenomenon of rising income inequality was confirmed in group discussions in Mainland Tanzania. In consultations, the majority of stakeholders affirmed that inequality was on the rise. Stakeholders informed the CRM that a new class system was emerging in Tanzania, with the politicians and big business people at the top. At the bottom were peasant farmers, informal sector operators (ISOs), and the unemployed, including the disabled and the aged.

908. Similarly, Zanzibar has seen rising inequality in recent years. Although senior Government officials claimed that Zanzibari society was egalitarian, the general consensus among those interviewed by the CRM was that this was not the case.

Box 6.1: Absence of Inclusive Growth in Tanzania

The notion of inclusive growth as the key developmental goal for developing countries has gained global ascendency in recent years, mainly as a response to high poverty levels and rising inequalities. The evidence from Tanzania's CSAR indicates that respectable growth rates have not resulted in significant improvements in poverty levels. In 2000/01, 35.7 per cent of the population lived below the poverty line, compared to 33.6 per cent in 2007. Poverty rates decreased from 38.7 per cent to 37.6 per cent in rural areas, and from 17.6 per cent to 16.4 per cent in Dar es Salaam during this same period. In the case of Zanzibar, an estimated 13 per cent of the population live below the food poverty line and 49 per cent of the population live below the basic needs poverty line. The CSAR concludes by noting that "The mismatch between relatively high economic growth and marginal reduction in poverty is a serious issue for concern in both the Mainland and Zanzibar." At the same time, inequality has been rising. According to the CSAR, there was a gradual increase in the degree of inequality in the country. The Gini Index increased from 0.34 in 1991/92 to 0.35 in 2000/01 and was at that same level in 2007, meaning that inequality was greater in 2007 than in 1991/92. In the rural areas, the Gini Index remained at 0.33 during these three periods, while in Dar es Salaam it stood at 0.33 in 1990/91, 0.36 in 2000/01, and 0.34 in 2007. In 2007, the wealthiest 20 per cent of the population received 42.4 per cent of the national income, compared to 7.3 per cent that went to the poorest 20 per cent of the population: an income distribution ratio of seven to one.

Sources: Tanzania's Country Self Assessment Report, 2011; Ajakaiye, Jerome and Chigunta, 'Inclusive Growth: From Policy to Reality', IDRC International Experts Meeting, LIC New Delhi, 12-13 December 2011

Tanzania and the challenge of promoting inclusive growth

909. The absence of inclusive growth in Tanzania is a recurring theme in this report. The emerging consensus is that the URT should take deliberate measures to promote more pro-poor and inclusive growth. As noted in Box 6.1, the notion of inclusive growth is organized around two mutually supportive goals: transformational growth and poverty reduction. Rapid and broad-based growth is the most powerful instrument for poverty reduction. At the same time, measures aimed at reducing poverty and lessening inequality can help to underpin rapid and sustainable growth. These interactions create the potential for stimulating a virtuous cycle of economic transformation and human development.

910. Transformational growth requires a high level of investment and rising productivity. As noted in Chapter Five, this is achieved by establishing a strong enabling environment for private sector development, involving multiple elements: macroeconomic stability; a sound legal and regulatory system, including secure contract and property rights; effective control of corruption; a sound and efficient financial system; openness to trade and investment; sustainable debt management; and, as stressed in this chapter, investment in education, health, and workforce skills; infrastructure development; and sustainable use of natural resources.

911. What is implicit in the definition of inclusive growth, as presented in Box 6.1, is the notion of pro-poor improvements in social opportunities and the extent to which these opportunities (such as access to health or education) benefit the poor. This implies that the impact of growth on poverty depends on policies and programmes that create opportunities and build capabilities for the poor. This is what is known as the pro-poor growth environment. Here, too, many elements are involved, including effective education and health systems; policies facilitating job creation; agricultural development (especially in a country like Tanzania where the poor depend predominantly on farming); dismantling barriers to micro and small enterprise development; and progress toward gender equity. The notion of inclusive growth can, therefore, easily be extended to non-income dimensions of well-being.

912. Tanzania should strive to create a pro-poor and inclusive growth environment with policies and institutions that improve opportunities and capabilities for the poor, while reducing vulnerability. Pro-poor growth is associated with improvements in primary health and education, the creation of jobs and income opportunities, the development of skills, microfinance, agricultural development (for countries like Tanzania with large populations of rural poor), and gender equality. The Millennium Development Goals (MDGs) below will be used to more comprehensively ascertain the extent to which recent development in Tanzania was inclusive or pro-poor in terms of increasing the people's access to basic social services such as health and education.

Progress on the attainment of MDGs in Mainland Tanzania and Zanzibar

913. Although more recent data is needed, available evidence shows that the United Republic of Tanzania has made some progress towards the attainment of some MDGs objectives. This is shown in Table 6.2 for Mainland Tanzania.

Table 6. 2: Progress in MDGs at a Glance in Mainland Tanzania

MDG	Indicator	Baseline: 1990	Current status	2015 Target	Progress at a Glance
1. Eradicate extreme poverty and hunger	1.1 Proportion of population below ($1, PPP) (based on national income poverty line)	39	33.6 (2007)	19.5	
	1.1 Proportion of population below ($1, PPP) (based on national food poverty line)	21.6	16.6 (2007)	10.8	
	1.8 Under-5 Underweight (%)	28.8	20.7 (2010)	14.4	
	1.8 Under-5 Stunted (%)	46.6	35.4 (2010)	23.3	
2. Achieve universal primary education	2.1 Net enrolment ratio in primary education (%)	54.2	97.2 (2009)	100	
	2.2 Gross enrolment ratio in primary education (%)		112.7	100	
3. Promote gender equality and empower women	3.1 Ratio of girls to boys in primary school (%)	98	101	100	
	3.2 Ratio of girls to boys in secondary school (%)		105	100	
	3.3 Ratio of females to males in tertiary education (%)		68.0	100	
	3.4 Proportion of women among members of Parliament (%)		30.3	50	
4. Reduce child mortality	4.1 Under-five mortality rate (per 1,000 live births)	191	81 (2010)	64	
	4.2 Infant mortality rate (per 1,000 live births)	115	51 (2010)	38	
	4.3 Proportion of children vaccinated against measles		85 (2010)	90	
5. Improve maternal health	5.1 Maternal Mortality Ratio (per 100,000 live births)	529	454 (2010)	133	
	5.2 Proportion of births attended by skilled health personnel (%)	43.9	51 (2010)	90	
6. Combat HIV/AIDS, malaria and other disease	6.1 HIV prevalence, 15-49 years	5.5	5.7 (2008)	<5.5	
	6.3 Number of malaria cases and incidence (cases per 100,000)		27,030 (2006)	18,062	
	6.3 Number of tuberculosis cases and incidence (cases per 100,000)	107	158 (2007)		

MDG	Indicator	Baseline: 1990	Current status	2015 Target	Progress at a Glance
7. Ensure environmental sustainability	7.8 Proportion of population using an improved drinking water source (:% of rural population)	51	57.1 (2009)	74	
	7.8 Proportion of population using an improved drinking water source (:% of urban population)	68	83 (2009)	84	
	7.9 Proportion of people with access to improved sanitation (Rural/ Urban)		88.9/98.5		

Key to "traffic light" colors: green = achievable; yellow = achievement probable; red – not achievable

914. The United Republic of Tanzania has made decent progress in the fields of education, health and gender equality. Some progress is also evident in promoting environmental sustainability and combating malaria and HIV/AIDS.

915. As in the case of Mainland Tanzania, Zanzibar has also made some progress towards achieving some MDG targets (Table 6.3).

Table 6. 3: Progress in MDGs at a Glance in Zanzibar

MDG	Indicator	Baseline: 1990	Current status	2015 Target	Progress at a Glance
1. Eradicate extreme poverty and hunger	1.1 Proportion of population below ($1, PPP) (based on national income poverty line)	61	44.41 (2010)	30.5	
	1.1 Proportion of population below ($1, PPP) (based on national food poverty line)	25	13.04 (2010)	12.5	
	1.8 Under-5 Underweight (%) Children underweight (weight-for-age below -2SD)	39.9	19.9 (2010)	19.9	
	1.8 Under-5 Stunted (%)	47.9	30.2 (2010)	23.8	
2. Achieve universal primary education	2.1 Net enrolment ratio in primary education (%)	50.9	81.5 (2010)	100	
	2.2 Gross enrolment ratio in primary education (%)		112.1	100	
3. Promote gender equality and empower women	3.1 Ratio of girls to boys in primary school (%)	98	0.99 (2007)	100	
	3.2 Ratio of girls to boys in secondary school (%)		0.96 (2007)	100	
	3.3 Ratio of females to males in tertiary education (%)		68.0	100	
	3.4 Proportion of women among members of Parliament (%)		30 (2010)	50	

MDG	Indicator	Baseline: 1990	Current status	2015 Target	Progress at a Glance
4. Reduce child mortality	4.1 Under-five mortality rate (per 1,000 live births)	202	79 (2007/2008)	67	
	4.2 Infant mortality rate (per 1,000 live births)	120	54 (2008)	40	
	4.3 Proportion of children vaccinated against measles		95.8 (2009)	100	
5. Improve maternal health	5.1 Maternal Mortality Ratio (per 100,000 live births)	377 - (1998)	279 (2010)	170	
	5.2 Proportion of births attended by skilled health personnel (%)	-	44.7 (2008)	90	
6. Combat HIV/AIDS, malaria and other diseases	6.1 HIV prevalence, 15-24 years	6	2.5 (2008)	<6	
7. Ensure environmental sustainability	7.8 Proportion of population using an improved drinking water source (:% of rural population)	35	60 (2010)	67.5	
	7.8 Proportion of population using an improved drinking water source (% of urban population)	70	80 (2010)	85	
	7.9 Proportion of people with access to improved sanitation (Rural/Urban)	26/52	51/75 (2005)		
8. Develop a global partnership for development					

Key to colours: green = achievable; yellow = achievement probable; red – not achievable
Source: MDGs Country Report 2011

916. It is, however, significant that both Mainland Tanzania and Zanzibar are not likely to achieve the goal of eradicating extreme poverty and hunger. Given that the majority of Tanzanians depend on agriculture for their livelihoods, agricultural performance improvements are likely to impact strongly on poverty reduction.

The need to modernise agriculture and boost job creation and incomes

917. Agriculture accounts for 45 per cent of GDP and is the main source of livelihood for an estimated 80 per cent of the Tanzanian labour force. The fact that a large fraction of the labor force produces less than half the output shows that productivity in agriculture is far lower than in other sectors. This is a standard condition for low-income countries, reflecting the importance of transformational growth as a source of rising productivity.

918. It is in this respect that the CRM commends the United Republic of Tanzania for prioritising agriculture through the Kilimo Kwanza ('Agriculture First') project. Tanzania has been increasing budgetary allocations to the agriculture sector. This is also commendable, for Tanzania's budgetary allocation to the sector is currently slightly above 8 per cent. However, this is still below the CAADP target of 10 per cent, therefore, more still needs to be done to support the agriculture sector.

919. Given current low agricultural productivity levels in both Mainland Tanzania and Zanzibar, programmes to support investment and job creation outside agriculture will be critical to sustainable development and transformational growth. However, as noted in Chapter Five, Tanzania's business environment is a critical constraint to private

sector development and sustained growth. Similarly, while Tanzania's financial sector performance improved, much remains to be done, as stressed in Chapter Four.

920. As already noted, while rapid growth is the most powerful and dependable instrument for poverty reduction, the link from growth to poverty reduction is not mechanical. Tanzania must vigorously pursue the inclusive growth agenda to ensure that the benefits of growth are shared equitably among all URT population groups. In this respect, more debate and research is needed on how to optimise the poverty-reducing potential of growth in the URT.

III. Recommendations

921. The APR Panel recommends that the United Republic of Tanzania:

- Take deliberate measures to improve the quality of economic growth through the creation of jobs and income opportunities for people, especially the youth and university graduates; *[Ministry of Finance; private sector; CSOs]*
- Increase budgetary allocations to agriculture and the social sector by reforming and strengthening the tax administration system; *[Ministry of Finance]* and,
- Strengthen the M&E system and statistical data collection to ascertain the extent to which the country is progressing towards targets set in MKUKUTA II, MKUZA II and the MDGs. *[Ministry of Finance]*

Objective 3: Strengthen Policies, Delivery Mechanisms and Outcomes in Key Social Development Areas, including Education for all, Combating of HIV and AIDS and Other Communicable Diseases

I. Summary of the CSAR

Policy and Institutional Reforms

922. According to the CSAR, the Government of Tanzania made considerable progress with social services provision. Well-articulated institutional infrastructure improved access and coverage for effective service delivery through a decentralised service delivery system. The delivery system includes clearly articulated central and local level structures. Local Government authorities are responsible for service delivery in education, water, agriculture and health sectors. Each region, district, ward, and village has a costed development plan based on the MKUKUTA and MKUZA, and other sectoral plans and programmes. As a result, good progress has been made in achieving key social development targets such as gender parity in primary education, increased net and gross enrolments in primary school education, and lowered under-five mortality rates.

923. The CSAR also highlights various national policies and strategies, including Development Vision 2025, PRS, MKUKUTA, that all aim to achieve quality service delivery for all Tanzanians, and which the APRM team used as benchmarks for assessment. These instruments provide a framework for resource allocation increases to the social sectors, especially education and HIV/ AIDS. The CSAR notes that government depends on active stakeholder participation - local government authorities, in particular, are recognised as primary providers of social services – for the successful implementation of all these plans and strategies, especially of MKUKUTA. Government also counts on the availability of human and financial resources.

Education

924. In discussing policies and outcomes in the educational sector, the CSAR underscores that Tanzania made very good progress in primary level education, and moderate progress at higher levels of education. It strongly asserts

that Tanzania's constitution recognises the right to education for all citizens and that, dating back to the 1960s, Tanzania initiated many interventions to achieve this objective. These interventions include Education for Self-Reliance (ESR), linked to the socio-economic vision of the nation. Subsequently, Tanzania instituted many plans, including the Primary Education Development Programme (PEDP, 2002-2006) and the Secondary Education Development Programme (SEDP). It also injected significant resources into the sector and abolished school fees and compulsory cash contributions, resulting in massive increases in primary school enrolment.

925. However, the CSAR recognises that when it comes to access to quality education, there are serious disparities between regions - rural/urban, rich and poor, private and public schools, and especially in the availability of trained teachers and examination performance. It also notes that despite achieving gender parity at the primary level and being close to this achievement at the secondary school level, performance rates for girls remain very poor on the whole. Other challenges identified in the CASR include poor educational quality at lower levels, inadequate numbers of qualified teachers, shortages of teaching and learning materials, cultural bottlenecks over girl-child education, shortages of adequate classrooms, as well as limited opportunities for technical and skills training, and higher learning.

926. With regard to education in Zanzibar, the CSAR notes that the Isle recorded high participation rates in tertiary and higher education, attributable, in part, to the emergence of universities on the island and the infusion of substantial resources into all levels of education, but more so to primary and secondary schools.

927. The CSAR also observes that, although transition rates to the secondary level remain generally very low, Zanzibar achieved gender parity at secondary education levels of enrolment. However, the unpredictability of funds, weak public-private partnerships, poor student qualifications, and inadequate government regulations for private universities, are some of the challenges of the education sector in Zanzibar.

Health

928. The central theme of the CSAR on the health sector is that Tanzania made great efforts and scored major successes in the provision of health care infrastructure throughout the country. According to the CSAR, government undertook broad-ranging institutional and policy reforms to improve the efficiency and accessibility of health care services. Based on equity principles and efficient and more rational use of resources, a system of waivers and exemptions to shield the poor from the negative effects of cost-sharing and user fees in vital services such as health and education were built into these reforms. However, the CSAR asserts that the poor have not necessarily benefitted from exemptions, and waivers were not systematically applied.

929. The CSAR further notes that, despite persistent and continuing disparities in under-five mortality in different regions of the country, Tanzania made great strides in improving child health. It attributes these notable steps to more effective prevention and management of malaria, and the effects of the system of waivers and exemptions built into the health system. It points out that children under five, pregnant women, and people suffering from chronic diseases are entitled to free medical care in all public health institutions.

930. The CSAR, however, paints a very disturbing picture about the maternal mortality ratio in Tanzania by observing that this ratio remains very high and shows no improvements. According to the CSAR, available data indicate that up to 578 women died for every 100,000 live births, in 1996. This translates to approximately one woman dying every hour from maternal causes. It identifies the key challenges in this regard as including the fact that emergency obstetric care services are non existent, even the most basic equipment for emergency obstetric procedures in health centers are missing; there is a lack of ambulances and serious shortages in skilled birth attendants.

HIV/AIDS

931. The CSAR notes that Tanzania has serious problems with HIV/AIDS: prevalence on the Mainland was 6 per cent in 2007/08. Prevalence rates were higher among women and girls, peaking at 10 per cent among women aged 30-34 years. The report suggests that higher prevalence among younger women may point to a correlation

between age, gender inequities, and HIV transmission. Heterosexual intercourse is the predominant mode of transmission. It states further that gender inequalities compound HIV transmission because women in male-dominated societies find it difficult or impossible to speak to their partners about safe sex.

932. Stigmatisation is also very common. Wide regional variations in prevalence range from between 11 per cent and 14 per cent in Mbeya, Iringa, and Dar es Salaam, to around 2 per cent in Kigoma and Manyara. Both voluntary testing and treatment provided to patients have increased over the years. However, there is a lack of adequate information on the coverage and the effective use of ARVs by patients, as well as on the number of patients receiving ARVs and adhering to a treatment regimen.

II. Findings of the CRM

Policies and delivery mechanisms

933. The CRM observed that the Government of the United Republic of Tanzania, in collaboration with other stakeholders, has put a great deal of effort into delivering social development services in education and health, including HIV/AIDS and tuberculosis. Government developed and implemented many policies, strategies, and frameworks; set up relevant institutions; increased budget allocations to the social services sector; and instituted a decentralisation programme as a major decision-making and service delivery mechanism.

934. In many cases, however, challenges still remain and are even intensifying, making it difficult for the country to tackle critical social development effectively and efficiently. Quality service delivery is constrained by poor policy implementation and inadequate human and financial resources, especially at lower levels of government. This situation promoted what an official document described as apathy setting in among the citizens[131] .

Education

935. The CRM recognised the great strides Tanzania made in education, especially at the primary level. Government is especially commended for the commitment to carry out policy and institutional reforms: the introduction of the Primary Education Development Programme (PEDP, 2002-2006) and the Secondary Education Development Programme (SEDP). These Programmes facilitated notable improvements in basic education provision in the country.

936. A universal free education policy - implemented through the PEDP - resulted in a remarkable increase in the number of schools and school enrolments at the primary school level. The number of both public and private primary schools[132] rose from 14,257 in 2005 to 15,816 in 2010. Total enrolments in Standard I also increased from 1,348,418 to 1,356,805, and enrolments in Standard VII rose from 560,736 to 948,013 within the same period[133]. As Table 6.4 illustrates, the increases occurred on both Mainland Tanzania and Zanzibar. Furthermore, the composite Net Enrolment Rate (NER) for the country increased from 88.5 per cent in 2003 to 97.2 in 2009. Although the rate declined marginally to 95.4 per cent[134] in 2010, Tanzania is on course for meeting its Millennium Development Goal in primary education of 100 per cent NER, by 2015. However, the CRM observed regional differences in the NER. For example, according to the 2007 Poverty and Human Development Report (PHDR), over 33 per cent of the country's non-nomadic districts reported 100 per cent net enrolment in that year, but the figures in pastoral and nomadic districts were much lower. Tanzania also registered similar impressive increases in total enrolments at the secondary education level where the Net Enrolment Rate rose from 6 per cent in 2007 to 35 per cent[135]. This rate is still below the MKUKUTA target of 50 per cent[136].

[131] *The Tanzania Development Vision 2025,* Planning Commission, p. 11, The United Republic of Tanzania.
[132] *Tanzania in Figures 2010,* p .62, National Bureau of Statistics, Ministry of Finance, The United Republic of Tanzania, June 2011.
[133] Ibid.
[134] *Tanzania Country Report on the Millennium Development Goals 2010,* p 15, Dar es Salaam, 26 September 2011.
[135] *MKUKUTA National Strategy for Growth and Reduction of Poverty Poverty and Human Development Report 2011,* p. 79, Ministry of Finance and Economic Affairs, Dar es Salaam, United Republic of Tanzania, December 2011.
[136] Ibid.

Table 6. 4: Net Enrolment Rates in Primary Education (Per cent)

Year	Mainland Tanzania	Zanzibar
2000	57.1	67.0
2002	80.0	-
2003	80.7	75.0
2004	88.7	76.3
2005	90.5	76.6
2006	94.5	78.4

Source: Tanzania Country Report on the Millennium Development Goals 2010, p.15, Dar es Salaam, 26 September 2011.

937. Success in both the PEDP and the SEDP is mostly accounted for by a significant injection of government resources. In addition to the increased share of the national budget allocated to education, government took the laudable step of establishing a new capitation grant of $10 per school-age pupil per year to facilitate quality improvements. Furthermore school management was entrusted to school committees of elected parents and pupils in order to improve coverage, and create ownership and popular participation.

938. In spite of these interventions and accomplishments, the education sector is experiencing a number of challenges. Massive increases in enrolment were not matched by a commensurate increase in the numbers of qualified teachers, learning and teaching materials and classrooms, and accommodation for children who live far from home. As a result, higher enrolments over-stretched the educational infrastructure and human resource capacity, resulting in a dearth of qualified teachers and high pupil-teacher ratios that are much higher than the MKUKUTA target of 45:1. As this trend stands, it seems increasingly unlikely that this target would be achieved unless tremendous efforts are made to train more primary and secondary school teachers. High pupil-teacher ratios have resulted in poor quality teaching, causing the per centage of students passing the primary school leaving examinations (PSLE) to fluctuate significantly in recent years. For example, while 70.5 per cent of students who sat for the PSLE passed the examination in 2006, the pass rate dropped to 49.4 per cent[137] in 2009, negatively impacting on secondary school in-take levels. Thus, the transition rate from Standard (STD) VII to secondary school declined[138] from 56.7 per cent in 2007 to 50 per cent in 2009.

939. Consultations with stakeholders revealed that effective policy implementation is also a critical challenge in the education sector. Some stakeholders informed the CRM that resources meant for the PEDP and SEDP were not put to good use: classrooms not provided in sufficient numbers, more trained teachers, and better working conditions for teachers in rural areas. These stakeholders further observed that some funds meant for community education programmes were diverted for other purposes by corrupt officials. These shortcomings tend to suggest a weak policy and programme implementation process and a need to enhance programme monitoring and evaluation capacity.

940. Although children from poor families benefited the most from government interventions in the education sector, especially at the secondary school level, they still remain under-represented due to the cost of education. According to many participants at the consultation meetings, while rich children can and do access better quality education in private schools, poor children have only one choice: public schools and the attendant low quality of education.

941. The CRM was informed that some categories of children are not being enrolled to the full extent. These include children with disabilities, children from very poor socio-economic backgrounds, and children living in remote areas. Stakeholders noted that school boarding facilities are so inadequte that this poses risks to girls who

[137] *Tanzania Country Report on the Millennium Development Goals*, Dar es Salaam, p. 16, 26 September 2011.
[138] Ibid.

cannot get into secondary schools in their localities. They have to find their own accommodation and learn how to live on their own for the first time. According to the stakeholders, such girls are easy prey for unscrupulous men.

942. A number of challenges have exacerbated primary school drop-out rates. As Table 6.5 shows, the major reason is truancy. In addition to the listed reasons, other reasons for non-attendance are traditional practices that inhibit school attendance.by parents and children, especially for the girl child; and, the poor perception of the value of schooling on the part of both parents and children, their wards.

Table 6. 5: High Pupil Drop-out by Reason in Government and non-Government Primary Schools, 2011

Reason	Std VI	Std VII	Grand total	Drop out reasons in %
Truancy	12005	10341	57085	74.9
Pregnancy	444	467	1056	1.4
Death	406	309	2657	3.5
Unable to meet basic needs	1356	509	4585	6.0
Illness	309	277	1579	2.1
Taking care of sick relative	274	100	816	1.1
Others	2346	1337	8468	11.1
Grand Total	**17140**	**13340**	**76246**	**100.0**

Source: Basic Education Statistics in Tanzania (BEST) 2007-2011, Ministry of Education and Vocational Training, Dar es Salaam.

943. In meetings with stakeholders, the CRM was routinely informed that schooling was perceived as useless or uninteresting because of a disconnect between what is taught and skills needed to secure a livelihood. Furthermore, participants at the consultation meetings noted that the teaching profession in Tanzania is no longer perceived as a worthwhile occupation because teachers are so poorly paid they spend only a fraction of their time in a day at school and use the rest of the time doing other activities outside schools to supplement their incomes. Therefore, many students take up teaching only as a last resort. This mentality has bred a lukewarm commitment to the teaching profession among many teachers, futher contributing to the school drop-out rates.

944. The high dropout rates may make it difficult to achieve the MKUKUTA target of 90 per cent completion rate. For example, the completion rate between 2006 and 2008 dropped from 78 per cent to 62.5 per cent[139], implying that there must be a significant turnaround if the MKUKUTA target rate of 90 per cent[140] is to be met.

945. Some of the reasons given for dropping out of school are cropping up more frequently and this should be of serious concern to the authorities and all decision makers in the education system. For example, in 2000/01, only 2.3 per cent of the Household Budget Survey (HBS) respondents[141] in Dar es Salaam gave *"School is useless / uninteresting"* as a reason for primary school-age children not attending school. This figure increased quite substantially to 22.2 per cent[142] in 2007. In other urban centres, the figure rose from 6.2 per cent in 2000/01 to 10.9 per cent in 2007. Comparable figures for rural areas were 10.5 per cent for 2000/01 and 14.3 per cent[143] for 2007. This trend suggests a need for urgent practical primary school retention and completion strategies

[139] *MKUKUTA National Strategy for Growth and Reduction of Poverty, Poverty and Human Development Report 2011*, p. 73, Ministry of Finance and Economic Affairs, Dar es Salaam, United Republic of Tanzania, December 2011.
[140] Ibid.
[141] Household Budget Survey 2007, p. 26, National Bureau of Statistics, Ministry of Finance and Economic Affairs, Dar es Salaam, The United Republic of Tanzania, ,January 2009.
[142] Ibid.
[143] Ibid.

and policies. The trend also implies that the URT Government should go beyond the policy of general budget increases for universal education and begin to address problems related to inequity between districts, lack of pedagogical materials, very high pupil-teacher ratios, poor remuneration and working conditions for teachers, and teacher-absenteeism, if it wishes to guarantee quality education.

946. The CRM commends Government for the rapid acceleration in tertiary education. The number of students enrolled in higher educational institutions[144] increased from an estimated 82,400 in 2006/07 to 95,500 in 2008/09. However, similar to primary and secondary levels of education, inequality in access to tertiary education exists between students from poor and rich backgrounds. Many stakeholders suggested that Government should do more to assist children from poor families to access tertiary education through student loans. They did not think that the Higher Education Loans Board is functioning properly.

947. It is worth mentioning that the CRM pays tribute to His Excellency Jakaya Kiwete, President of the United Republic Tanzania for his vision which was translated into a state-of-the-art University of Dodoma. The University is fully funded by the Government of Tanzania and thousands of students were enrolled in just five years of existence. The phenomenal expansion in enrolment and other aspects of the University are indeed a best practice (Box 6.2).

Box 6. 2: Dodoma University (UDOM): A Success Story of Vision, Determination and Dedication

During the visit to Dodoma, the Country Review Team met with the Vice Chancellor (VC) and senior managers and academics of UDOM. The university was only established in 2007 and as the VC puts it in their document Quest for Knowledge, *"There was not even a pen, papers, furniture, no vehicles to mention just a few. It was a start from a clean slate! But by grace of God we were given courage, commitment and determination so that we were able to overcome most challenges".*

The university started with 1200 students in 2007 and within 4 years, the number had increased to 20,000 students, making UDOM the largest residential campus university in Tanzania. The university boasts first-class facilities and a variety of courses that address the future needs of students, as well as of the country. A satellite township has developed at the fringes of the university campus. This brainchild of President Jakaya Kiwete is fully funded by the Tanzanian government and run by local committee. This remarkable achievement goes to show that where there is political will and leadership, strong commitment and judicious use of limited resources, a country will be able to develop with minimal assistance from outside.

948. As is the case in many African countries, Technical and Vocational Education and Training (TVET) was not given the same prominence as other levels of education in Tanzania. During the consultations, stakeholders observed that TVET is perceived only as an option for students who fail to enter universities. It is therefore gratifying for the CRM to note the over 700 per cent increase in enrolments in technical institutions between 2006 and 2008, when the enrolment rose[145] from just 2,710 to 21,711.

949. Although the TVET sector of Tanzania is not as underfunded as in many other African countries, it still faces a number of challenges. These challenges include: (i) diversity in the demand for training associated with a heterogenous target population; (ii) institutional fragmentation of technical education, under the umbrella of various ministries; and (iii) fragmented vocational education and training service delivery, involving two ministries and a parastatal agencies[146];

950. The CRM further observed a marked decline in gender equity from the outset of secondary school education. While there is gender parity at the primary school level, the proportion of girls in public secondary schools tends to decline between Forms I and VI. In 2010, girls comprised 45 per cent[147] of the total enrolment in Form I but only 39 per cent of Form VI students were girls. The implication of this is that fewer girls and young women than young men are being prepared for tertiary education and future high-level positions in both the public and private sectors. A much broader implication is that, if this trend continues, poverty cannot be reduced or eradicated when women are not economically and politically empowered.

[144] Ibid, p.83
[145] *Tanzania in Figures 2010*, p.63, National Bureau of Statistics, Ministry of Finance, The United Republic of Tanzania, June 2011.
[146] Tanzanian Educational Sector Analysis Beyond Primary Education and the Quest for Balance and Efficient Policy Choices for Human Development and Economic Growth, Dar es Salaam Cluster Office, SN/2012/ED/PI/1, UNESCO.
[147] Ibid., p. 64

Health

951. The CRM acknowledge Tanzania's good progress in health care delivery. Together with other health providers - private sector and faith-based organisations - Government made deliberate efforts to improve health service access and quality, in all areas. It has embarked on a broad range of institutional and policy reforms to improve efficiency and make health services accessible to all Tanzanians. This is to be achieved through nine strategies grouped into three components: district health services; secondary and tertiary health services; and, managerial capacity to effectively finance and deliver health care services. The Government Primary Health Service Development Programme (PHSDP 2008/2017) demonstrates long-term national commitment to improving the social and economic well-being of all, through quality social service provision, including health.

952. However, the CRM observed that although government was always committed to the provision of fair and equitable health services, this commitment does not seem to have adequately yielded the desired outcomes. Health service quality is still generally unsatisfactory. While the burden of disease is still high, and service coverage inadequate, the health sector was negatively affected by limited resources, and inefficient resource use. An audit[148] of the National Health Insurance Fund (NHIF) indicated that money was not being used efficiently, and that of the only 15 per cent of Tanzanians who use health funds, just 9.2 per cent were beneficiaries of the community health fund, set up to serve a large number of rural dwellers. These factors caused unsatisfactory quality health care at all levels.

953. One of the government reform measures in the health sector was the introduction of user fees, with provisions for waivers and exemptions for vulnerable groups, especially children under five, pregnant women, and people suffering from chronic diseases. Meetings with stakeholders hinted at a lack of awareness about the exemptions and waivers among many of their intended beneficiaries. Of more concern, according to the stakeholders beneficiaries who are aware of the measures complain about hidden costs - transport and unofficial charges by health officials, including bribes. Pregnant women, for instance, are expected to provide many items including disinfectant, soap and gloves, before being attended to during labour. These "incidental costs" make access to health care prohibitively expensive for the beneficiaries .

954. Other challenges in the health sector include severe medical staff shortages at all levels. According to Government sources[149], up to 65 per cent of medical staff are not at post. This shortage has contributed to very high maternal mortality rates. For example, the national maternal mortality rate of 529 deaths[150] per 100,000 live births is a serious challenge. Even though some estimates[151] indicate a lesser rate of 454 per 100,000 live births for 2010, all stakeholders consulted, including Government officials, agreed that maternal mortality is a real challenge facing the country. However, commendably, significant progress was registered with under-five and infant mortality rates where trends are declining[152]. The under-five mortality rate declined from 112 per 1,000 lives in 2004/05 to 91 per 1,000 lives in 2007/08, further declining to 58 per 1,000 live births. Similarly, the infant mortality rate declined from a high of 68 per 1,000 live births in 2004/05 to 51 per live births in 2009/10.

955. It is also worth noting that due to barriers in access to delivery services, Tanzania is experiencing very high levels of home deliveries. These deliveries are attributed to, poor geographical access to health facilities; lack of functioning referral systems; and inadequate capital at health facilities in terms of space, skilled attendants, and equipment. In this regard, government policy of locating a health centre after every 5km (at every Ward) of the Republic is commendable and indicates a step in the right direction.

956. The CRM observed that most maternal deaths are related to pregnancy, childbirth, and the poor quality of health services. Yet, most maternal deaths are preventable if pregnant women can access essential maternity care and are assured of skilled attendance at child birth as well as emergency obstetric care. According to the Ministry of Health, Tanzania plans to focus services on ensuring a continuum of care through health system strengthening and providing good quality care in a well organised referral health system, from community level to tertiary facility levels. One of such admirable measures is the establishment of maternity waiting homes for pregnant mothers (Box 6.3).

[148] The Citizen, Dar es Salaam, Tuesday, 20 March 2012.
[149] *National Strategy for Growth and Reduction of Poverty II NSGRP II,* p. 15, Ministry of Finance and Economic Affairs, United Republic of Tanzania, July 2010.
[150] *Tanzania Country Report on the Millennium Development Goals 2010,* Dar es Salaam, 26 September 2011,.
[151] *Tanzania Demographic and Health Survey 2010,* cit. p. 265.
[152] *Tanzania Country Report on the Millennium Development Goals 2010,* p. 25.

Box 6. 3: Best Practice: Maternity Waiting Home in Dodoma

In Dodoma, the medical superintendent who was consulted by the CRM gave a brief on the Maternity Waiting Homes programme in the region. The objective of the waiting home programme is to bring to the regional hospital all pregnant women who have been refereed through their local health facility because of absence of skilled birth attendants and obstetric care. The home is called Chigonella, meaning *"those waiting for delivery",* and was established at Dodoma regional hospital in 1992.

The CRM was informed that at any given time, four medical attendants and two nurses from the district health authorities are assigned to ensure that these women have a safe delivery. They work in shifts: managing admissions; monitoring the women's health status; and transfering them to a nearby regional hospital shortly before delivery or if complications develop during the pregnancy.

Success has been scored since the home programme offers women, particularly those living in remote areas, an opportunity to wait for and access quality health care, thus contributing to reducing the mortality rates of mothers and their newborn children. They are also provided a learning platform on the use of family planning methods, nutrition and hygiene, as well as ideas for income-generating opportunities. Women in the home have time to learn and exchange ideas and, by the time they go back home, they become agents of change in their own communities. The doctor, however, said some challenges remain: over-crowding and indirect costs to mothers such as transport, medication, and consumables required for assisted deliveries

HVI/AIDS

957. HIV/ AIDS prevalence rates declined from as high as 12 pecent in the 1990s to an estimated 5.8 per cent[153] in 2007/08. As Table 6.6 illustrates, there are variations in the prevalence rates. The prevalence rates are generally very low in Zanzibar (0.6 %) but very high among urban women in the rest of the country. The Iringa region has the highest rates of 16.8 per cent among women and 14.7 per cent[154] among men, while Pemba rates are only 0.3 per cent and 0.2 per cent among women and men, respectively.

[153] *Tanzania in Figures 2010,* p.35, National Bureau of Statistics Ministry of Finance, The United Republic of Tanzania, June 2011
[154] Ibid.

Table 6.6: HIV Prevalence by Sex and Residence in Tanzania 2007/08

Background Characteristics	Women 15-49		Men 15-49		Total	
	% HIV Positive	Number Tested	% HIV Positive	Number Tested	% HIV Positive	Number Tested
Tanzania	**6.8**	**7,909**	**4.7**	**6,657**	**5.8**	**14,566**
Urban	10.6	2,065	6.4	1,605	8.7	3,670
Rural	5.3	6,114	4.0	5,260	4.7	11,374
Zanzibar	**0.7**	**270**	**0.5**	**208**	**0.6**	**478**
Unguja	0.9	187	0.6	146	0.8	334
Pemba	0.3	82	0.2	62	0.3	145

Source:,Tanzania in Figures 2010, p. 35, National Bureau of Statistics Ministry of Finance, The United Republic of Tanzania June 2011.

958. The CRM learnt that the country's systematic response to the challenge of the pandemic contributed to the decline in the prevalence rates. Consultations with stakeholders revealed that several of them were aware of many government diagnostic, treatment, and counselling initiatives.

Malaria

959. Malaria is endemic in Tanzania and the eradication of malaria is amongst government priorities, both in the Mainland and Zanzibar. Through a number of policies and plans, especially the Malaria Control Strategic Plan (2008-13), there is progress towards attaining MDG malaria control targets. The Zanzibar programme has blended artemisin-based combination therapy, indoor residential spraying programmes, the use of insecticide treated nets, and special mobile telephones supplied to health clinics for malaria case reporting to headquarters to fight the scourge of malaria.

Box 6. 4: Best Practice: Zanzibar success in the fight against Malaria

Zanzibar's strategy to fight malaria, which is closely modeled on the World Health Organization's Roll Back Malaria initiative, has been hugely successful. According to an official with the Zanzibar Malaria Control Programme, the Zanzibar government has successfully reduced malaria infections down to one to two cases per week. Until recently, malaria has been the leading cause of death in Zanzibar. Mosquitoes breed easily in the many rice fields on both Zanzibar and the smaller island of Pemba. More than 90% of malaria cases are due to Plasmodium Falciparum- the most virulent strain, which are transmitted by mosquito anopheles the main mosquito that transmits malaria in Africa. Alongside the use of treated bed nets, the other main plank of Zanzibar's battle against malaria is the use of Artemisinin-based Combination Therapy (ACTs)

960. Through these programmes, mosquito nets coverage has improved, especially for insecticide-treated nets. About 75 per cent of Mainland Tanzanian households[155] and 89 per cent of those in Zanzibar owned at least one mosquito net in 2010, and ownership of insecticide-treated nets on the Mainland increased from 23 per cent in 2004/05 to 63 per cent in 2010, and from 28 per cent to 76 per cent in Zanzibar. The proportion of children under five years who sleep under an insecticide-treated net also rose significantly from 16 per cent in 2004/05 to 64 per cent in 2010; and, 68 per cent of pregnant women slept under any type of mosquito net in 2010, while 57 per cent slept under insecticide-treated nets[156]. The increase in the availability of mosquito nets partly contributed to

[155] *Tanzania Demographic and Health Survey 2010,* cit., p.195.
[156] *MKUKUTA National Strategy for Growth and Reduction of Poverty, Poverty and Human Development Report 2011,* p. 91, Ministry of Finance and

declining child mortality. The sustainability of the malaria programmes, especially the Zanzibar Malaria Control Programme, poses a major challenge because they are heavily dependent on external funding.

III. Recommendations

961. The APR Panel recommends that the United Republic of Tanzania:

- Urgently and comprehensively remedy deteriorating standards in the education system by increasing funding to local government authorities; training and recruiting more teachers to reduce the high learner/teacher ratios; and improving necessary educational infrastructure; *[Ministry of Education and Vocational Training, Ministry of Education and Skills Development- Zanzibar]*
- Ensure that challenges to young girls and the girl-child in accessing quality education – such as socio-cultural factors, perceptions about girl education, adequacy of accommodation for girls near secondary schools, and user-friendly school premises - are addressed; *[Ministry of Education and Vocational Training, Ministry of Education and Skills Development- Zanzibar , Ministry of Finance, Ministry of Finance and Economic Affairs- Zanzibar]*
- Increase medical personnel numbers at all levels and improve conditions of service for health personnel to enhance and sustain their productivity and increase retention in under-serviced areas, rural areas; *[Government of the United Republic, Ministry of Health, Ministry of Finance,]*
- Strengthen and expand coverage of measures that enabled Tanzania to reduce HIV prevalence rate over the last few years; *[Ministry of Health, Ministry of Community Development,Gender,and Children; Local Governments, Faith -based organizations and CSOs]*
- Strengthen and expand on existing measures to reduce maternal mortality in the country, including training skilled birth attendants and making health care centres user-friendly for pregnant mothers; *[The Prime Minister's office, Ministry of Health, Local Governments]* and,
- Intensify the efforts in reducing malaria - a major cause of death in the country. *[Ministry of Health, Local Governments, CSOS]*

Objective Four: Ensuring Affordable Access to Water, Sanitation, Energy, Finance, Markets, ICT, Shelter and Land to all Citizens, especially the Rural Poor

I. Summary of the CSAR

Water

962. The CSAR gives an overview of policies, strategies and institutional support mechanisms that the Government of Tanzania put in place to ensure effective access to basic amenities such as water, sanitation, energy, information and communication technologies, land and shelter. It also highlights, from the perspectives of stakeholders, the main strengths as well as shortcomings and constraints experienced in policy implementing.

963. According to the CSAR, access to potable water deteriorated over the years. While 46 per cent of all households and 45 per cent of the rural population relied on unprotected sources of drinking water in 2000, these proportions were 48 per cent and 60 per cent, respectively, in 2007. The CSAR identifies various strategies and programmes developed and implemented by Government to improve the supply of water. Among them is the National Development Vision 2025 which targets universal access to safe water, by 2015. Tanzania also established potable water supply to low income groups as a national priority.

964. The CSAR indicates that the sources of funds for the water projects include government revenue and funds from development partners, NGOs user fees, community contributions, and private sector investments. It also

Economic Affairs, Dar es Salaam, United Republic of Tanzania, December 2011.

highlights lack of adequate coordination and prioritisation of allocated funds to the various water activities, and poor implementation capacity at Local Government Authority levels as some of the serious challenges to the water strategy and programme implementation.

Sanitation

965. The CSAR states no single policy in Tanzania deals solely with sanitation issues, although such a policy has been under preparation since 2008. Therefore, sanitation issues tend to be embedded in a number of policies and strategies such as the 2007 National Health Policy, National Environmental Health and Sanitation Policy Guidelines (2004), the 2002 National Water Policy (NAWAPO), and the 1997 Local Government Reform Program. This makes it difficult to readily identify and verify funding for sanitation.

966. The CSAR further notes the extremely low availability of public toilets, the majority of which are located in urban centres. However, targets were set in the National Strategy for Growth and Reduction of Poverty (NSGRP), to enhance access to toilets by 2015.

Energy

967. In the area of energy, the CSAR states that although demand for energy has been rising, electricity coverage countrywide is still very low with frequent power supply interruptions. The sub-sector experienced four serious electricity crises in about a decade making domestic use of electricity the exclusive preserve of urban dwellers.

968. The CSAR concludes that although specific energy polices and laws were implemented to deal with constraints in achieving reliable and affordable energy supply to meet expanding demand, major challenges, including the lack of funds and heavy reliance on hydro-electric power, still persist in the energy sector.

Finance

969. Tanzania instituted a National Micro-finance Policy in 2000 to broaden and deepen financial services nationwide. Under this policy, a Rural Financial Service Strategy was developed and implemented using Savings and Credit Cooperative Societies (SACCOS) facilitate access to finance for the population. Also, independent programmes, such as the President's Fund for Small Entrepreneurs, were established to ensure access to financial services by disadvantaged communities. Through these programmes, micro-financial services were expanded to 94 of a total of 127 districts, in 19 of 26 regions of both Mainland Tanzania and Zanzibar.

970. However, the CSAR states that people still experience difficulties in accessing credit and identifies low levels of financial literacy; poverty, especially among the rural population; and, poorly developed infrastructure as key barriers to access to finance. It concludes that these barriers have combined to lower participation in the financial sector and limited financial accessibility; increased transaction costs per monetary unit of financial intermediation; increased risks for any financial institution attempting to serve rural clients; formal financial institutions largely avoiding serving rural areas; and, financial services being provided mostly by informal agents.

Markets

971. The CSAR underscores that international marketing and trade policy is governed by the National Trading Policy of 2003. The central theme of this policy is to stimulate trade for rapid socio-economic development. Marketing at the national level is based on central government's programmes and policies. In 2005, according to the CSAR, Government initiated the Agricultural Marketing Development System Programme, phased out in 2009. Government is now in the process of preparing a comprehensive agricultural markets development programme that would focus on marketing infrastructure and systems development. The programme will include grassroots MFI support, financial systems development, an agricultural investment facility (AIF), and legal reforms. Programme policy is expected to have wide application. The CSAR notes that the market development at local

levels is the responsibility of the Local Government Authorities - part of their service delivery component to their stakeholders.

Information Communication Technology

972. The CSAR underscores the remarkable progress in Tanzania's ICT sector since the introduction of a national information communication technology (ICT) policy in 2003. Service providers have risen in number from a single parastatal to several providers. Therefore, internet services are widely available in all regional major towns. The surge in service providers has resulted in increased competition, a reduction in tariffs, and a rise in the volume of subscriptions.

Shelter

973. The CSAR states that despite the importance of shelter to both rural and urban dwellers, in the absence of any combination of socio-economic development and environmental objectives, human settlements in Tanzania were not developed in a sustainable manner. This situation aggravates urban and rural poverty.

974. Government's National Human Settlement Development Policy 2000 provides for planned and services areas for human settlement. However, most urban settlements are increasingly being developed outside formal planning and management systems as well as in locations like steep slopes, flood plains, river valleys, and dumpsites. The CSAR observes that housing quality in rural areas was a concern because low quality materials and structures were in use. While modern housing materials are increasingly being used by the population, difficulties in accessing credit due to lack of appropriate collateral to guarantee housing loans are countering the trend.

Land

975. The CSAR asserts that despite Tanzania's large territorial area, rural people experience frequent land disputes and insecurity of land tenure. The 1995 National Land Policy - the basis of existing land laws - was passed to minimise such disputes. *The Strategic Plan for the Implementation of Land Laws,* developed to oversee the effective implementation of land laws, came after the policy. Yet, fundamental tensions relating to land - especially land as a market commodity - and the protection of the users and occupiers of land, still remain unresolved. Land is regarded as a key asset, and all attempts to reform land laws evoke strong social, political, and economic implications. However, the CSAR concludes that equity in land ownership cannot be achieved under prevailing structures and a lot remains to be done towards adopting a responsive land tenure framework.

II. Findings of the CRM

Water

976. Interactions with stakeholders confirmed CSAR assertions about levels of accessibility to potable water in Tanzania. The general water situation in the country suggests that Tanzania is experiencing a paradox. Although it has many lakes - Lake Victoria, Lake Tangayika and Lake Nyasa (Malawi) - within its boundaries, many Tanzanians continue to experience potable water shortages. An estimated 52.1 per cent of rural households[157] on the Mainland and 20 per cent of their urban counterparts depend on non-improved sources of water while 20.5 per cent of Zanzibari households face a similar predicament. Based on these figures, the water situation in Tanzania compares unfavourably with neighbouring Kenya where only 45.8 per cent[158] of rural households, and 6.3 per cent of their urban counterparts, obtain water from non-reliable sources.

977. While the shortage of water is more pronounced in drought-prone areas such as the semi-arid areas of the centre and north, potable water supplies in areas around the lakes are also insufficient. Only 36.7 per cent of total water demand, estimated at 29,400 litres per day, for the three urban centres of Kigoma/Ujiji Town, Kasulu,

[157] *Tanzania Demographic and Health Survey 2010,* p. 22, National Bureau of Statistics, ICF Macro, Calverton, Maryland, USA, April 2011.
[158] *Demographic and Health Survey 2008-09,* p. 21, Kenya National Bureau of Statistics, Nairobi, Kenya, June 2010.

and Kibondo in Kigoma region, is met.[159] Discussions with stakeholders in both Arusha and Kagera regions indicated that some rural people sometimes walk for about 10 kilometres to fetch water. This assertion from the stakeholders corroborates reported composite data on water[160] indicating that 51.9 per cent of rural Tanzanians travel 30 minutes or more to obtain clean and safe drinking water.

978. The general water situation is a source of concern for social harmony and a peaceful co-existence, and the country's ability to achieve some of its MDG targets. The CRM was informed that the shortage of water generated frequent water usage disputes, some of which developed into conflicts between farmers and livestock owners, and between farmers and large-scale investors who divert water from the local population to irrigate their farms. Similarly, the 2010 MDGs Report on Tanzania indicates that the MDG target for reducing by half the proportion of people without sustainable access to safe drinking water by 2015 will not be met for the rural population [161].

979. The CRM was informed that rapid population growth, poor water infrastructure, erratic power supply, the effects of climate change, and poor environmental practices, are major underlying causes for inadequate access to potable water in the country. The stakeholders stressed that the total population of Tanzania experienced phenomenal growth over the years but water infrastructural replacement failed to keep pace with the requirements for available and accessible water. Furthermore, they suggested that climate change led to long, frequent, and severe drought in some parts of the country, resulting in very deep water tables, and making it difficult to sink wells and boreholes. They also cited tree felling, especially around upstream sources of water, exposing streams to the elements and making them to dry up easily.

980. The CRM observed with commendation that the Government of the United Republic of Tanzania and NGOs took significant steps to addressing the water situation. Government began implementing water sector reforms by formulating a National Water Policy (NAWAPO) in 2002, a National Water Sector Development Strategy for 2006 – 2015 (NWSDS 2006-2015). A Water Supply and Sanitation Act was also passed in 2009 to provide for sustainable management, adequate operations, and transparent regulation of water supply and sanitation services, to give effect to the national Water Policy of 2002. Based on the NWSDS 2006-2015, Government prepared and implemented a Water Sector Development Programme for 2006- 2015 (WSDP 2006-2015). These steps, especially the WSDP 2006-2015, improved the percentage of urban households using protected sources of water, rising[162] from 77 per cent in 2007, the programme implementation year, to 80 per cent in 2010. For rural households the percentage increased from 40.4 per cent to 47.9 per cent in the same three-year period. Similar steps were taken in Zanzibar with appreciable results, while NGOs have embarked on various plans to train and involve the people in the protection of water infrastructure.

981. Government adopted an annual water week. Commemoration events have the potential to make further significant contributions towards addressing the water situation in the country. The fact that commemoration activities are organised across the country at national, regional and district levels allow all communities to get involved in water issues during that week. It draws national attention to community awareness and a focus on national water policies, strategies and issues concerning water resource management and development for the country.

Sanitation

982. Tanzania faces a number of challenges in the sanitation sector. Only 13.3 per cent of the total population[163] has access to improved sanitation. Although the number of people without toilets in urban areas decreased from 87.2 per cent[164] in 2007 to 79.7 per cent in 2010, the decrease came from the use of pour flush toilets and pit latrines. The CRM was reliably informed that most rural inhabitants have no access to toilet facilities. Both the Tanzania Demographic and Health Survey[165] 2010 and results from a recent survey[166] corroborate this information.

[159] *Kigoma Socio-economic Profile,* p. 107, the Planning Commission Dar es Salaam and the Regional Commissioner's Office, The United Republic of Tanzania
[160], *Tanzania Demographic and Health Survey* 2010, p. 22, National Bureau of Statistics.
[161] *Tanzania Country Report on the Millennium Development Goals* 2010, p. vii, Dar es Salaam.
[162] Ibid., p. 83.
[163] *Tanzania Demographic and Health Survey 2010,* cit. p. 451.
[164] *Water Sector Status Report* 2011 with Summary of Water Sector Progress since 2007, p. 86, Ministry of Water.
[165] *Tanzania Demographic and Health Survey* 2010, cit. p. 451.
[166] Ministry of Water, cit. p. 86

983. Water shortages, water-borne diseases, dysentery and diarrhoea from poor hygiene cause some of the country's health challenges. Adequate sanitation facilities for schools are a serious concern. The national average for the pupil-latrine-ratio is 53 pupils per latrine[167]. Disaggregated by gender, girls' access to a latrine is marginally better than for boys; the ratio for girls is 51:1, while for boys it is 54:1. However, based on Ministry of Education and Vocational Training targets, the pupil-latrine-ratio for female students is 2.5 times[168] the recommended ratio, suggesting that the authories set a rather low threshold.

Energy

984. The CRM noted that Tanzania has potentially abundant sources of energy. In addition to vast renewable energy resources such as, biomass, solar and hydroelectric, it is also endowed with coal, a significant amount of natural gas - discovered off the southern coast - and even uranium.

985. Despite these resources, unreliable power supply limits access to electricity. According to official statistics, the installed capacity on Mainland Tanzania was 680 "million kWh"[169] between 2005 and 2007. It rose to 682 million kWh in 2008 and to 828 million kWh in 2009, but dropped to 789 million[170] kWh in 2010. In Zanzibar, capacity generated rose from 105 million kWh in 2005 to 137 million kWh in 2007, but declined to 133 million[171] kWh in 2010. These trends suggest low levels of electricity generation in the country causing electricity prices to rise to very high levels. The electricity situation is further aggravated by adverse weather conditions, technical difficulties, and corruption. The CRM learnt that several officials were being investigated by Government. They are accused of stealing millions of dollars[172] meant for the purchase of heavy fuel oil for the Independent Power Tanzania Limited (IPTL) that has the capacity to produce 100 MW for the national grid.

986. The combined effects of the above challenges contributed to demand for energy exceeding electricity generating capacity over the years, resulting in declining per capita electricity consumption. Between 2006 and 2010, total electricity generating capacity grew by 17.6 per cent, rising from 5,858.19 kWh to 6,889.91 kWh[173]. During the same period, however, electricity capacity utilisation increased[174] from 3,589.73 kWh to 5,137.76 kWh, indicating an increase of 43.1 per cent: a 25.5 per cent shortfall.

987. Shortfalls have contributed to exceptionally high electricity prices and frequent power failures. These power failures were common occurrences during the Country Review Mission and sources indicated that it would take up to 2014 to stabilise power distribution to customers[175].

988. Shortfall in electricity supply also attracted a decline[176] in the per capita consumption of electricity from 87 kWh in 2002 to 84 KWh in 2008, putting per capita consumption of electricity in Tanzania at the bottom of the SADC Region. This picture is clearly illustrated by data in Table 6.7 where Tanzania's per capital consumption of electricity in 2006 was estimated at 47 per cent that of Kenya, 5.2 per cent of Botswana, and only 1.4 per cent of per capital consumption in South Africa. Comparable figures for 2008 from the Table are, 54.2 per cent of Kenya's consumption level; 5.2 per cent that of Botswana; and, 1.7 per cent of South Africa's per capita consumption.

---

[167] *MKUKUTA National Strategy for Growth and Reduction of Poverty, Poverty and Human Development Report,* p. 111, Ministry of Finance and Economic Affairs, United Republic of Tanzania, December 2011.
[168] Ibid.
[169] *Tanzania in Figures 2010,* p. 51, National Bureau of Statistics, Ministry Of Finance, United Republic of Tanzania June 2011.
[170] Ibid.
[171] Ibid.
[172] *"Aggreko, IPTL Slash Power Production",* pp. 1-2, The Citizen, Dar es Salaam, Friday, 2 March 2012,.
[173] *MKUKUTA National Strategy for Growth and Reduction of Poverty, Poverty and Human Development Report,* p. 65, Ministry of Finance and Economic Affairs, United Republic of Tanzania December 2011.
[174] Ibid.
[175] *"Give us 2 years, Tanesco Boss Tells customers",* The Citizen, Monday, 19 March 2012, Dar es Salaam, ISSN 0856-9754 No. 2422, pp.1-2.
[176] Ministry of Finance and Economic Affairs, cit., p. 65.

Table 6.7: Electricity consumption per capita (kWh) for SADC countries (2006-2008)

Country	2006	2007	2008
Botswana	1,418	1,465	1,603
Mozambique	453	472	461
Namibia	1,544	4,541	1,797
South Africa	4,797	4,938	4,769
Tanzania	69	82	84
Zimbabwe	**1,003**	**1,022**	**1,022**
Zambia	729	675	602
Kenya	148	151	155

Source: *MKUKUTA, National Strategy for Growth and Reduction of Poverty, Poverty and Human Development Report,* p. 65, United Republic of Tanzania, December 2011.

989. Electricity supply shortfalls and low per capita consumption of electricity are binding constraints to job creation, poverty reduction, and the general welfare of Tanzanians. A key Government document[177] indicates that only 0.4 per cent of all households in Zanzibar use electricity as their main source of energy for cooking. On the Mainland, as Table 6.8 indicates, electricity as energy for cooking is used by 3.8 per cent of urban dwellers and by only 0.2 per cent of their rural counterparts. The predominant proportion of 92.4 per cent[178] of rural people being dependent mostly on wood as cooking fuel collaborate the CSAR's assertion that an overwhelming majority of rural people depend on wood for cooking. Sustained investment in the expansion of power-generating capacity and electrification is needed to remedy the fortunes of the power situation in order to propel the economy into the super rates of growth Tanzania anticipates to generate and sustain.

Table 6. 8: Sources of energy for cooking, Mainland Tanzania, by residence (per cent of households)

Type of fuel	Urban areas	Rural areas	All households
Electricity	3.8	0.2	1.1
LPG/natural gas/biogas	0.9	0.0	0.3
Paraffin/kerosene	9.4	0.4	2.7
Charcoal	62.2	6.3	20.7
Wood	20.7	92.4	73.9
Other	3.1	0.6	1.2

Source: Tanzania Demographic and Health Survey 2010, p. 24.

Finance

990. Over the years, the Government of Tanzania gradually established more open credit markets to attain flexible and liberal interest rates for improved financial intermediation. As commendable as this approach may be, however, interactions with stakeholders confirmed the CSAR's observation that many people still have difficulties

[177] Tanzania Demographic and Health Survey 2010, cit. p. 24.
[178] Ibid.

in accessing credit because of very high interest rates, lack of collateral, and poorly developed physical and financial infrastructure. The combination of these barriers have resulted in lower participation and poor financial accessibility and increased transaction costs. Therefore, many of the financial institutions are located in urban areas to ensure economies of scale in their operations but to the disadvantage of the low income sector.

991. In this regard, government's National Micro-finance Policy of 2000 is notable progress in overcoming the disadvantages of the low income sector. It established the basis for an evolving micro-financial system to serve low income sectors of society. Also, the policy supported various types of microfinance institutions (MFIs), including credit and savings institutions (CSI), credit only (not-for-profit organisations), micro-finance banks and private banks. One of these credit and savings institutions operating at the village level with a very large coverage is a set of village community banks, popularly known as VICOBA for short (see Box 6.5).

Box 6.5: Best Practice: Village Community Banks (VICOBA)
Village Community Banks are informal, village-based savings and credit groups promoted in mainly various rural parts of the country. VICOBA is primarily a savings club with a membership of not more than 30 participants per group. Members meet once a week and make contributions as shares to the club. At the same time, members are encouraged to take interest paying loans from the fund. The loans empower them to meet their small and short-term financial needs for income-generating activities, social obligations and financial emergencies, without being pressed to resort to other sources for funds. The establishment of a VICOBA in a community involves different phases including an introduction phase, an intensive training period, a development phase, and a maturity stage. It usually takes about 10 months to establish a VICOBA in a poor community. Internal social pressure and group by-laws ensure timely reimburement of their loans by members: a 100 percent loan repayment rate. Advantages of the VICOBA framework for members include no initial capital outlay, simple and completely transparent transactions, and earned interest distributed among them. Memberships in the VICOBA and in other savings and credit systems are mutually exclusive

Source: Compiled from African Peer Review Mechanism (APRM) Tanzania Country Self-Assessment Report (Final Revised Edition), September 2011, pp. 226, 440 and 441.

992. Government efforts in empowering grassroots organisations, in both rural and urban areas, to access soft loans through an Economic Empowerment Credit Guarantee Scheme (EECGS) in 2006, and empowering the Savings and Credit Cooperative Societies (SACCOS), are a laudable step in the direction of addressing the micro-financial needs of the poor. The scheme took advantage of some of the SACCOS' features, especially their relatively low cost structures and their already strategic presence in rural areas where they were providing loans at affordable rates to many people, since 2005.

993. This approach enabled SACCOS to expand their asset base, level of membership, and loan disbursements to remarkable levels, all for the betterment of the poor. Total assets of Sh50 billion[179] in 2005 grew by 1,008 per cent to Sh554 billion in 2011, and m embership rose from 20,398 to 14 million while there was a phenomenal expansion in loan disbursements from Sh50 billion to Sh741 billion, reflecting a 1,382 per cent increase. These impressive successes attracted strong calls for them to establish a bank of their own and government is willing to support them with approval certificates and the necessary expertise[180].

994. However, there are still limiting factors in the micro-financial sector that need to be addressed. The short grace period for loan repayment, high interest rates and collateral requirements (even where group collateral is used) make it difficult for the rural poor to borrow money from the formal financial sector. Also, lack of capacity and poor infrastructure, particularly the rural road network, is an inhibiting factor for locating most MFIs in rural areas. These factors suggest that the country's micro-financing approach needs to include extension work, capacity building in rural areas, and rural infrastructure enhancement.

[179], *"JK Roots for Cooperatives' Bank"*, p.3, The Citizen, Wednesday, 21 March 2012.
[180] Ibid.

Markets

995. Stakeholders in some regions informed the CRM of the lack of adequate markets for their produce. This challenge may stem from the condition, and even limited mileage, of national road networks. Tanzania is traversed by a well-developed railway network. There are two east-west lines linking the coast and the hinterland, and a central line from Dar es Salaam to Kigoma, and the Tanga Line that runs from Tanga to Arusha. There is also a north-south connection from Korogwe to Morogoro linking both lines. The mainline has other branches: one to Lake Victoria where a connection operates via Lake Victoria train ferries. Dar es Salaam is connected to Zambia via the Tanzania-Zambia Railway Authority (TAZARA) line. A second link between these two lines is provided at Kidatu where the TAZARA line meets the Kidatu branch.

996. While the railway network is the envy of many sub-Saharan countries, road systems are not so impressive. As Table 6.9 illustrates, although Tanzania is the largest by area of the three countries, it has the least developed road network per square kilometre. This suggests a sparse road network system making many areas inaccessible. The lack of roads is a major challenge to marketing products both across the country and within the sub-region, especially in remote areas where roads become impassable during the wet season. The lack of major roads is also an obstacle to national food self-sufficiency. Surplus production in one part of the country cannot be quickly and efficiently transferred by land to areas experiencing shortages.

Table 6.9: Comparative Distribution of Road Network in Kenya and Tanzania in 2007 (Per cent)

Country	Total area (sq. km)	Entire network (metres per sq. km)	Paved network (metres per sq. km)
Kenya	582,648	264.9	15.2
Uganda	236,036	330.8	n.a.
Tanzania (Mainland)	881,000	96.5	5

Source: Tanzania Poverty and Human Development Report, p. 50, December 2011..

997. The CRM observed with commendation that the Government of the United Republic of Tanzania embarked on primary road network (trunk and regional roads) improvements, although on a gradual basis. The percentage of trunk and regional roads in good and fair condition increased from 51 in 2002 to 90 per cent[181] in 2010. Table 6.10, which presents general road conditions in 2010, indicates that the target set in MKUKUTA I of maintaining at least 15,000 km by 2010 was surpassed. However, for Tanzania to enjoy the comparative and competitive advantage that its markets can command within the East African Community, it has to improve its primary road networks. This approach would also help the country to take advantage of the potential of labour based technology and, recruit community labour for road construction and other public works.

[181] *Tanzania Poverty and Human Development Report,* p. 51, December 2011.

Table 6. 10: Road Conditions in Tanzania, 2010

Type of road	Good		Fair		Bad		Total
	Km	%	Km	%	Km	%	km
Trunk road Asphalt	3,847.88	75	1,128.71	22	153.92	3	5,130.50
Non-asphalt	4,516.85	59	2,449.82	32	689.01	9	7,655.68
Sub-total	8,363.73	65	3,578.53	8	842.93	7	12,786.19
Regional road Asphalt	597.00	85	98.28	14	7.02	1	702.00
Non-asphalt	10,152.38	52	6,833.34	35	2,538.10	13	19,523.82
Sub-total	10,749.38	53	6,931.62	34	2,545.12	13	20,225.82
Grand total	19,114.11	58	10,510.15	32	3,388.05	10	33,012.00

Source: Tanzania Poverty and Human Development Report, p. 51, December 2011

Information and communication technology

998. Generally, basic ICT infrastructure is limited and fragmented. Nonetheless, the CRM observed that internet facilities were available in all regional capital cities. The Tanzania Telecommunications Company Limited (TTCL) provides voice and data communication services to business and residential customers. However, connections are limited to urban areas and a few semi-urban communities. Rural areas are served by small capacity transmission links, with some areas still served by analogue systems.

999. While the adoption of Kiswahili as the unifying language in multilingual Tanzania of 150 ethnic languages[182], and its use as the main language of instruction at the primary level of the educational system is a plus, it does have however the potential of inhibiting the benefits of globalization and internet technology at that level.

1000. While ICT systems are still inadequate to meet domestic business demand, mobile telephones grew at a rapid rate. In 2006, the country had 5,614,922 mobile telephone subscribers[183] and the number almost quadrupled to 20,983,853 in 2010. A rapid rise in the number of network providers facilitated these increases in mobile telephony adoption. While in the 1990s there was only one network provider in Tanzania, network providers rose to five[184] by 2009, increasing competition among them and reducing costs for mobile phone users.

1001. This growth in mobile phones number is a good sign since mobile telephony has enormous potential for facilitating the national socio-economic development, especially in the health and banking sub-sectors. The CRM learned that about 3 million of the 20 million mobile subscribers use mobile banking systems, and nearly SH1.5 trillion is transacted through these channels[185] on a daily basis. However, frequent power failures in the country are a major hindrance to the effective and efficient operations of the ICT systems.

[182] Eustard Rutalemwa Tibategaza, , "Implementation of Bilingual Education in Tanzania: The Realities in the Schools", pp. 227-249, Nordic Journal of African Studies 19 (4), 2010.
[183] *Tanzania in Figures 2010*, p. 56, National Bureau of Statistics, Ministry Of Finance, The United Republic of Tanzania, June, 2011.
[184] Hosea Mpogole, Hidaya Usange and Matti Tedre, *"Mobile Phones and Poverty Alleviation: A Survey in Rural Tanzania"*, www.m4d-mpogole-final-paper.
[185] *"Mobile Banking's SH1.5tr Boost to Formal economy"*, p. 10, The Citizen, Friday, 2 Mach 2012,.

Shelter

1002. The CRM observed that despite the presence of a national housing corporation and other public real estate companies, both urban and rural dwellers need decent shelter. In the urban centres, the need is much more pronounced because of high population growth, high construction costs, and the lack of adequately serviced land. These factors contributed to crowding in urban areas, to the extent that a quarter[186] of all urban dwellers sleep in one room. Although the crowding is less than similar conditions in both Uganda and Kenya, where urban dwellers who sleep in one room amount to 34.1 per cent[187] and 53.9 per cent[188], respectively, it is an issue of concern nevertheless. The risk of contracting diseases is higher and this could be one of the major contributing factors for the prevalence of tuberculosis in *"congested urban areas such as Dar es Salaam"*[189] as reported by the CSAR. In addition, there is a declining trend in the proportion of house owners[190] nationwide, falling from

85.4 per cent in 1991/92 to 84.3 in 2000/01, and to 79.9 per cent in 2007. The impact of this trend is that the number of bedrooms in private households is declining, potentially exacerbating already existing urban slums cited in the CSAR.

1003. While the housing problems in urban areas are more pronounced, both quantitatively and qualitatively, in rural areas there are the concerns about sub-standard housing. Even though there were slight improvements in using modern building materials as main components for houses in rural areas, most houses are makeshift. The slight improvement may suggest that if people's income rises, they would be ready to allocate part of it to housing and shelter.

1004. The CRM was informed that a housing policy has been under preparation. The policy is expected to introduce structural and functional changes that would position housing both as an economic good and a source of accommodation. However, housing sector challenges that need to be addressed either in the policy, or in addition to the policy, include inadequately-serviced land for shelter and human settlements, poor infrastructure for housing, poor social services for shelter, and professionals who lack adequate capacity in land use planning, technical and managerial responsibilities.

Land

1005. Land in Africa is a principal asset of production. Therefore, structures and systems of governance in land ownership and land use have a strong bearing on broader economic growth and poverty reduction. They are a prerequisite for improving the investment climate, creating capital, enhancing access to credit markets and improving government (central and local) revenue. Ownership rights in land also represent an important social safety net. Therefore, many interests, including their associated disputes and conflicts, converge over land. By expressively including the right of ownership of land in its Constitution, Tanzania has recognized these important aspects of land. Despite this recognition, however, a number of key challenges in the land sector, including ownership issues, land disputes, and land acquisition and compensation, still persist.

1006. The CRM learned that as a consequence of the realisation of the high economic value for land because of recent massive foreign investment, there is a serious land-grabbing by some politicians and relatively wealthy people, which is depriving rural households of their land. Official data appear to imply the veracity of this claim. The percentage of households with official title deeds to land has remained low but trending downward while the number of filed land dispute cases is on ascendancy. According to the Agricultural Census Survey (ACS) of 2007/08, the proportion of rural households who owned land through official certificates[191] declined from 7.1 per cent in 2002/03 to 5.8 per cent in 2007/08. Furthermore, a document produced by the Ministry of Lands, Housing, Human Resettlement and Development[192] shows that the number of filed land dispute cases rose from

[186] *Demographic and Health Survey 2010,* p. 24, National Bureau of Statistics, The United Republic of Tanzania, April 2011.
[187] *The Republic of Uganda, Demographic and Health Survey 2006,* p. 17, Uganda National Bureau of Statistics, Kampala, August 2007.
[188] *Demographic and Health Survey 2008-09,* p. 23, Kenya National Bureau of Statistics, Nairobi, June 2010.
[189] *African Peer Review Mechanism (APRM) Country Self Assessment Report (Final Revised Edition),* , p.410, September 2011.
[190] *Household Budget Survey 2007 Final Report,* Ministry of Finance and Economic Affairs National Bureau of Statistics Tanzania, Dar es Salaam, The United Republic of Tanzania, January 2009, p. 11.
[191] Lack of data on the per centage of females from smallholder households with land ownership or customary land rights makes it necessary to use this proxy indicator – per cent of rural households who own their land through official land owner certificates – is tracked.
[192] Ministry of Lands, Housing, Human Resettlement and Development, Office of Registrar of Land and Housing Tribunals, *"Impact of Land Disputes on*

1,490 in 2004/2005 to 40,088 by June 2011, reflecting a phenomenal rise of 2,590 per cent. Understandably, greater awareness of the tribunals in 2011 as compared with in 2004/2005 may have contributed to this rise. For example, the number of district land and housing tribunals expanded from 23 in 2004/2005 to 39 in 2009/2011, enabling 70 per cent of the filled cases to be "disposed off"[193] in the latter year compared to only 31 per cent in the former period.

1007. This notwithstanding, the contributory impact of the acquisition of large tracts of land on the decline in land ownership by rural households, and the rise in filed land dispute cases cannot be discounted. In addition to these concerns, issues around compensations for land are also drawing attention. Much as both the Constitution and the statutes provide for fair, adequate and prompt compensation for expropriated land, this requirement is often not met by the acquiring authorities. It was cited in one of the meetings with stakeholders that: *"We have cases in Tanzania where land acquisition has taken place more than ten years before the owners are compensated and even the compensations paid are not adequate".*

1008. The CRM was also informed of an asymmetric ownership of land in Tanzania between the inhabitants of the Mainland and Zanzibar. While inhabitants of Zanzibar own land on the Mainland, only fewof the Mainlanders own land in Zanzibar due to its small geographical size.

1009. By all standards from past APRM experience, these are worrying signs with regard to social stability. The acquisition of large tracts of land by politicians is a dangerous recipe for potential social unrest as was the case in a neighbouring country. On the other hand, the increasing numbers of land disputes have a negative impact on job creation and poverty reduction. Since the active economic use of disputed land is restrained by law during the litigation period, the owners cannot put such land into gainful use for employment creation.

1010. Transformative policies and strategies as well as strong political will from both the executive and legislative branches of government are needed for handling the land issue. It is in this regard that some recent government policies are both desirable and commendable. The CRM was informed that Government is working towards strengthening the right to property through the Property and Business Formalisation Programme. The intention is to change the mode of land ownership from traditional and communal property ownership to more formal private and individual ownership. Although this is a laudable approach, only 5 per cent of the land is currently registered. Approximately, 70 per cent of 10,000 villages were surveyed[194] but issuance of customary certificates of occupancy on surveyed village land has been slow. The demand for land surveys and processes to issue title deeds outpaced Government capacity to provide these services because of rapid population growth and urbanisation in the country over the past two decades.

1011. The Panel recommends that the United Republic of Tanzania:

- As a matter of urgency, improve and enhance the water infrastructural system by rehabilitating water supply chains to adequately meet demand for water from a rapidly growing population; [*Government of the United Republic of Tanzania, Ministry of Water, Ministry of Energy and Minerals, Ministry of Lands, Housing Development, Water and Energy-RGoZ]*
- Promote an enabling environment for sanitation with clear policy statements delineating institutional roles; *[Government of the United Republic of Tanzania, Ministry of Water, Ministry of Health and Social welfare]*
- Expand sanitation facilities for schools and adequate water supply in schools to develop sound hygiene practices; *[Government of the United Republic of Tanzania, Ministry of Water, Ministry of Health and Social Welfare]*
- As a matter of urgency, strengthen the energy sector through sustained development, expansion and maintenance of power-generating capacity and electrification - a critical component for improving the country's investment climate - to attract local and foreign investments for rapid economic growth; *[Government of the United Republic of Tanzania, Ministry of Energyand Minerals]*
- Give urgent attention to rural roads enhancement to facilitate market development and national market

Economic/Business Activities in Tanzania", Dar es Salaam, Undated Paper Supplied by the Ministry.

[193] Ibid

[194] *Ministry of Finance and Economic Affairs, United Republic of Tanzania, National Strategy for Growth and Reduction of Poverty II*, NSGRP II, July 2010, p. 130.

integration; *[Government of the United Republic of Tanzania, Ministry of Finance and Economic Affairs, Ministry of Regional Administration and Local Government]*

- As a matter of urgency, address the land ownership issues to broaden land ownership and avoid the potential for future social unrest. *[Government of the United Republic of Tanzania, Ministry of Lands and Human Settlements Development, Prime Minister's Office, Regional Administration and Local Government, Ministry of Lands, Housing Development, Water and Energy-RGoZ]*

Objective 5: Progress towards Gender Equality in all Critical Areas of concern

I. Summary of the CSAR

1012. The CSAR states that Tanzania made positive steps in providing legal and policy frameworks for promoting gender equality. It establishes this point by referring to the Constitution of Tanzania as the supreme legal framework for promoting gender equality in the country. It points out that the constitutional provision that all persons are born equal, and are entitled to recognition and respect, is a guiding principle for gender equality. Other policy framework and instruments identified by the CSAR in this regard are: the 1998 Sexual Offenses (Special Provisions) Act (SOSPA); the 2004 Employment and Labour Relations Act; the Land Act No.4 of 1999; and the Village Land Act No.5 of 1999. The Employment and Labour Relations Act provides for equal opportunities to men and women in accessing employment services and requires employers to report on their plan to promote equal opportunities. The Sexual Offenses Act made rape a punishable offence while the two legislations on land enhance gender equality by giving women and men the right to own land on an equal status. In addition to these provisions, 12 discriminatory legislations against women have been recommended for revision by the Government's Law Reform Commission.

1013. Tanzania also adopted a number of international and regional protocols specifically for promoting gender equality. These include: the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Beijing Declaration and Platform for Action; the Optional Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa; the AU Declaration on Gender Equality; the SADC Declaration on Gender Development; and, the Addendum on the Prevention and Eradication of Violence Against Women and Children.

1014. In terms of institutions and programmes, the CSAR maintains that the Ministry of Community Development, Gender and Children (MCDGC) – the lead Ministry for gender and women advancement – was mandated to coordinate and advocate for gender mainstreaming in all sectors. Gender Focal Points were also established in all ministries, independent departments, agencies, regional secretariats, and local authorities.

1015. A number of policies and programmes - established at national, sectoral, and local levels - promote social transformation and gender mainstreaming in all identified areas of concern. Above all, the country's key development document, the National Development Vision 2025, specifically stipulates that gender imbalances contribute to poverty. Therefore, it has articulated a vision for gender equality and declared gender-based violence a governance issue. The document's objective is to ensure that racial and gender imbalances are completely redressed by 2025.

1016. The CSAR notes that although there is a steady rise in the number of women in decision-making positions in recent times, more effort is still needed if gender parity in decision making positions is to be achieved. It states that the constitutional requirement of one-third of MPs being female has been met. However, this proportion is still less than the 50 per cent women membership established by SADC Protocols.

1017. The CSAR highlights challenges Tanzania faces in the area of gender equality. They include, development-inhibiting socio-cultural practices; gender issues not fully mainstreamed in public policies and programmes; gender-based violence - still a common occurrence; and, insufficient support to vulnerable groups such as women, youth, children and people with disabilities.

I. Findings of the CRM

1018. The CRM observed that Tanzania adopted many global and regional instruments on gender equality, and also developed an impressive gender policy. However, these policies do not appear to be fully and effectively implemented because of weak institutional mechanisms for gender mainstreaming and gender policy implementation. For example, many of the relevant stakeholders the CRM interactions were not introduced to gender budgeting guidelines. The CRM was also informed that gender budgeting principles were not applied to mainstreaming gender into planning and resource allocation processes. Furthermore, as other problems Tanzania faces in the area of gender equity, stakeholders pointed to insufficient funding and weak monitoring and evaluation mechanisms for gender programmes.

1019. In spite of these challenges, Tanzania made considerable progress in gender equity with regard to parity in school enrolments. It has achieved parity in primary education and is also close to achieving this objective in secondary education. The major reason for these achievements resides in locating schools at village, ward, and district levels; school fees exemptions through the PEDP and SEDP; and, other affirmative action programmes. However, very high drop-out rates for girls, especially in higher primary classes and secondary schools, due to poverty, early marriages, early pregnancies, and negative socio-cultural perceptions of child-girl education, are looming threats to this impressive achievement.

1020. Some notable progress was also made to advance women's right to land ownership. Female rights of ownership to land is guaranteed under the Constitution and other land policies. Consultations with stakeholders suggested that despite this right, women still experience series of challenges in owning land in several areas of the country as a result of patriarchal cultural practices, socio-economic obstacles such as the lack of resources to buy land, and lack of education. On the other hand, the proportion of women in wage employment in the non-agricultural sector remains low: 30 per cent[195] of paid employees.

1021. The CRM noted that Tanzania progressed in promoting women's representation in politics and in high level public service positions. It adopted the SADC target of 50 per cent women's participation in parliament. Also, while only 15 per cent of the 27 ministers in 2004/05 were women, by 2009/10, this number had risen to 26 per cent (Table 6.11). It is in the judicial service that women made the most gains. Their proportion rose from 34 per cent in 2004/05 to 81 per cent in 2009/10.

[195] Tanzania Country Report on the Millennium Development Goals 2010, p. 21, Dar es Salaam, 26 September 2011.

Table 6. 11: Number of Leadership Posts and Proportion Filled by Women in 2004/05 and 2009/10

Post	Year: 2004/05		Year: 2009/10	
	Total	Women %	Total	Women %
Ministers	27	15	27	26
Deputy Minister	17	30	21	24
MPs (Elected)	230	6	233	8
MPs (Nominated)	10	20	10	50
MPs (Special Seats)	48	100	75	100
Permanent Secretaries	25	28	26	27
Deputy Permanent Secretaries	8	13	14	21
Directors - Ministerial Level	112	26	286	46
Assistant Directors - Ministerial Level	194	25	155	24
Regional Commissioners	21	10	21	14
Regional Administrative Secretaries	21	19	21	47
District Commissioners	107	19	114	27
Council Directors	100	14	132	26
District Administrative Secretaries	109	21	88	12
Ambassadors	36	6	32	9
Judges	38	34	81	58

Source: Speech of the Minister –PO-CSM, July 2010, Table 3 of Page 103 in Tanzania Country Report on the Millennium Development Goals, p. 23, Dar es Salaam, 26 September 2011.

1022. Consultations with stakeholders, however, revealed that major challenges adversely affecting the effective participation of women, especially in the regions and rural areas, include illiteracy and lack of confidence. Women feel unable to effectively articulate issues and make contributions. Stakeholders also felt that the process of getting elected into parliament is not favourable to women because of the vicious nature of campaigns at high levels in the national competitive party politics.

III. Recommendations

1023. The APR Panel recommends that the United Republic of Tanzania:

- Raise awareness and build the capacity of local government authorities on gender budgeting for them to mainstream gender into local budgets and service delivery; *[Government of Tanzania]*
- Step-up efforts to increase the number of girls enrolling in tertiary and higher learning institutions including in science and technology courses. *[Ministry of Education and Vocational Training]*

Objective Six: Encourage Broad-Based Participation in Development by All Stakeholders at All Levels

I. Summary of the CSAR

1024. The CSAR notes the aim of Objective Six and indicates that institutional mechanisms to promote and encourage participation are expected to exist within sectors of local and central governments. These include commissions, councils, task forces, technical working groups, committees, and sector committees or working groups which, in one way or another, contribute towards the targets of the objective.

1025. Various instruments were put in place in Tanzania to pave the way for the participation of stakeholders in government activities and to create institutions (committees, working groups and associations etc.), to enhance and ensure effective stakeholder participation in activities of concern to them. These instruments are legal frameworks (the Constitution and other legal instruments), national policies (sector-based), regulations and guidelines, operating manuals, circulars, and directives.

1026. Article 8 (1) of the Constitution clearly states that the Government shall be accountable to the people and the people shall participate in affairs of government. Article 18 (1) also states that every person has the right to freedom of opinion and expression, and to seek, receive and impart or disseminate, information and ideas through any media, regardless of national frontiers. People also have a right to freedom from interference with communications.

1027. The 1982 Local Government Laws put in place mechanisms for people's participation in important socio-political and economic decisions affecting their lives. In the area of finances, the Local Government Finance Act no. 9 of 1982 takes the constitutionally-defined issue of access to information to a new level by broadly specifying the type of information for public dissemination. The CSAR adds that every year, government issues guidelines pursuant to the Public Finance Act 2001, specifying how the stakeholders in the councils are to be involved in planning and budgeting processes.

1028. The CSAR notes that the principle of decentralisation includes political decentralisation, which implies devolution of powers and rules-setting for councils, committees and chairpersons. Administrative decentralisation makes local government staff accountable to local councils, whereas financial decentralisation is based on a definition of the financial discretionary powers of local councils. With regard to sector policies, such as the national water policy, land policy and national environment policy, the CSAR emphasised the need for the people to be involved in planning, implementation and monitoring of programmes undertaken by sector.

1029. The CSAR indicates that guidelines exist for planning and budgeting processes for Council activities. They require that plans and budgets should be prepared in a participatory manner using the Opportunities and Obstacles to Development (O&OD) methodology. However, the CSAR notes that plans and budgets for recurrent activities are usually developed by Heads of Departments at the Council level and therefore are not prepared in a participatory manner. The District Treasurer consolidates the plans and budgets for submission to council committees and the full council for scrutiny and approval, without consulting lower levels of government (village and wards) and other stakeholders beforehand.

1030. The CSAR notes that public consultations - intended to deepen participation in and ownership of the strategy by actors at all levels of government, the citizenry and development partners - culminated in the formulation of MKUKUTA I, which was reviewed through different stages up to the finalisation of MKUKUTA II. The CSAR also gives details on the formulation of the Poverty Reduction Plan (MKUZA) in Zanzibar and indicates that the Poverty/ MKUKUTA Monitoring System is implemented through an institutional structure comprising Technical Working Groups and the NSGRP/PMS Technical Committee.

1031. The CSAR examines other consultative processes linking up the various levels of government and notes that the Regional Consultative Council (RCC) brings together representatives of all major stakeholders in the region, whereas the District Consultative Committee (DCC) was vested with powers to deliberate and advise Council(s) on matters related to, inter alia, plans, budgets and security.

1032. Despite the Government of Tanzania's efforts to involve the whole population in the development process, the CSAR points out some hurdles to overcome. These include lack of awareness among citizens about their right to participate in socio-economic development activities; capacity limitations; extremely weak in planning and budgeting skills among staff/officials and other stakeholders in the sub-district organs; weak accountability mechanisms; and, the central concentration of powers, undermining participation at lower levels.

1033. The CSAR also stresses that planning and budgeting are not institutional processes and district councils participate little in planning and oversight fuctions. This is due, in part, to limited capacities of the councillors, but also, to the poor quality of the information they receive. In addition, the CSAR notes the O & OD process for operationalisation, still in a transitional phase and yet to be adopted by many districts. As regards recurrent plans and budgets, the lower levels of local government and other stakeholders rarely participate in their formulation. And yet, this is where most of Council resources are spent.

1034. Indeed, most of the documents/instruments circulate mainly within government offices. Recent studies revealed that even councillors are usually ill informed about resource use in their own districts. Also, Ward Development Committees (WDCs) seem to have a good measure of authority, although there appears to be somewhat weak downward links of accountability between WDCs and Village Assemblies which, in a strictly legal sense, should be the supreme organ at Lower Level Government (LLG) or sub-district level.

Findings of the CRM

1035. The International Conference on Popular Participation in the Recovery and Development Process in Africa, held in Arusha, the United Republic of Tanzania, from 12 - 16 February 1990, adopted an "African Charter for Popular Participation in Development". This was to emphasize that nations cannot be built without the popular support and full participation of the people. Popular participation, in essence, means empowering the people to effectively involve themselves in creating structures and designing policies and programmes that serve the interests of all, as well as to effectively contribute to the development process and share equitably in its benefits. Therefore, political process must be opened up to accommodate freedom of opinions, tolerate differences, accept consensus on issues, as well as ensure the effective participation of the people and their organisations and associations.

Broad-based Participation Institutions

1036. The CRM commends the decentralisation by devolution process adopted by government to empower stakeholders. In 1998, Decentralisation by Devolution (D-by-D) was articulated in government's Policy Paper on Local Government Reform[196], in line with the Constitution of the United Republic of Tanzania. Local Government Authorities were mandated to participate and involve the people in development programme planning and implementation within their respective areas of jurisdiction and generally, throughout the country.

1037. The CRM also noted that after approval of the Local Government Reform Policy Paper (LGRP), government established the Ministry of Regional Administration and Local Government (MRALG)[197] for the effective transfer of authority to the people, involving them in the planning and implementation of development programmes within their respective areas. In November 2000, the Ministry was integrated into the Office of the President and thus elevated to a central ministry with increased powers and authority, particularly for collaboration and coordination with sector ministries.

Coordination and harmonization structures

1038. The CRM recognized that for D-by-D reforms to progress successfully, there should be careful coordination, alignment and harmonisation of political, technical and financial resources. Thus, Tanzania initiated, and continues to build upon, a number of structures such as the Common Basket Fund (CBF) and the Common Basket Fund Steering Committee (CBFSC). They have facilitated this coordination process, enabling Government,

[196] *Policy Paper on Local Government Reform,* Ministry of Regional Administration and Local Government.
[197] Prime Minister's Office, Regional Administration and Local Government, Website PMORALG history

development partners, and other key stakeholders to mobilise the necessary ideas, human capacity, and funding resources to move governance and decentralisation reforms forward.

1039. Under the CBF approach, donors agreed to pool their technical and financial resources in an innovative way so that LGR would be more efficient and effective than previous, fragmented support programmes. This local government reform Common Basket Fund reduced duplication, streamlined accounting and disbursement procedures, harmonised funding channeling modalities, while the CBFSC became the primary client and decision-maker for the planning and implementing local government reform programme activities, including those related to governance and decentralisation.

1040. Although the CBFSC for LGRP was initially set up to provide dedicated support to local government reform programme activities, the same CBFSC also assumed responsibility for coordinating funding in the Local Government Capital Development Grant (LGCDG) System, established in 2004/05. Technical and policy steering committees were established for the LGCDG system, but the CBFSC played the coordinating role for mobilisation, disbursement and monitoring development partner funding to the LGCDG grant system, to ensure coordination and lower duplication and transaction costs.

1041. Building on experience in coordinating the various sectors through CBF funding and CBFSC coordinating mechanisms, in December 2006, the Government of Tanzania issued its Joint Assistance Strategy for Tanzania (JAST): a national medium-term framework for managing development co-operation between the Government of URT and development partners to achieve national development and poverty reduction goals.

1042. Despite government efforts to establish a number of structures for coordination, alignment and harmonisation of policy reforms, technical and financial resources, the CRM observed during the interaction sessions, that community participation was not a clearly understood concept by many stakeholders. The planning process in Tanzania was largely owned and led by Government and development partner experts, some of whom have always decided on behalf of the people without consulting them to find out their priorities. This approach meant many plans were not sustainable and had no relevance to the targeted communities. It, also smothered the sense of freedom to decide and was therefore deleterious to the whole issue of community ownership of development programmes.

Opportunities and Obstacles to Development (O&OD) planning methodology

1043. The CRM also noted that for many stakeholders, participation is associated with mobilising people to get things done, or a consultation process that usually seeks perceptions or contributions of individuals or group of individuals to problem solving, without being necessarily concerned with their own priorities. Indeed, many participants to the interaction sessions argued that they took part in various meetings on issues they do not consider as their priorities. The Government of Tanzania decided to develop the Opportunities and Obstacles to Development (O&OD) Planning Methodology in 2001[198] in response to these shortcomings,

1044. This is a bottom-up planning methodology (i.e. involving more players including CBOs, Civil societies, NGOs etc.). It starts with opportunities rather than obstacles in order to invigorate the search in the very locality for home-grown solutions to obstacles to development, hence promoting ownership, local governance, and instilling a sense of self-reliance in the community concerned. In addition, it operates within local government systems and structures, enabling people to formulate their own plans using the objectives from the National Development Vision 2025.

1045. The CRM noted that the Government is now institutionalising O & OD in LGAs as one of the ways of devolving powers to people, strengthening democracy, emphasising human rights and poverty reduction. This O&OD process is an excellent mechanism permitting stakeholders at the grassroots level to align and harmonise their various interests, articulate those demands and needs, and incorporate them into the development plans and budgets of the local government authorities (LGAs).

[198] *PMO-RALG, Harmonisation and alignment in the field of Local Government and Decentralisation,* November 2008

Participation of CSOs

1046. The CRM noted that CSOs were actively involved in the PRSP revision process and contributed to meetings, committees, and working groups. Government provided the roadmap for the process and took more time to ensure civil society participation in its entirety. For Government-led consultations, 15 stakeholder groups were identified and invited to participate in discussions. These included trade unions, NGOs, business groups, church-based groups. Network organisations (NGO Policy Forum - NPF, TCDD, and Tanzania Gender Networking Programme - TGNP) were actively involved in co-ordinating their national and district-level membership to participate in the consultations.

1047. Government also commissioned CSOs to design and disseminate leaflets to the entire population asking their opinion on the past performance of the PRSP, what improvements they suggested, and what they wanted improved in the next 5 years. In some areas, the popular version of the leaflets was used by local Government officials as the strategy document to be implemented. CSOs also produced television and radio programmes to inform about the PRSP, and were also given the opportunity to discuss the content of the revised document. A number of their representatives were involved in sector working groups or groups discussing specific policies to be included in the PRSP.

1048. The CRM noted from discussions with stakeholders and desk research that civil society is now experienced in engaging with the government in various fora, including the annual Poverty Policy Weeks and Public Expenditure Reviews (PER). This was made possible because CSOs are now better able to understand national issues and therefore increasingly make their voices heard, although there may be resistance from officials who do not agree with their point of view and ignore their advice.

Grassroots participation

1049. During the various interaction sessions the CRM noted that as a general rule, stakeholders actively participate in the identification, formulation, implementation and monitoring of programmes and projects within their communities whenever the importance of these activities is clearly explained and participatory mechanisms are transparent. For instance, the CRM is informed that villagers always participate in one way or another in the social infrastructure development, contributing to the rehabilitation of schools and dispensaries.

1050. The CRM commends efforts made by the Government, the private sector and the CSOs to empower women, youth, people living with disabilities and all other vulnerable groups for their effective participation in the development process. However, the CRM is concerned about the persistence of adverse cultural norms, practices, and traditions, as well as patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life. The CRM is also concerned that such customs and practices perpetuate discrimination against women and other vulnerable groups, and limit their participation in working towards sustainable socio-economic development.

Lack of adequate capacity

1051. The CRM consultations with stakeholders in some regions revealed that the lack of capacity to identify, formulate, manage, monitor, and evaluate projects is the major challenge to effective community participation. Government's D by D policy implies that the lowest levels of government *(village/mtaa)* are involved fully in planning, budgeting, and monitoring processes. However, weak human and physical capacity, and the slow pace of local government reforms impede progress. Programmes must train community members to manage their projects and funds.

1052. The sustainability of any development strategy depends heavily on the extent to which the strategy itself is formuled and the people mostly affected actively participate. At the national level, a wide range of stakeholders were involved in policy formulation, design, and implementation of sectoral programmes, such as the Primary and Secondary Education Development Plan.

1053. However, this participation depends on the level and sources of funding. The CRM was informed by participants

at the interaction sessions that most projects implemented at district and village level were funded by central government, the private sector, international and national CSOs, and other donors. Local community contributions were minimal most of the time and, as a matter of fact, self-reliant development remains utopian.

Access to Information

1054. The CRM observed that access to information by stakeholders for timely intervention remains one of the major challenges. For instance, public information - financial reports, administrative rules and regulations - are not posted on time as required by the Local Government Finance Act. In addition, these important documents are often written in English and are therefore not accessible to the unilingual Kiswahili speakers. In order to enhance active and vibrant participation, it is important to translate documents into Kiswahili and establish necessary infrastructure for information dissemination at all levels of government.

Lack of accountability and transparency

1055. The CRM learnt from desk research that an estimated 1,500 Residents of Misugusugu ward in kibaha town council (Coast Region) threatened to sue the council leadership for a lack of accountability[199]. The villagers accused the executives of failing to solve the land conflict in Saeni Street, located in the ward, and for being the cause of the conflicts that are a threat to peace and security in the ward. They said that the conflict started when the council official gave one person some 800 acres of their land.

1056. The CRM also noted that tourism income in Sinya village (Monduli District Council[200]) increased rapidly over the past five years. Individual income opportunities from tourism also developed thanks to job creation and local crafts purchases. Tourism income created important village-level incentives for wildlife conservation in Sinya and was used for conventional social service infrastructure priorities in Sinya, most notably, construction of the primary school dormitory and water supply machinery maintenance.

1057. Sinya struggled to administer this new source of revenue, however. While some revenue has clearly been invested in socially valuable community projects, much of the revenue has not been used judiciously. Over the past five years, three different village council chairmen who normally serve five-year terms, were removed from office because of controversies over use of tourism funds and natural resource management decision-making. As a result, throughout the year, the village had no chairman as the community wrangled over leadership, and village governance was in disarray. The village has not passed by-laws to regulate its reporting or accounting procedures or promote transparent management. The village by-law process promotes, among other things, transparency in land–use and planning, as Box 6.6 illustrates.

[199] The Citizen Newspaper, 13 March 2012

[200] Fred Nelson, *The evolution and impacts of community-based ecotourism in northern Tanzania,* Issues Paper 131, International Institute for Environment and Development (IIED), November 2004.

Box 6.6: Village by-laws and Transparancy in Land-use Planning in Tanzania

Local Government Act of 1982 authorises village councils to create by-laws for the better management of villages. The by-laws are to be approved by both the village assembly and the district council, and must not conflict with any existing national or district by-laws. Provided they meet those prerequisites and follow procedures, village by-laws become part of the legal code and are enforceable in court.

Over the past decade, village by-laws became a central component of community natural resource management in Tanzania. They were used to develop community based forest management across the country and are formally included in the Forestry and Beekeeping Division's guidelines for community-based forest management. Likewise, the Wildlife Division's guidelines include the development of village by-laws as a part of the process of forming community-managed Wildlife Management Areas.

These by-laws are valuable because they are used to enhance and enforce local control over community resources, as well as fostering participatory decision-making and planning processes within the village. Some by-laws, for example, have been used in community forest initiatives to end the open-access exploitation of local forests by establishing regulations for forest users and punitive measures for violators. The by-laws often amount to land-use plans enshrined in local law.

The by-laws have proven important for community-based ecotourism development in northern Tanzania, for a number of other reasons. They provide legally-binding mechanisms for the use and management of tourism revenue. Reporting and accounting by-laws make an important contribution to the institutionalising transparency, enabling a village assembly to hold its leader accountable

1058. Over the years, Sinya's tourism income was misused for the following reasons: instability in the village council; limited capacity for financial management due to low literacy; and, weak accountability mechanisms for fund use given the absence of village by-laws. Tourism income provided economic benefits, but it was also a source of division and conflict within the community, and internal conflicts over revenue mismanagement were a main characteristic of community-based ecotourism in Sinya thus far.

1059. The CRM was also informed that market traders called upon government to take action against leaders accused of misusing monies contributed for paying electricity bills. Some traders said they began contributing the money back in November 2011, but their businesses were not functioning at the moment for lack of electricity[201].

1060. Government is concerned about inadequate mechanisms for monitoring transparency and accountability in selecting members to community bodies and in the use of funds at local government level. To this effect, the government recently prepared guidelines for enhancing downward accountability, with particular emphasis on information provision to lower levels. Some participants indicated that community selection criteria for members of the district councils are not very transparent and this may affect their credibility.

Recommendations

1061. The APR Panel recommends that the United Republic of Tanzania:

- Ensure the representation and participation of all marginalised groups in national development processes; *[Ministry of Local Government, CSOs]*
- Improve information dissemination, and awareness-raising about laws that promote broad-based participation; *[Ministry of Local Government]* and,

[201] The Guardian Newspaper, 23 March, 2012.

CHAPTER SEVEN

CROSS-CUTTING ISSUES

1062. As has now become the APRM tradition, the four preceding chapters appraised the United Republic of Tanzania within the framework of the four thematic areas of the African Peer Review Mechanism namely, democracy and political governance; economic governance and management; corporate governance; and, socio-economic development.

1063. The Africa Union believes that it is critical that African development and regional co-operation programmes take place in the context of good economic and political governance. This should be based on deepening democratic practices, strengthening institutions, disseminating best practices, and rectifying underlying deficiencies in member state governance and socio-economic development processes.

1064. APRM's mandate is to ensure that participating country policies and practices conform to the agreed values in the four focus areas of democracy and political governance, economic governance, corporate governance, and socio-economic development. The essential principle is to ensure national ownership and leadership of the assessment process by the participating country; inclusiveness and broad-based participation; accountability; technical competence; credibility; and, freedom from political manipulation.

1065. In line with APRM requirements, the assessment of governance in Tanzania was informed by the CSAR, the Background Paper, as well as the information made available to the CRM during the wide-ranging stakeholder consulations. The key outcome of the assessment is an increased understanding of Tanzania's performance in governance, including areas where the country made considerable progress and where more still needs to be done.

1066. It is obvious from the preceding four chapters of this report that Tanzania made remarkable progress in all four thematic areas of governance. The country is to be commended for its successful record of political stability and strong economic performance. However, Tanzania still faces many challenges.

1067. This chapter seeks to highlight the major cross-cutting issues identified in this report that featured prominently in all of the thematic areas. These issues are multifaceted in nature and have wider ramifications for the various dimensions of governance in Tanzania. They must therefore be urgently addressed and resolved.

7.1 THE CROSS-CUTTING ISSUES

1068. The APR Panel identifies the following as the major cross-cutting issues emerging from this report on Tanzania:

5 Management of diversity and the character of the Union;
6 Growth, poverty and inequality;
7 Capacity constraints and implementation challenges;
8 Land governance issues;
9 Management of natural resources;
10 Aid dependency and the challenges of sustainable development;
11 Governance within the framework of the EAC and SADC; and,
12 Low levels of educational quality.

7.1.1 Management of Diversity and the State of the Union

1069. The return to a multi-party state in 1992 brought the dual-issue of constructive management of diversity and the state of the Union to the centre of current debates on public affairs and the future of Tanzania. The constructive management of these interrelated issues is critical to the future of Tanzania because of the challenges and opportunities they pose and provide for moving the country forward by consolidating democracy and people-centered development. Failing this, the country might fall into economic decline, social conflict, and political unrest, with deepening divisions along class (status and social), ethnic, regional, religious and rural/urban divides. In a sense, the return to a multi-party state was a strategic response to bottled-up tensions: economic, political, and socio-cultural pressures for new mechanisms to manage diversity unleashed by the contradictions of the one-party state and the departure of Mwalimu Julius Nyerere from the Presidency.

1070. Managing diversity requires that citizens take and believe in ownership of their country's constitution, something they have taken an active part in designing, have accepted and imposed on themselves. It should not be perceived as contrived by the ruling party executive committee and rubber-stamped by a subservient parliament. A prevailing sentiment in the country is that previous Union and Zanzibar Constitutions responded inadequately to, and managed diversity from this perspective. The general expectation, therefore, is that the new constitution emerging from ongoing reviews must provide legal and political frameworks for the improved management of the country's diversity, securing and protecting the cultural, ethnic, political, racial, regional/geopolitical, religious and social rights of the diverse populations and regions.

1071. There is another sense in which managing diversity and the state of the Union have assumed importance in present-day Tanzania. With the passing of Mwalimu Julius Nyerere, the charismatic and unifying national leader, and the search for a new national ideology to replace *ujamaa socialism,* the weakening of the unifying role of Swahili as the country's *lingua franca*, Tanzanians rediscovered and began to emphasise their differences. Political mobilisation began to be drawn more explicitly along religion and other identities. The trend is especially reflected in the mushrooming of religious institutions in the country, all of which have progressively become national issues. The differences have been further reinforced by market-driven economic policies, which have tended to deepen divisions in the country with an emergent business-cum-political-cum-bureaucratic elite, with access to political power at the top, getting more and more, at the expense of the vast majority, whose opportunities such as access to education, land, health, water, and other social and infrastructural facilities remain limited.

1072. The APR Panel notes that all this serves to indicate that constructive management of diversity in the country cuts across, and requires action at cultural (including racial and religious), economic, (including social), and political levels of the nation's political economy, and at the level of the Union. What follows provides an overview of the challenges of the management of diversity at these intersecting levels.

Managing cultural diversity

1073. Muslims constitute a sizeable and significant cultural/religious group in several parts of Mainland Tanzania. While there is no discrimination against Muslims on political grounds, political liberalisation has progressively led Muslims to demand constitutional recognition of Kadhis courts, known elsewhere in Africa as Shari'a Courts, with originating jurisdiction over civil matters among Muslims, in the hierarchy of the Union judiciary. The current practice, which Muslims are uncomfortable with, is that matters of personal law among Muslims are governed by a number of laws, such as the 1971 Laws of Marriage Act that strike a compromise between religious practices and the common law in areas such as marriage and divorce. In a similar way, Hindi-speaking Indians have also, albeit mutedly, been calling for special courts to have jurisdiction over civil matters involving their members.

1074. These claims must be addressed imaginatively and constructively before, drawing on the experience of countries such as Kenya and Nigeria, they become political and may be mobilised to seriously undermine the inter-religious and inter-racial harmony existing in Mainland Tanzania. No less serious for diversity management between: (i) communities; (ii) individuals; (iii) gender and age groups; (iv) pastoralists and agriculturalists; and (v) communities and investors in the country, is the place of customary land law and the land tenure system. They govern access and entitlements to land and in acquisition, control, and distribution, especially in rural areas. There is also the problem of diversity management arising from local conflict of laws arising from the duality of statutory/common and customary law, with their conflicting implications for land rights under the country's existing dual land tenure

system. This might lead to abuses to the disadvantage of the poor and weak in society, when the wealthy who have privileged access to power may manipulate the common law to their own advantage. What is required, therefore, to manage diversity in respect of land effectively and fairly is to encourage national dialogue about it as part of the constitutional review process.

The economic and social dimension of diversity management

1075. Market-oriented economic reforms - vigorously pursued from 1985 - led to growth without significant improvement in the life of ordinary Tanzanians or concerns for wealth redistribution. The private sector became the prime allocator of social surpluses, leading to public expenditure cut-backs. The reforms aggravated and deepened inequality, swelling the ranks of the unemployed in urban areas. Rural dwellers suffered even more because of agricultural sector neglect and low commodity prices. All of this must be set against the adoption of the 1991 Zanzibar Declaration that provided for the participation of political leaders in business activities, opening the floodgates to capital accumulation and corrupt enrichment by politicians, top bureaucrats, and businessmen.

1076. In order to manage diversity in a constructive manner, the country should:

- Combat corruption with greater vigour; and,
- Implement people-centered social policies and socio-economic redistribution.

1077. This should more effectively ensure the delivery of and access to social infrastructures, and permit common people to benefit from land ownership. The gap between the wealthy few and the vast mass of the poor will then be narrowed. This may also help to reduce social tensions and assuage the feeling of alienation among restless urban and rural dwellers, especially the unemployed youth.

The political dimensions of managing diversity

1078. The constitutional-legal and political framework for managing diversity, particularly under the 1977 Constitution of the URT, should be strengthened. The clawback clauses, under the General Provisions of Articles 30 and 31 of the constitution, constitute a serious gap in the promotion and protection of the basic rights and freedoms of Tanzanians. Article 7(2) virtually shields public authorities from accountability and responsibility for their failure to pursue public policies according to constitutional provisions on the Fundamental Objectives and Directive Principles of State Policy. In a similar vein, the politico-legal constitutional framework for managing diversity through competitive party and electoral politics may in fact, in its current institutional form and effect, mitigate against the spirit of political and social pluralism which it is intended to reflect. Internal democracy within political parties is wanting, as they have not opened up their nomination processes for party positions and elective public political offices. Competition is lacking and women, youth, and other marginalised groups poorly represented within the parties.

1079. The residual inheritance of long years of single-party dominance and one-party rule under the CCM continues to shape governance in Tanzania. Coupled with the lingering effects of a powerful executive branch over several years of CCM dominance, this inheritance vitiates the competitiveness of electoral politics. It gives the ruling party a competitive edge, bemoaned by other parties. For this reason, and as a democracy-promotion and confidence-building strategy, there are compelling reasons to reform and redesign the politico-legal constitutional architecture of competitive party and electoral politics in the country. This can be done, for example, through compacting and securing a structurally independent electoral management body, detached from the Presidency, and complemented by setting up or redesigning other horizontal institutions of accountability, ethics and transparency in national public life.

1080. Tanzania can mine the experience of peer-reviewed countries - Benin, Ghana, Kenya, South Africa - in designing such institutions. The political management of diversity can be further strengthened in the country through institutionalising the links between state actors, political parties, and civil society organizations. The objective of the linkages should be to install civil society as an important partner in deepening democracy, playing the role of sentinel in the fight against corruption and in advancing respect for human rights through civic education among government agencies and the people. In addition, the prospects for more sustainable democracy should be advanced by legislation or constitutional provisions for the Freedom of Information.

The state of the Union and management of diversity

1081. The URT is unique for being the only surviving pan-Africanist project involving the union of two independent African countries through the adoption of a federal or quasi-federal constitution, which shares sovereignty between the countries of the Union with direct legal impact on Union citizens. The challenge, therefore, for the Union resides in managing internal diversity. In other words, how can the Union sustain diversity in unity, given sharp historical and inherited diversities within each of the parties. The push and pull of diversity and unity, of containing centrifugal and centripetal forces, remains a recurring feature of the Union. The return to a multi-party state underscored dramatically the effect on a hitherto single-party state making silent or intimidated groups who harboured or entertained serious questions about the state and nature of the Union more vociferous.

1082. The Constitutional Review Act, 2011 [Section 9(2)] provides that the Commission charged with undertaking the constitutional review *"…shall …safeguard and promote,"* among others, (i) *"the existence of the Republic";* (ii) *"the existence of the Revolutionary Government of Zanzibar"*; and (iii) *"national unity, cohesion and peace".* The Act [Section 9(3)] further provides that, *"the Commission shall afford the people the` opportunity to freely express their opinions with a view to further enrich those matters."*

1083. It is clear from these provisions that the Act does not foreclose, as some claimed or feared, discussion on the state of the Union, including raising questions about how to ensure a lasting and strengthened future for the Union, as opposed to its dissolution.

1084. Within a multi-party state, therefore, constitutional review processes offer a unique opportunity to eradicate misgivings and, where necessary, redress fundamental grievances - long in gestation, if muted - about the consolidation and sustainability of the country's experiment. Compacting diversity in unity notably : (i) the legal foundations and legitimacy of the Union to reflect the popular will of Tanzanians; (ii) the resolution of conflict of laws between the Union Government and Tanzania Zanzibar; (iii) the review of the division of legislative competences between the Union Government and Tanzania Zanzibar, especially in view of the discovery of oil and other mineral resources in various parts of the Union; done in such a manner as to match fiscal resources with legislative competences, on the basis of new revenue-sharing provisions; (iv) the scope of Union competences in their application to Tanzania Zanzibar, especially in relation to corruption, rights-promoting and election-related matters; and, (v) enhanced and entrenched political devolution by the Union Government in response to understandable demand for some form of home or limited rule, if not shared sovereignty, for Mainland Tanzania.

1085. The prospects for improving institutions and mechanisms, and structures for managing diversity in Tanzania and building a durable Union are bright, though challenging and awesome. Their objective would be to ensure and advance democracy and development in the manner outlined and analysed above. However, beyond preaching, this calls for deft political maneuvering by transformational leadership with the foresight to serve public interest, putting national interests above personal, sectional and party considerations. In so doing, this would translate into giving scope and encouragement to open expression on public matters, carrying the population along in an exciting, although effortful process of governance. It would be an exercise in collective self-development. In the final analysis, this is what managing diversity should be about in Tanzania.

1086. On-going constitutional review processes must, therefore, be viewed as an opportunity to address challenges inherent in resolving important matters arising from the unfolding dynamics of neoliberal multi-party state. In addition, opening up and expanding economic and sociopolitical spaces may impose futher strains on the nation. Review processes must be transparent and open, encouraging and anchored in the expression of significant diversities, in ways that previous constitutional reviews had not been. This was the spirit of concerned stakeholders expressing fears to the CRM that the intention, if not the effect, of Section 21 (Offences and Penalties) of the Constitutional Review Act, 2011 might be to stifle or discourage unfettered public discussion of the review process and of matters incidental or arising from it.

7.1.2 Inclusive Growth, Poverty and inequality

1087. After stagnating for much of its post-colonial history, economic performance in Africa improved remarkably in recent times. Indeed, at an average of 5.6 per cent a year, Africa was one of the fastest growing regions in the

World from 2001 to 2008, prior to the onset of the global economic crisis (AfDB, 2010). Africa's 'robust' growth has since resumed. The World Bank puts this at about 4.8 per cent on average in 2011, with the International Monetary Fund (IMF) projections at 5.2 per cent. Of the world's 15 fastest-growing economies in 2010, ten were from Africa, including Tanzania.

1088. The acceleration of growth on the continent attests to hard-earned progress and promise, attributable to higher commodity prices, an improved macro-economic environment, micro-economic reforms undertaken for a favourable investment climate, capital inflows, and measures to curtail armed conflicts, among other factors. This positive economic outlook notwithstanding, many of Africa's 54 individual economies continue to face serious challenges, including poverty, illiteracy, disease, and high child, infant and maternal mortality. A major weakness is that growth in these countries is not perceived as being inclusive for all groups of the population. Inequalities persist: access to education and health services; limited job opportunities, especially for the youth; and, weak institutional, regulatory and business frameworks remain pervasive despite many African countries' economic reform and restructuring efforts.

1089. This report notes that Tanzania made progress with macroeconomic stability and recorded impressive economic growth over the past few years. During the period under review, access to public services increased significantly and social indicators improved steadily, particularly in health and education. There were also important investments in infrastructure, institutional and legal reforms. However, latest survey findings on the Tanzanian living conditions suggest that aggregate poverty rates have declined only marginally and remain high.

1090. According to the latest household survey data (2010 TDHS), 37 per cent of the Tanzanians are still poor, while job creation has remained below expectations. The key questions then become: why has poverty remained high in Tanzania despite rapid growth in recent years? What type of growth has Tanzania enjoyed in recent years? Why have the majority of the people not benefitted from this growth? What lessons can Tanzania draw from the experiences of East Asian countries where inclusive growth has successfully combined rapid growth and poverty reduction?

1091. The APR Panel cautions that, unless economic growth in Tanzania is more inclusive and broadly shared, the significant achievements of the last decade will not translate into sustained poverty reduction and the economic empowerment of a majority of the people. Tanzania must vigorously pursue the inclusive growth agenda to share benefits of growth equitably among all groups of the Tanzanian population. In this respect, more debate and research is needed on how to optimise the poverty-reducing potential of growth.

1092. Related to the challenge of poverty in Tanzania is the issue of inequality – the gap between the rich and the poor. Inequality is a fundamental issue for human development. As noted in Chapter Six of this report, the Gini Index rose from 34.6 in 2000 to 37.6 in 2007 – a sign of growing income inequality.

1093. Extreme inequalities in opportunity and life chances have a direct bearing on what people can be and what they can do – that is, on human capabilities. A growing body of evidence from around the world shows that[202]:

- Inequality wastes talent, especially if certain social groups, including women, are excluded from top jobs or economic activity;
- Inequality undermines society and its institutions, particularly where elites 'capture' governments and other institutions and use them to further their own interests, rather than the overall economic good;
- Inequality undermines social cohesion, with 'vertical inequality' among individuals resulting in increases in crime, while 'horizontal inequality' between different social groups in society increases the likelihood of conflict in society;
- Inequality limits the impact of economic growth on poverty, with the benefits of growth unevenly spread in society[203]; and,
- Inequality transmits poverty from one generation to the next.

[202] Duncan Green, *From poverty to Power: How Active Citizens and Effective States can Change the World,* pp. 2-10, Oxfam International, 2009.

[203] Duncan Green (2009) notes that *"a one per centage point increase in growth will benefit poor people more in an equal society than in an unequal one"* (p. 6).

1094. Inequality also matters because it violates the widely-held notion that all people, wherever they are, enjoy certain basic rights. Deep disparities based on wealth, region, gender and ethnicity are bad for growth, bad for democracy, and bad for social cohesion.

1095. The causes of inequality are numerous, including a lack of individual responsibility, bad government policy, exploitation by people and businesses with power and influence, or some combination of these and other factors. In this respect, ignoring inequality in the pursuit of development is perilous. Focusing exclusively on economic growth and income generation as a development strategy is ineffective, as it leads to the accumulation of wealth by a few and deepens the poverty of the many. Besides, impeding poverty reduction and MDG achievement, failure to address inequalities expose communities, countries and regions to social, political, and economic upheavals. Inequality also reinforces the spread of diseases like HIV/AIDS, especially among women.

1096. In Tanzania, inequality is multi-faceted: income inequalities, ethno-regional disparities, gender as well as urban/rural inequalities. This is reflected, not only in the tremendous economic gap related to a concentration in investments and the developmental indicators, but also in the domination of the technocratic elite within the state apparatus.

1097. The danger is that current economic divisions may harden into permanent social divisions, setting in motion a self-perpetuating cycle of social disadvantages. The other concern is that increased inequalities in resource distribution can lead to social conflicts. Moreover, inequalities in health, education and income are key components of human development of deep relevance to social well-being.

1098. Persistent intra-regional inequalities in human resource development and access to essential infrastructure in a country tend to impede the prospects for the poor to share in aggregate economic gains spurred by economic reforms. The geographic dimensions of inequity, and associated disparities in resources and governmental capabilities, loom large as policy concerns for Tanzania.

1099. This means that addressing inequality is essential if Tanzania is to live up to its obligations under UN international human rights frameworks guaranteeing equal civic and political rights and promoting economic, social and cultural rights. This requires introducing policies specifically targeting gaps and ensuring that the poorest segments of the population are able to overcome their disadvantages. This is an ethical and social imperative.

1100. In some countries, government policies of taxation and redistribution of income have helped to counteract widening inequalities, but this cannot be the only response in Tanzania. The APR Panel suggests that the URT should also improve policies in other areas:

- Education policies should aim to equip people with the skills they need in today's labour market;
- Active employment policies are needed to help unemployed people find work;
- Access to paid employment is key to reducing the risk of poverty; and,
- Welfare-in-work policies can help hard-pressed working families have a decent standard of living by supplementing their incomes.

1101. In Tanzania, dealing with the challenges posed by inequality is critical to future growth and prosperity. National policy should focus on the specific dimensions of inequality that create or preserve unequal opportunities for participating in the gains from future economic growth.

7.1.3. Capacity Constraints and Implementation Challenges

1102. Capacity building with a view to developing not only a capable state, but also a capable nation and society, should be at the heart of the development process in Africa. The essence of capacity and a capable state and society is the ability to identify goals and objectives. All the resources of a nation should be marshalled to meet them. This nexus between capacity building, sustainable development, and societal transformation were widely recognized and embodied in NEPAD's Framework on Capacity Building. In many ways, it is the central challenge facing African countries in promoting good political, economic and corporate governance, and accelerating sustainable economic and social development.

1103. Recognition that capacity building is a goal not only for the state, but for the nation as a whole is of the essence. Often, genuine good political and economic governance is negated by deficiencies in the capacities of other stakeholders, notably CSOs. These organisations fall short in their ability to act as effective advocates of the people and agents of development. These organisations are often unable to address some of their challenges through their own efforts. They almost always tend to rely on government or donors to solve these problems for them.

1104. Commendably, Tanzania developed Vision 2025: the overall policy and strategic framework for long-term socio-economic development. Drawing from this vision are national development plans – MKUKUTA II and MKUZA II. However, notes the CRM, a lot more needs to be done to spur the people of Tanzania on towards shared goals that are well articulated in both MKUKUTA II and MKUZA II.

1105. However, although existing legislation and policies do promote governance in all four thematic areas, they are not always implemented. And while, institutions have been established, some function ineffectively; and well-intentioned, clearly articulated goals are not always followed through. This was a recurring theme in the CRM stakeholder meetings in all the regions visited in Tanzania.

1106. Although there are often a number of reasons for the gap between plans and implementation, the principal reason appears to be deficiencies and gaps in capacity. Accordingly, as a matter of top priority, the Government and people of Tanzania should concentrate their efforts on building state capacity to effectively and efficiently implement policies and programmes.

1107. As elsewhere in Africa, the United Republic of Tanzania needs strategic, organisational, and technical capacity to effectively play its developmental role. All these tasks require a stronger emphasis on the state's human capacity to carry out its work.

1108. At the local level, evidence shows that capacity gaps are invariably wider at provincial and district levels, compared to national levels. For this reason, capacity building should be a central feature of the decentralisation process. The goal should be to fully empower local communities so that they become increasingly responsible for their own destinies, within the framework of a common national vision.

1109. The APR Panel cautions that there is a danger of mounting cynicism in the URT if people feel excluded from the decision-making process. Judging from their reactions, the people interviewed by the CRM were becoming cynical and expressing sentiments that everyone involved in politics was corrupt and a fraud, not to be trusted. In the view of the CRM, this poses a risk to democratic participation in the decision-making process among ordinary people.

1110. There is also need to strengthen economic management. Tanzania also requires the capacity to manage infrastructure, including roads, rail, energy and telecommunications. This is critical to laying a firm foundation for development. It would be very difficult for any African country to develop without well-functioning infrastructure.

1111. Related to strengthened capacity in economic management, capacity building in corporate governance should be stepped up. Institutions like the Centre for Investment Promotion need strengthening. Measures should also be taken to strengthen the capital market given its role in enhancing corporate governance.

1112. In the delivery of social services, a large pool of well-trained, motivated people is required to run state institutions, especially at local government level. Sound systems and processes should be put in place. These should be complemented by adequate and necessary equipment and facilities, especially in health and education. The individuals, institutions, and organs entrusted with various functions should be empowered but held accountable for their stewardship. Flexibility, adaptability and a process of continuous learning should also be built into these arrangements.

7.1.4 Land governance issues

1113. As this report stresses, land in Africa is a principal asset of production. For this reason, structures and systems of governance pertaining to land and land ownership need careful handling. They have a strong bearing on

broader economic growth and poverty reduction. They are a prerequisite for improving the investment climate, creating capital, enhancing access to credit markets, and improving government (central and local) revenue. Ownership rights in land also represent an important social safety net. Therefore, many interests, including the concomittant disputes and conflicts, converge over land. By expressly including the right of ownership of land in its constitution, Tanzania recognised the importance of land. Despite this recognition, however, a number of key challenges in the land sector, including ownership issues, land disputes, and land acquisition and compensation, still persist. A particularly worrying trend is the large-scale land acquisition dubbed "land grabbing".

1114. In recent years, large-scale acquisitions of farmland in Africa, Latin America, Central Asia, and Southeast Asia have captured global media attention. Hundreds of thousands of hectares of land that only a short time ago seemed of little interest to outsiders is now sought after by international investors (IIED, FAO and IFAD, 2009). These so-called 'land grabs' – whereby agribusiness, investment funds and government agencies acquire farmland in Africa, Latin America and Asia – are emerging as a major problem in Africa.

1115. Nevertheless, while international land deals are emerging as a global phenomenon, little is known about it in sub-Saharan Africa although a picture is emerging of large-scale land acquisitions in Africa. The IIED, FAO and IFAD report (2009) indicates that since 2004, land deals gave control of millions of acres of African farmland to foreign investors. Most of the biggest deals involving land were in Ethiopia, Mali and Sudan. In comparison with many other areas of the world, land in Africa is very cheap: in Ethiopia, land can be leased for as little as $1 an acre (Ibid.).

1116. The major factor that accounts for these land acquisitions appears to be food security concerns, particularly in investor countries. Government-backed deals are also driven by investment opportunities rather than food security concerns alone. In addition, global demand for biofuels and other non-food agricultural commodities, expectations of rising rates of return in agriculture and land values, and policy measures in home and host countries, are key factors driving new patterns of land investment.

1117. For people in recipient countries, this new context creates risks and opportunities. Increased investment may bring macro-level benefits (such as GDP growth and improved government revenues), and may create opportunities for economic development and livelihood improvement in rural areas. As governments or markets make land available to prospecting investors, large-scale land acquisitions may result in local people losing access to the resources on which they depend for their food security – particularly as some key recipient countries are themselves faced with food security challenges.

1118. This is the background for consideration of the land grab phenomenon in Tanzania. While there is a perception that land is abundant in Tanzania, this claim needs to be treated with caution. In many cases, land is already being used or claimed – yet existing land use and claims go unrecognised because land users, most often peasant farmers, are marginalised from formal land rights and access to the law and institutions.

1119. In Tanzania, people have relaised that land is of high economic value, mainly because of recent foreign investment inflows. The views from stakeholders in the regions that the CRM visited point to the phenomenon of 'land grabs' as an emergency. In all regions visited by the CRM, and especially in mining areas, there was a general consensus among stakeholders that something had to be done about the growing land problems in Tanzania.

1120. Without a doubt, land is central to the livelihoods, culture, and identity for a majority of Tanzanians who depend on agriculture. Despite Tanzania's large territorial area, rural people experience frequent land disputes and insecurity of land tenure. Land grabbing is becoming a serious problem in the country. Media reports of local people losing their land to foreign and commercial investors in Tanzania are all too common. This has given rise to the problem of internally displaced persons (IDPs) discussed in this report. According to local media reports, the IDP problem also stems from Government trading off land without people's consent. The Citizen of 27 May 2012 reported that the Darfur IDP Camp in Geita is the result of the eviction of 80 families, whose land was given to a Gold Mining company.

1121. These deals are often shrouded in secrecy, so the scale of what is happening is not clear, nor is it clear who benefits from these deals. Lack of transparency and of checks and balances in contract negotiations, creates a breeding ground for corruption and deals that do not maximise the public interest. Insecure use rights on state-

owned land, inaccessible registration procedures, vaguely-defined productive use requirements, legislative gaps, and compensation limited to loss of improvements like crops and trees (thus excluding loss of land), all undermine the position of local people.

1122. The APR Panel cautions that Government should treat the land issue with sensitivity. Although on paper Tanzania seems to have progressive laws and procedures that seek to increase local voice and benefit, prevailing systems need to be improved to ensure equity in land ownership. The Government will have to step up efforts towards adopting a responsive land tenure framework.

1123. The concern of the APR Panel is that, if not handled properly, large-scale land acquisitions may have lasting repercussions on the future of people in rural Tanzania. They may lose the land, water, and other resources that have supported their livelihoods for generations, while the jobs created in return may be few, short-lived, and low-paid.

7.1.5 Management of Natural Resources and Inclusive Growth for Sustainable Development

1124. Throughout the stakeholder consultations, management of natural resources, and more specifically, of mineral resources, was identified as a matter of grave concern across all four thematic areas. General sentiments point to the following nine areas of apprehension over governance of natural resources.

Overly generous tax advantages, tax evasion and national revenue losses

1125. In a bid to attract foreign investors to the sector, prior to 2010, the Tanzanian Government offered an array of tax benefits that were generally regarded as over-generous. Royalties, based on net value, were charged at 3 per cent. Mining companies could off set up to 100 per cent of capital expenditure against tax in the year that it was spent and taxes on imports of mining equipment were kept low. Royalties could be deferred in cases were *"the cash operating margin fell below zero"* (effectively another exemption) and there was an exemption on capital gains tax.

1126. Even with this array of tax benefits, the legal provisions that allowed an indefinite loss carry forward[204] gave incentive to mining companies to continuously declare losses against taxable income[205] and effectively, evade taxes. To add to this, the 15 per cent capital allowance on unredeemed capital expenditure[206] was open to milking until a resource is depleted, an effective tax avoidance avenue.

1127. The new mining law of 2010 was meant to redress these concerns: royalties were increased to 4 per cent for metallic minerals, to 5 per cent for gemstones and diamonds, and to 5 per cent for uranium. All based on gross value. However, the new law does not affect current agreements with foreign companies and therefore the problematic status quo persists.

1128. As recommended by the United Nations Economic Commission for Africa[207], two crucial moves have to be made to reverse the 'paradox of plenty'.[208] Firstly, tax regimes and tax payment mechanisms must be more transparent, giving citizens an opportunity to monitor payments, receipts, and mineral tax revenue use; and, secondly, mineral tax regime reform should ensure that government collects a fair share of mining rents to fund national development plans.

[204] Tanzania's Income Tax Act 2003

[205] A Government contracted audit by Alex Stewart Assayers of 2003 revealed, for example, that Barrick and Anglo Gold Ashanti overstated their losses by $502 million between 1999 and 2003 resulting in a national revenue loss of $132.5 million.

[206] Income Tax Amendment of 2004

[207] *"Breaking the curse: How transparent taxation and fair taxes can turn Africa's mineral wealth into development"*. A publication by the United Nations Economic Commission for Africa (UNECA)

[208] The *"Paradox of Plenty"* describes the characteristics of societies in mineral-rich countries, where the countries with the most natural resources are the poorest and worst governed.

"Bad contracts"

1129. Mineral Development Agreements (MDAs) are generally regarded as skewed in favour of foreign companies. For instance, tax stability clauses in MDAs precluded GOT from raising tax or royalty rates. In addition, there were no provisions on environmental rehabilitation funding and adequate compensation for displaced persons. Although the new law caps the life of an MDA to 25 years and allows for mid-contract reviews every 10 years, this can only apply to future contracts. GOT should desist from using special mining contracts to grant tax exemptions or benefits to individual companies. This does not only propel the culture of 'bad contracts' but, more seriously, undermines the entire tax legal framework.

Low levels of accountability and transparency

1130. In the 1998 law, disclosure of information from a mining report to a minister or government agency was a criminal offence, propelling a culture of secrecy in the sector that undermined accountability to both government and the public. In addition, Government maintained, even to the Public Accounts Committee of the National Assembly, that mining agreements are confidential.

1131. The 2010 law provides for mining companies to list on the Dar es Salaam Stock Exchange, thereby compelling them to adhere to the accountability and transparency standards of the capital markets. However, there are concerns that these provisions may be difficult to enforce.

1132. The Tanzania Minerals Audit Agency (TMAA) was established in 2009 as a statutory body, charged with maximising government revenue from the mining industry through effectively monitoring and auditing mining operations.

1133. In the course of its work, the TMAA audits:

- The quality and quantity of produced and exported minerals;
- Capital investment and operating expenditure of the major mines for purposes of tax assessment; and,
- Environmental management, environmental budgets, and expenditure for progressive rehabilitation and mine closure.

1134. Undoubtedly, the creation of TMAA is a positive step in promoting responsible and sustainable management of extractive industry resources. As a relatively new Agency, its impact on the accountability and transparency of the sector could not be established. Furthermore, it is acknowledged that multinational mining companies accounts are complex and would require sophisticated auditing skills.

Environmental irresponsibility

1135. As mentioned above, the MDAs were notorious for their lack of stringent environmental sustainability or rehabilitation standards. As a result, communities continue to suffer exposure to environmental hazards, which on noticeable occasions have gone unresolved. It is not uncommon to find abandoned open pits following the depletion of a mineral resource in a given area. As already mentioned in this Report, this situation leaves residents not only physically vulnerable but also deprived of the agricultural land, on which they depend for their livelihood.

Inappropriate and inadequate Corporate Social Responsibility

1136. Corporate social responsibility plays a significant role in local development. However, mining company CSR contributions to the local social agendas are unlikely to generate significant economic impact. Local communities expressed the sentiments that CSR was inadequate in relation with what companies take away. The new law encourages the formation of foundations or trusts through which community assistance and social projects may apply for contributions from the operating profits of mining companies. However, the provisions of the law are not enforceable, in view of the operative word "encourage".

Low labour impact and human rights abuse

1137. Large scale mining is said to have contributed little to national employment: only 10,000 jobs were created over the past decade, according to some estimates.[209] When compared to the estimated 500,000 employed by the artisanal sector in the 1990s, this clearly indicates how higher levels of mechanisation and unbridled foreign labour increased unemployment.

Low integration with other economic sectors

1138. Prior to 2010, the law offered mining companies and their subcontractors value added tax relief on imports and local goods and services. Under the new law, the mining industry is required to consume local products and services that meet international standards as a means of integrating the mining sector with the rest of the economy, and spreading its benefits to agriculture,and for industrial processing and local trade. Mining companies are now required to publish annual procurement plans, list goods and service inputs, and issue local tenders.

1139. The provisions for mining company listings on the local stock exchange also make it possible for Tanzanians to own part of the mineral wealth. The challenge, which remains is the effective implementation of the new law.

The crowding out of local investors and low economic impact

1140. Tanzania has abundant mineral resource[210] yet the sector is declining. This is mainly attributable to crowding out or under-participation of local Tanzanian investors, especially in exploration activities. According to the Chairman of the Parliament's Public Organisations Accounts Committee[211], mining sector growth rates declined from 30 per cent in 2000 to 1.7 per cent in 2011. Local investors are excluded from this lucrative sector by onerous licensing procedures (license bidding) said to favour the powerful foreign investor. According to the Chairman of the Chamber of Mines and Energy, *"one can process a license for seven years but be denied renewal during the bidding process".*[212] Local investors are also excluded by the capital intensive nature of the business, particularly during the exploration phase. There are no financing avenues for the Tanzanian entrepreneurs who may have the risk appetite for this business.

1141. This exclusion, causes widespread apprehension about resource exploitation at the expense of and oftentimes, to the detriment of the Tanzanian. The Mining Act 2010 establishes a special fund to support and empower small-scale miners. However, the CRT was unable to establish whether or not this initiative has offered any gains or has had any impact. The Act also makes future gemstone mining a preserve of the nationals; a move dubbed as one of the highlights of the new legislation.

1142. At a macro level, the 2010 Mining Act gave Government a stake in future mines - on behalf of its citizens - through the State Mining Corporation (Stamico) and the National Development Corporation (NDC). Unfortunately, the extent of Government's equity is left (again) to the discretion of the minister.

Government's limited capacity to effectively regulate and administer the sector

1143. The minister used to enjoy large discretionary regulatory powers over the sector, the Mineral Advisory Council (MAC) being a mere advisory organ. Moreover, MAC was comprised of government-appointed officials with little technical know-how. The Bomani Report on Mining Review (2008) proposed a dedicated regulatory authority to take the oversight of the mining industry away from being *"everybody's and therefore nobody's business."*

[209] Mark Curtis and Tundu Lissu, *"A golden opportunity – How Tanzania is failing to benefit from gold mining"*, 2nd Edition, October 2008.
[210] Tanzania's mineral resource includes: metallic minerals (gold, iron, silver, copper, platinum, nickel, cobalt and tin) gemstones (diamond, ruby, sapphire, emerald, garnet, turquoise, alezandrite, topaz and tanzanite), industrial minerals (kaolin, tungsten, tin, titanium, vanadium, salt, soda, gypsum, phosphate, chromite, manganese, lime diatomite, bentonite, vermiculite, beach sand) and energy minerals (coal, natural gas, oil and uranium).
[211] Mr. Zitto Kabwe: quoted in the Citizen newspaper of 22nd March 2012 - cover page.
[212] Mr. Joseph Kahama: quoted in the above publication.

1144. In January 2011, the Ministry of Energy and Minerals announced the government decision to restructure State Mining Corporation (Stamico) as the regulatory and supervisory body to oversee the sector. However, the benefits of independent oversight are unlikely to follow since Stamico is, to all intents and purposes, a player in the industry.

1145. The Government of Tanzania should consider re-examining the new mining industry laws to put to rest stakeholder and public concern that governance ills in the sector have wilfully gone unchecked.

7.1.6 Aid Dependency and Challenges of Sustainable Development

1146. Over the past 50 years, aid objectives and composition have changed significantly. By the 1990s, some observers claimed that aid was in crisis. Its achievements were questioned by many shades of opinion. There is today a strong view that aid dependency does not, over the long-run, develop dynamic processes of productive capacity and accumulation.

1147. In recognition of this, an increasing number of African countries are beginning to step away from aid dependency. Their domestic private sector is becoming the engine of growth. According to the African Economic Outlook (2011), at least a third of African countries receive aid equivalent to less than 10 per cent of their tax revenue. This is a significant change from years of high dependency on aid. These are countries that have made the most progress towards replacing aid with domestically mobilized resources.

1148. Although aid exceeds 10 per cent of tax revenue in 34 countries, these countries have progressively expanded their tax base. They include countries like Mozambique that almost doubled tax revenue, as well as Liberia, which, over the past decade, has increased tax revenue from 6 to an estimated 20 per cent.

1149. Tanzania being one of the highest recipients of aid in Africa, this Report shows that the country is now making progress to reduce aid. Aid dependence in Tanzania declined slightly in fiscal year 2010/11, with about 31 per cent of the budget made up of foreign loans and grants while, in fiscal year 2011/12, foreign loans and grants are expected to finance approximately 29 per cent of the total budget. However, more needs to be done to wean the country off foreign aid.

1150. Tanzania continues to depend on international aid in a multidimensional, structural, and dynamic manner. This affects finance, policy choices, institutional building, the civil service culture, and civil society organisations, and even the development and dynamics of political institutions and of the economy. Thus, the fundamental question for Tanzania is not how to manage aid dependency, but how to curtail it. Critical to this is how aid can be used to help achieve this goal.

1151. For now, it is commendable that Tanzania is trying to use aid to create endogenous development. This is reflected in the emergence of an aid exit strategy. When dependent on aid, relationships and bargaining power between agents are highly unequal, and social, political and economic development interests and priorities may differ substantially.

1152. In the context of negotiating influence and agendas between agents with unequal capacities and bargaining power, and seeking different goals in a contested, dynamic and asymmetric environment, donors usually gain the upper hand. Inevitably, there is considerably less space for policy initiative and innovation in an aid-dependent country.

1153. The APR Panel suggests that Tanzania should continue strengthening mechanisms to cut back aid, using it to build strong and dynamic productive capacities. The country should also seriously begin changing the structure and dynamics of its public expenditure to support and crowd in private investment. This would contribute to developing viable, sustainable and competitive productive and trade capacities.

1154. The Fourth High Level Forum (HLF-4) on Aid Effectiveness offers the United Republic of Tanzania an opportunity to create strong partnership with Development Partners for effective development cooperation. However, country systems will require strengthening *in terms of governance, proper planning, and policies so that the country can make better use of its own resources and the resources that come from development partners.*

7.1.7 Governance within the Regional Framework of the EAC and SADC

1155. The APR Panel notes that the regional environment has always played an important role in the destiny of Tanzania. This is for geographic, historical, social and cultural, ideological and political, and strategic reasons. These fundamentals have not changed much over the past five decades and are not likely to do so in the foreseeable future. The fundamentals are also inter-related and tend to reinforce each other. A key challenge facing present political leadership and other key stakeholders in Tanzania is how to manage and shape its regional environment for a better contribution to meeting the goals and aspirations of the Tanzanian people, maximising national benefits from regional integration.

1156. Tanzania is surrounded by eight African countries (Kenya, Uganda, Rwanda, Burundi, the Democratic Republic of the Congo, Zambia, Malawi and Mozambique). Inevitably, developments in neighbouring countries are bound to impact on the situation within Tanzania for better or worse. This has become even more so with the acceleration of globalisation and the emergence of the global village. Improvements in transport and communications between Tanzania and its neighbours are reinforcing this trend. As a result, what happens with the neighbours has an almost instantaneous effect on Tanzania, even if this only takes the form of demonstration effect. Comparisons are and will inevitably be made which, in turn, will affect the expectations and demands of the people of Tanzania. Therefore, whatever may be said about non-interference in the domestic affairs of other countries, Tanzania cannot remain indifferent to happenings affecting its neighbours.

1157. After political independence, several of Tanzania's neighbours experienced prolonged and acute instability and internal conflict. Events in the Democratic Republic of the Congo, Burundi, Mozambique, Rwanda and Uganda come readily to mind. Not surprisingly, these political events and instabilities resulted in the flow of refugees, arms, and combattants into Tanzania, adversely affecting national security and stability. Understandably, the leaders of Tanzania have therefore been active in trying to promote peace and stability in the region.

1158. Social and cultural ties among the countries of the region have also given a regional dimension to the political, economic and social development of these countries, including Tanzania. As neighbours, the people of Tanzania share social, cultural, and linguistic affiliations with its neighbours. People of the same ethnic group live on both sides of the border; move back and forth comparatively freely, despite the formal borders that are highly porous in any event; trade with each other; inter-marry; and, engage in a wide range of social transactions. Inevitably, developments in one country spill-over into neighbouring countries. The most visible manifestation of this co-mingling is movement across borders - in times of conflict and instability - when refugees pour across the borders. But cross-border movement has also been significant during times of natural disasters, famine and economic hardships, triggering migration for humanitarian and economic reasons.

1159. As one of the most stable countries in the region, Tanzania has received more than cross-border migrants. Under these circumstances, this phenomenon puts serious strain on the limited physical infrastructure, social services, and resources of Tanzania, and has been the source of social tension and instability within Tanzania. These migrants, in a number of instances, have been blamed for all kinds of social problems, such as crime and immorality.

1160. The current focus of attention among the political leadership, stakeholders, the media, and the public at large in Tanzania is on the pros and cons of Tanzania's membership in the new and enlarged EAC and SADC. Among the key questions at the core of the debate are progress and the pace of integration within the EAC notably, the completion of the common market phase and the move towards a monetary union with a single currency; the compatibility between membership in the EAC and in SADC; and most important of all, how to ensure that Tanzania derives more gains from membership in both these regional groupings, compared to its partners.

1161. The debate on the readiness, willingness and advisability of Tanzania to support accelerated and higher levels of integration within the EAC is one that has barely started. These questions need to be thoroughly addressed by both government and non-government stakeholders. Whether the region is truly ready for an advanced stage of economic integration, the degree to which the present level of economic integration is stable and sustainable, and what needs to be done to ensure a more equitable distribution of benefits are important questions that must be answered. It is essential that all aspects of these questions be thoroughly explored so that Tanzania moves forward with a broad national consensus and a very clear idea of what the future holds, the challenges ahead, and the potential costs and benefits likely to result from this endeavour.

1162. The issue of costs and benefits to Tanzania from its membership in the EAC and SADC has and will continue to play a prominent role in this reflection. The problem of the distribution of benefits is always a central feature in all efforts at economic cooperation and integration, played an important role in the collapse of the first EAC in the 1970s, and is still of central concern today. In Tanzania, there is a widespread view that Tanzania is not gaining as much from its membership in the new and enlarged EAC and SADC as compared with its partners. The key measure of this has been trade imbalances and the flow of private foreign direct investments, especially to the manufacturing sector. This is an important consideration to take into account.

1163. However, this concern should not be pushed too far. Calculations of gains and losses should not centre entirely on the short-term, but also on medium- and long-term scenarios. Secondly, the question must be raised as to whether Tanzania would have been better off outside the regional organisation, even if other countries stand to gain more? Finally, calculations should not be restricted to economic gains, but also to political, strategic and diplomatic gains as they may differ from, and compensate for purely economic calculations. In that case, a country may well be willing to make economic sacrifices for other core values and interests to bear fruit. This is, indeed, a key characteristic of successful regional integration schemes.

1164. Undoubtedly, Tanzania needs regional integration for political stability and prosperity. In addressing these issues, Tanzania must keep in mind that partial and limited progress towards an economic union is inherently unstable and poses a number of challenges. This is brought out clearly in the fate of the old EAC and present-day European Union and Euro Zone. The inherent logic is that, once a process of economic integration has been launched, and even when it is at the incipient stage of a free trade area, more integration is a basic prerequisite for preserving progress and gains. A fully-fledged common market and monetary union require a very high degree of coordination in fiscal, monetary and other economic areas, for stability.

1165. Tanzania must also move forward with a clear understanding and acceptance of the fact that economics cannot be separated from politics. For the EAC and SADC to succeed, there must be a common political framework with shared political values, ideology, and broadly conceived systems of governance. Foreign policy orientation needs to be compatible with the content of this framework, in which strategic calculations and interests must converge. Again, this imperative has been clearly demonstrated by other regional groupings, both those that have succeeded and those that have failed.

1166. Undoubtedly, there is some discussion within the EAC and SADC of political, diplomatic and strategic issues. But the impression one gets is that these discussions are neither structured nor institutionalised, and are somewhat limited in scope and depth. This is regrettable as their success and the resulting convergence of views – even if they are not identical - are essential to the creation of an environment sustaining economic cooperation and integration. It is vital that more efforts be made in this regard.

1167. Tanzania is uniquely placed to play a leadership role in the region, due to the number of countries that share borders, its size, development potential, and the leadership role it played in the political evolution of the region, and Africa as a whole. Tanzania is, therefore, well placed to take the lead in promoting political, diplomatic and strategic dialogue in the region in the interest of peace, security, stability, economic development and good governance. It is incumbent on Tanzania to take on this responsibility, not only within the EAC and SADC, but in other fora. Success in this endeavour will advance the interests of Tanzania, the region and Africa as a whole.

7.1.8 Low Levels of Educational Quality

1168. The Country Review Mission's findings revealed that Tanzania has been experiencing low levels of educational quality. The performance of candidates at the Primary School Leaving Examination (PSLE) level in basic skills, a good measure of quality education, has been deteriorating since 2005. The pass rate dropped from 70.5 per cent[213] in 2006 to 54.2 per cent in 2007, and the trend continued to decline, from 52.7 per cent in 2008 to 49.4 per cent in 2009. These poor pass rates have in turn caused the transition rate from Standard (STD) VII to secondary school to decline[214], for example, falling from 56.7 per cent in 2007 to 50 per cent in 2009. Generally,

[213] *Tanzania Country Report on the Millennium Development Goals, ,* p. 16, Dar es Salaam, 26 September 2011.
[214] Ibid.

boys tend to perform better than girls, with a 59 per cent pass rate for boys compared to 48 per cent for girls in 2010, thus reducing girls chances of selection for secondary education.

1169. National secondary school examination results are equally deteriorating. The declining pass rates at both ordinary and advanced levels from 89.1 per cent in 2006 to 83.7 per cent in 2008, and from 96.3 per cent in 2006 to 89.6 per cent[215] in 2009, respectively, are a sad reflection of low quality secondary level education. In addition, the per centage of candidates scoring divisions I and II in the national Form Four examinations decreased from 12 per cent in 2005 to only 6 per cent in 2009. Furthermore, available data show variations across subjects with much lower pass rates in science subjects and mathematics because of insufficient quality teachers in the subjects. Another alarming statistic is that *"over 50 per cent of the form four candidates who sat for the 2010 Certificate of Secondary Education Examination got division zero, an absolute failure in the examinations."*[216]

1170. While truancy and malingering[217] were identified as major challenges contributing to the deteriorating standards, other inhibiting factors also exist. Huge increases in school enrolments under the Primary Education Development Programme (PEDP) and the Secondary Education Development Programme (SEDP) did not go hand in hand with an increase in the numbers of qualified teachers, learning and teaching materials, and classrooms. As a result, the increases over stretched the educational infrastructure and human resource capacity, generating high teacher-pupil ratios - such as 1:98 in 2010 - and a serious lack of qualified teachers in the ensuing years. In 2008, for example, as many as 26.6 per cent of the 32,835 secondary school teachers[218] did not possess the minimum qualifications of either a university degree or a diploma in education, creating a gap for 8,734 trained teachers. This gap was filled by untrained and inadequately qualified teachers.

1171. A similar situation exists at the primary education level where some teachers complained in stakeholders' forums about their lack of the requisite skills to handle certain topics in the revised primary school curricula. These factors have had a negative impact on the quality of education. While the untrained teachers make poor and boring presentations of subject matter, the high teacher-pupil ratios suggest overcrowded classrooms, making it very difficult for teachers to pay enough attention to students.

1172. Teachers contribute to the deteriorating educational quality in Tanzania. In stakeholders' meetings, participants noted that the teaching profession in Tanzania is no longer perceived as a worthwhile occupation. They indicated that because they are so poorly paid, many teachers moonlight to supplement their incomes thus spending less time at school. These developments have dampened the professional spirit and level of motivation of teachers, impacting greatly on quality education for many reasons. Teacher motivation is the most important of all factors in education because a teacher's intrinsic drive towards self-improvement cannot be matched with any amount of pressure from educational managers. Teachers are motivated for self-improvement and better performance. The teacher has to see and accept the need to grow professionally in order to be eager to attain new knowledge, skills, attitudes, values and dispositions. With such dispositions, there is pride, self-esteem, team spirit, commitment, drive, adventure, creativity, and vision on the part of the teacher who feels a sense of ownership for a successful educational system. Therefore, unmotivated teachers place great stresses on achieving quality education.

1173. Although falling educational standards may be due to the above challenges, inflexible curricula[219] have also played a role, at least in the area of obtaining skills for readily securing a livelihood. In principle, inflexible curricula encourage teaching for examinations by emphasising theoretical aspects of the curricula more than practical or process-based learning. Inflexible curricula also tend to encourage out-dated teaching methods, such as rote learning and memorization, rather than engaging pupils in more analytical and problem-solving approaches, imparting knowledge on becoming independent and self-reliant.

1174. These inter-related challenges culminated in generating a poorly functioning educational system, producing graduates lacking the requisite knowledge, skills, and ability[220] for the demands of Tanzanian society. This

[215] United Republic of Tanzania, NSGRP, op. cit. P.11.
[216] Daily News On Line, *Falling education standards worry many,* Saturday, April 21 2012.
[217] Daniel Msangya, *"Tanzania: Education Standards Flop as Region Faces Teacher Scarcity",* http://allafrica.com/stories/201105240250.html, 22 May 2011.
[218] UNESCO-IBE (www.ibe-unesco,org), World Data on Education, VII Ed. 2010/11, United Republic of Tanzania.
[219] *Daily News* online, op. cit.
[220] Ibid.

situation prevents Tanzania from reaping the benefits of good quality education, with serious present and future consequences on all aspects of societal development. Quality education provides a foundation for development and the groundwork on which much of economic and social well-being is built. It increases overall productivity and the intellectual flexibility of the labour force. Therefore, it is key to increasing economic efficiency and social consistency.

1175. In addition, quality education helps to ensure that a country is competitive in world markets, now characterised by changing technologies and production methods. Knowledge accumulation through quality education influences trade performance and competitiveness. The impact of open trade on long-term growth depends on how well the people of a country are able to absorb and use information and technology made available through trade and foreign investment.

1176. By increasing the value and efficiency of their labour force, quality education also helps to raise the poor from poverty. And, through its ability to increase the early integration of a child with dissimilar social or ethnic groups, it contributes significantly to nation building and interpersonal tolerance. Furthermore, good quality education confers participation-enhancing benefits that contain essential drivers to promote political activity and the achievement of shared goals, as well as democratic participation in decision-making processes among ordinary citizens.

1177. In addressing low quality education, the challenge for the Government of the United Republic of Tanzania is to place a stronger policy emphasis on equity, allocating more resources to underserved areas to support students from poor families, and maintaining a higher retention of girls in the educational system. Also, although steps have already been taken to train teachers, more efforts are still needed to enhance teaching skills.

REFERENCES

A.G.N. Kitula, 2005, "The environmental and socio-economic impacts of mining on local livelihoods in Tanzania: A case study of Geita District"

African Peer Review Mechanism (APRM) February 2012, Zanzibar country self-assessment report.

African Peer Review Mechanism (APRM) September 2011, *Tanzania country self-assessment report, final revised edition.*

Ahmed Mohiddin (1993), "Tanzania in Transition: From *Ujamaa* to Ujangili", Change, December, pp. 6-17.

All African.com "Tanzania: Mediation, Arbitration Commission improves services"; http://allafrica.com/stories/201111110395.html

Curtis M. and Lissu. T., 'A Golden Opportunity: *How Tanzania is Failing to Benefit from Gold Mining*' (October 2008).

Dar es Salaam Stock Exchange (DSE), http://www.darstockexchange.com.

Dar es Salaam Stock Exchange, 2010, 2011 "Annual Reports" www.dse.co.tz

Frank Volg, "The Ariel Halpern Lecture on Ethics and Social Responsibility" www.ethicsworld.org/publicsectorgovernance/fvglobal)

Fred, N 2004, 'The evolution and impacts of community-based ecotourism in northern Tanzania', International Institute for Environment and Development (IIED), issue paper 131, pp. 1–27.

Index of Economic Freedom database, The Heritage Foundation, http/www.heritage.org/index.

Meena, R (2008), The Political and Social Economy of Care: Tanzania Research Report I. Report to the United Nations Research Institute for Social development (UNSRID).

Ministry of Water 2011, *Water sector status report with summary of water sector progress since 2007*, Ministry of Water, Dar es Salaam.

Mkenda, A.F, et al., (2004), Poverty in Tanzania: Comparisons across Administrative Regions. Report to the International Development Research Centre (IDRC).

Mpogole, H, Usange, H & Tedre, M 2008, 'Mobile Phones and Poverty Alleviation: A Survey in Rural Tanzania', in John, SP, Proceedings of 1st international on M4D mobile telecommunications for development, M4D 2008, general tracks December 11-12 2008, Karlstad University, Sweden.

National Bureau of Statistics April 2011, *Tanzania demographic and health survey 2010*, ICF Macro Calverton, Maryland, USA.

Ngowi, HP May 2009, 'Economic development and change in Tanzania since independence: the political leadership factor', *African Journal of Political Science and International Relations*, vol. 3 no.4 pp. 259-269.

Nyerere, J.K. (1973), "Freedom and Development". Oxford University Press, Dar es Salaam.

Rugumyamheto, J. (2005), "Reforming the Public Service in Tanzania: A critical Prerequisite to Economic Growth, Wealth Creation and Poverty Reduction". Paper Presented at the Conference on "the enabling State and the role of the Public Service in Wealth Creation: Problems and Strategies for Development in Africa", organised by the African Association for Public Administration and Management 26th AAPAM Annual Roundtable Conference, Whitesands Hotel, Mombasa, Kenya 7th – 11th March, 2005.

Tanzania Gateway, "Helping children reclaim their lives – Reducing Child Labour in Tanzania. http://www.tanzaniagateway.org/docs/reducing_childlabor_tanzania_through_Education.pdf

Tanzania National Human Rights Commission, 2012 "National Human Rights Action Plan"

The Cadbury Committee 1992, "The Financial Aspects of Corporate Governance (the Cadbury Report) ", Burgess Science Press

The Citizen Newspaper, Tanzania, 5th March 2012, "Shock over poor pay for Tanzanian employees"

The Citizen, 'Aggreko, IPTL Slash Power Production', 2 March 2012, pp. 1 & 2.

The Daily News newspaper, Tanzania, 6 March 2012 "Taking profits to the communities"

The Tanzania Investment Act (Act No.26 of 1997 Section 17.1).

The United Republic of Tanzania April 2011, *Basic Education Statistics in Tanzania (BEST) 2006-2010 National Data*, Ministry of Education and Vocational Training, Dar es Salaam.

The United Republic of Tanzania January 2009, *Household budget survey 2007 final report,* Ministry of Finance and Economic Affairs & National Bureau of Statistics, Dar es Salaam.

The United Republic of Tanzania June, 2010, *Tanzania Statistical Master Plan 2009/2010 – 2013/14*, National Bureau of Statistics Ministry Finance of Finance and Economic Affairs, Dar es Salaam.

The United Republic of Tanzania June, 2011, *Tanzania in figures 2010,* National Bureau of Statistics Ministry of Finance & Finance and Economic Affairs, Dar es Salaam.

The United Republic of Tanzania October 1998, 'Policy Paper on Local Government Reform', Ministry of Regional Administration and Local Government, Dar es Salaam.

The United Republic of Tanzania, *The Tanzania Development Vision 2025*, Planning Commission, viewed 20 August 2012. www.tanzania.go.tz/pdf/theTanzaniadevelopmentvision.pdf

Tibategaza, ER 2010, 'Implementation of Bilingual Education in Tanzania: The Realities in the Schools', *Nordic Journal of African Studies*, vol. 19, no. 4, pp. 227-249.

UNESCO 2012, *Tanzanian educational sector analysis beyond primary education and the quest for balance and efficient policy choices for human development and economic growth,* SN/2012/ED/PI/1, UNESCO Cluster Office, Dar es Salaam.

United Republic of Tanzania 26th September 2011, *Tanzania Country Report on the Millennium Development Goals* 2010, Dar es Salaam.

United Republic of Tanzania April 2011, *Demographic and health survey 2010,* National Bureau of Statistics, Dar es Salaam.

United Republic of Tanzania July 2010, *National Strategy for Growth and Reduction of Poverty II NSGRP II,* Ministry of Finance and Economic Affairs, Dar es Salaam.

United Republic of Tanzania May 2012, *MKUKUTA National Strategy for Growth and Reduction of Poverty, Poverty and Human Development Report 2011,* Research and Analysis Working Group Mkukuta Monitoring System Ministry of Finance and Economic Affairs, Dar es Salaam.

United Republic of Tanzania, 2012, "Tanzania's National Human Rights Action Plan"

US Department of State: 2009 "Trafficking in Persons Report" www.state.gov/documents/organization/123360.pdf

World Bank and IFC Law Library database, Washington, D.C., 2012.

World Bank, *Doing Business 2012, Economy Profile: Tanzania,* Washington, D.C, http/www.worldbank.org.

Zanzibar Legal Services Centre and the Legal and Human Rights Centre, 2010, Tanzania Human Rights Report 2010

Zanzibar Malaria Control Programme March 2010, *Zanzibar Malaria early epidemic detection biannual report year-end 2009*, vol. 1, no. 2.

ANNEXES

Annex 1

Table 3.4: Constitutions of Tanganyika

S/N	Year	Title	Passed by	Distinguishing Features
1	1961	Independence Constitution	UK Parliament	Westminster Model; Parliamentary Executive/Prime Ministerial, with Queen of England as Head of State
2	1962	Republican Constitution	National Assembly, acting as Constituent Assembly	Executive Presidency

Table 3.5: Constitutions of Zanzibar and Tanzania Zanzibar

S/N	Year	Title	Passed by	Distinguishing Features
1	1963	Independence Constitution	Constituent Assembly	Monarchy. Sultan as Head of State, with some executive power exercised on advice by cabinet. Parliamentary executive headed by Prime Minister
2	1979	First Constitution	Revolutionary Council	Introduced House of Representatives and elections for the first time after the revolution
3.	1984	Second Constitution	House of Representatives	Introduced Bill of Rights and direct elections for the House of Representatives.

Table 3.6: Major Amendments to Constitutions of Tanzania Zanzibar

S/N	Year	Title	Passed by	Distinguishing Feature
1	2002	8th Constitutional Amendment	House of Representatives	Separation of Powers; Accountability of Government organs and institutions
2.	2010	10th Constitutional Amendment	House of Representatives	Introduction of Government of National Unity

Table 3.7 Constitutions of the URT

3	1964	Interim Constitution of the United Republic of Tanzania	President	Two-Government Union
4	1965	One-Party Constitution	Parliament by Act of Parliament	One-Party System: TANU on Mainland Tanzania and ASP in Tanzania Zanzibar. TANU Party Constitution made part of state Constitution
5	1977	Union Constitution	Constituent Assembly, given the authority by Articles/ Acts of the Union	Executive Presidency; Two-Government Union. Supremacy of the Party. Concentration of Power in the Presidency (Executive Branch)

Table 3.8: Major Amendments to Constitutions of the United Republic of Tanzania.

S/ N	Year	Title (number of Amendment	Passed By	Distinguishing Features
1	1984	5th Amendment	Parliament in its constituent capacity	Bill of Rights
2	1992	8th Amendment	Parliament	Multi-Party System; separation of powers; freedom to form human rights NGOs; independence of the office of the Director of Public Prosecutions; right of any person to bring cases in the High Court to protect the Constitution.
3	1995	11th Amendment	Parliament	Vice-President to be elected by system of running-mate. Zanzibar President to be a member of the Union Cabinet.
4	2000	13th Amendment	Parliament	President to be elected by plurality, instead of majority vote; Up to 30 per cent of National Assembly Seats to be reserved for women; independence of the judiciary, with exclusive judicial powers expressly provided for; establishment of Commission for Human Rights and Good Governance; introduction of Government of National Unity in Zanzibar

AFRICAN PEER REVIEW MECHANISM

AFRICAN UNION

ANNEXURE I

COMMENTS FROM THE GOVERNMENT OF THE UNITED REPUBLIC OF TANZANIA ON THE APRM COUNTRY REVIEW REPORT

ANNEXURE I

COMMENTS FROM THE GOVERNMENT OF THE UNITED REPUBLIC OF TANZANIA ON THE APRM COUNTRY REVIEW REPORT

INTRODUCTION

The government of the United Republic of Tanzania (URT) acknowledges with appreciation the report and recommendations by the APRM Panel of the Eminent Persons who conducted the review exercise from 2nd to 23rd March 2012 under the leadership of his Excellency Barrister Akere Muna. The Panel is commended for demonstrating professionalism and rigor in engaging with the citizens of Tanzania as they solicited their honest opinion on the four thematic areas under review. The government further acknowledges the openness and honesty demonstrated by the citizens of Tanzania in expressing their views without fear during the total process of review. Indeed, this is in itself a showcase of political maturity of our people and a milestone in the development of a democratic culture which is in essence the spirit of peer review mechanism.

In responding to the concerns of the APRM Panel, the government takes note of the fact that the opinion and recommendations of the Panel did not basically differ from the views expressed in the Country Self-Assessment Report (CSAR). Most of the recommendations did not contradict the views of the people and their recommended way forward in the National Plan of Action (NPoA) conducted under the leadership of the APRM National Governing Council (NGC) during the initial phase of the self assessment process.

While accepting most of the recommendations by the Panel, and as we express commitment to work on them there are a few areas which the government wishes to elaborate and or provide an alternative position. In the thematic area of Economic Governance and Management for instance, the recommendation on strengthening the M&E reporting system is well received. This is an area which the Government of the URT strongly feels that it has something to offer to our colleagues in terms of a good practice. The Government of URT has a very elaborate monitoring and reporting system that covers the whole of the budget cycle from planning to execution. This is guided by a Performance Assessment Framework (PAF) which includes outcome indicators for all social sectors. There exists a monitoring and reporting system which provides concrete sources of information including annual performance by agencies, which has greatly improved reporting on administrative data. This is in addition to a National Panel Survey which provides key data on Poverty and Social Indicators for all social sectors. Also, there is a monitoring and evaluation system for monitoring progress in the implementation of MKUKUTA II/MKUZA II. The Government is continuing to strengthen existing frameworks and to enhance the capacity of the key institutions such as National Bureau of Statistics (NBS) in collecting, analysing and packaging data for broader dissemination to the citizens.

In the thematic area of social economic development for instance, the recommendation on gender budget did not seem to have adequately captured the good practice which the country considers to be a show case in two areas. First, mainstreaming gender budget in the government budget guidelines as well as partnership with civil society in enhancing the skills of the budget officers in gender budgeting ought to be highlighted as a good practice from which lessons can be shared with other countries. Additionally, the Time Use Module which has been mainstreamed in national surveys is yet another show case from which lessons can be drawn in the spirit of peer review mechanism.

The government moreover does not concur with the implied recommendation of lowering the minimum qualifications for ward level counselors as it contradicts the Tanzania vision 2025 of building a knowledge based society. The basic minimum requirement of literacy and knowledge of national language is very minimal and as a matter of principle the government feels that this minimum requirement should be reviewed to consider secondary education as the minimum given the current measures which have led to the expansion of secondary schools at each ward. Lowering this minimum qualification will contradict our national vision of creating a knowledge based society. The requirement of literacy and knowledge of the national language are necessary prerequisites needed for a leader who is expected to inspire others in actualizing the national vision of building a knowledge based society. These views notwithstanding, the government of URT wishes to submit its response in the following sections.

DEMOCRACY AND POLITICAL GOVERNANCE

INTRODUCTION

Standards and codes: Sign, ratify and accede to International democratic conventions and standards; domesticate and popularize them.

1. **APR Panel Recommendation: Establish a robust and functional monitoring mechanism that tracks the signing, ratification and domestication processes of various instruments, and to monitor actual compliance with these instruments [Ministry of Foreign Affairs and International Cooperation, Ministry of Justice and Constitutional Affairs, Attorney General Office in Zanzibar, Ministry of East African Cooperation, CSOs].**

   Country Response: Currently there is in place an internal mechanism coordinated under the Legal Unit in the Ministry of Foreign Affairs and International Cooperation which tracks and monitors signing and ratification of international instruments including various standards and codes. The process also involves the Inter-Ministerial Committee of Permanent Secretaries, the Cabinet and finally the Parliament. Before the ratification process in the National Assembly, two Parliamentary Committees on Foreign Affairs, Defense and Security and Committee on Constitutional, Legal Affairs and Governance are involved.

   However, since the signing and ratification of international instruments involves other respective Ministries, the process under the Ministries involve consultative meetings and workshops which draw participants from the government, Civil Society Organizations (CSOs), Non Governmental Organizations (NGOs) and Faith Based Organizations (FBOs). The Ministry of Justice and Constitutional Affairs has a Department of Human Rights and Constitutional Affairs that deals with international standards and codes. In case of domestication of instruments relating to Zanzibar government, the House of Representatives and the office of Zanzibar Attorney General are involved.

   In addition, some national frameworks provide for monitoring mechanisms. The Draft National Human Rights Action Plan (DNHRAP), for instance, provides for a internal monitoring and evaluation mechanism of the Action Plan. Under this Mechanism, a database for all signed and ratified international instruments will be established. The Draft Plan will be endorsed by the Cabinet in December, 2012 and will be fast-tracked for early implementation. The government will continue to be pro active in enhancing the current mechanisms.

2. **APR Panel Recommendation: Ensure that the domestication process is inclusive and involves as much public input as possible; [Ministry of Foreign Affairs and International Cooperation, Ministry of Justice and Constitutional Affairs, CSOs].**

   Country Response: Stakeholders' involvement in Tanzania's planning and implementation systems is not only a matter of prudence and best practice, but rather a constitutional right as per article 21(2) of the Union Constitution of 1977 and article 21 of the Zanzibar Constitution of 1984. Both the long term visions of the two governments; Vision 2025 for the Union government and Vision 2020 for Zanzibar government, have policy guidelines that describes the necessity of involving the people in planning and implementation of projects. Further to the relevant stakeholders' groups and consultative meetings, relevant Parliamentary Committees are also involved. Apart from internal deliberations, the Committees usually conduct public hearings incorporating the views of the people.The government will continue to involve as many stakeholders' as it is practicable in the domestication process as mentioned in APR Panel Recommendation 1 above.

3. **APR Panel Recommendation: Promptly take action on the UPR recommendation by placing them within broader national development policy and planning frameworks for them to become fully operational;**

[Ministry of Finance, Ministry of Foreign Affairs and International Cooperation, Ministry of Justice and Constitutional Affairs, CSOs]

Country Response: Tanzania submitted its Universal Periodic (Human Rights) Report (UPR) at the UN Commission for Human Rights in Geneva, Switzerland in October, 2011. During the deliberations there were a number of UPR Recommendations from various countries. However the government issued its position on a number of them; citing its reservations to several of the recommendations, partially agreed on some and disagreed on others.

Some of the UPR Recommendations the government did not concur with include; the abolition of death penalty, ratification of the Convention on torture and putting an end to direct and indirect restrictions on freedom of expression. On the Convention against Torture the government is currently undertaking a study before signing the same. Regarding the death penalty, the government will be further informed by views of the people in the on-going constitutional review process. Since the next review for Tanzania is scheduled for May, 2016, the government will ensure that the areas which were agreed or partially agreed like introducing human rights curriculum in schools and increasing human rights awareness, will be implemented through relevant MDAs by including them in national policies and plans.

4. **APR Panel Recommendation: Develop a time-bound plan and provide adequate financing, staff and information resources to the MDAs in charge in order to reduce the substantial number of overdue reports on the United Nations and African Union human rights instruments. [Ministry of Finance, Ministry of Foreign Affairs and International Cooperation, Ministry of Justice and constitutional Affairs, CSOs]**

Country Response: The Draft National Human Rights Action Plan (DNHRAP) which is expected to run for five years parallel to other national plans and programs will mainstream all initiatives by various MDAs, and as discussed under APR Panel Recommendation 1 above, it will provide for an internal monitoring framework on the implementation of the NHRAP itself as well as establishing a data base for all ratified Regional and International Human Rights instruments.

Objective One: Prevention and Reduction of Intra and Inter State Conflicts

1.1 **APR Panel Recommendation: Reform land laws in order to protect local people from arbitrary dispossession; [Ministry of Lands, Housing and Human Settlement Development; Ministry of Land, Human Settlement, Water and Energy]**

Country Response: In Tanzania all land is public property managed by the President on behalf of the people. Ownership is therefore granted on conditions. The legal and institutional framework in place has spelt out the right to compensation in land issues. The Constitution of the United Republic of Tanzania (1977) Article 24 (1) and (2) and article 17 of the Zanzibar Constitution (1984) provides for rights to own property (including land) and for rights to fair and adequate compensation. Under the Land Acquisition Act, 1967, land may be acquired on public interests and fair compensation paid.

The fundamental principle of the National Land Policy as stipulated in the Land Act No. 4 and Village Land Act no. 5 both of 1999 protects the equality to access and own land for both men and women. In addition, the Land Acquisition Act, 1967 has provisions on fair compensation. The two 1999 laws and their regulations have been translated into Kiswahili for easy comprehension by citizens.

The government, in a bid to safeguard the people in land issues, has established an elaborate land dispute resolution mechanism from the ward levels (Ward Land Tribunals), District (District Land and Housing Tribunals) to the national level (The High Court Land Division). With improved efficiency in adjudicating land disputes the government believes that the current legal and institutional configuration are adequate and where such rights are infringed remedies may be sought through recourse to justice. The government will continue to strengthen enforcement mechanism and awareness.

Like in the Mainland, land in Zanzibar is a fundamental social and cultural asset as well as an important development resource for the poor, in both rural and urban areas. Land is also the base of Zanzibar's economy, dominated by agricultural production. The Zanzibar economy depended on clove as a cash crop and main source

of foreign income until 1990's when the world cloves market collapsed. The economic recovery started by introducing tourism as the substitute for clove industry. However, both the clove and tourism industries depend largely on the availability of land. This together with rapid population growth and increased demand for land increased market value of land and hence possible factor for land conflicts.

Zanzibar therefore need a comprehensive land Policy to guide the proper land governance and uses and to ensure that scarce land and its resources can be planned, managed and utilized in the most beneficial and sustainable manner. Recognizing this reality, the government has started to prepare such a policy which will also aim at achieving the MDGs as well as the Zanzibar Vision 2020 and Zanzibar Strategy for Growth and Reduction of Poverty (ZSGRP-II). The new policy upon completion will facilitate transparent, sustainable, and environmentally sound land administration and management procedures as well as enhance accessibility of land rights to the poor. For better management and administration of the land sector, all laws and regulations concerning land should also be amended to be in line with the new policy.

1.2 APR Panel Recommendation: Design and publicize the compensation system to be used in allocating village land to investors; [Ministry of Lands, Housing and Human Settlement Development]

Country Response: Further to our submission in the foregoing Country Response, the government believes that the rights and obligations as stipulated in the Constitution and the two laws adequately protect village land against interested investors. The challenge usually is on the adequacy of the provided compensation amounts and timely payment. To address this, the government is in the process of drafting a law regarding valuation and to strengthen survey infrastructures by identifying geodetic points for facilitating land surveys.

1.3 APR Panel Recommendation: Publicize and strengthen the legal frameworks governing foreign investment with regard to labour law, compliance with international human rights standards and adherence to the country's laws; [Ministry of Justice and Constitutional Affairs, Tanzania Investment Center and Ministry of Labour and Employment, Ministry of Labour, Economic Empowerment and Cooperatives(Zanzibar)]

Country Response: The government has enacted laws to accommodate International Labour Standards. The Investment Act, 1997, the Economic Development Zones laws, the Commission for Human Rights and Good Governance (CHRAGG) Act No7 of 2001, all provide for rights and obligations of foreign staff to local standards and on compliance with human rights values. The two Labour Acts have been enacted. The Employment and Labour Relations Act. No. 6 and Labour Institutions Act. No. 7, both of 2004 were enacted for this purpose.

In Zanzibar, the Government has reviewed its labour laws to comply with international Labour Standards. As a result of this, the following Labour Acts have been enacted: the Employment Act No. 11 of 2005, Labour Relations Act No. 1 of 2005, Occupational Safety and Health Act No. 8 of 2005, Workman's Compensation Act (Amendment) No. 5 of 2005 and the Zanzibar Social Security Act No. 2 of 2005. Efforts are being undertaken to raise awareness of the public on these laws through mass media and other information channels. Both governments will continue with sensitization and work to strengthen adherence and compliance.

1.4 APR Panel Recommendation: Strengthen and establish formal cross-border mechanisms where they do not exist, as a systematic regimen for containing cross-border conflicts so that hostilities do not flare up; [Ministry of Trade and Industry, Ministry of Home Affairs and Ministry of Foreign Affairs and International Cooperation]

Country Response: Although currently there are no cross border conflicts and hostilities, the government has established formal joint cross-border committees with her neighbours to resolve any future conflicts. The committees include: Namanga (Tanzania and Kenya), Kasumulu/Songwe (Tanzania and Malawi), Tunduma / Nakonde (Tanzania and Zambia), Rusumo (Tanzania and Rwanda), Mtukula (Tanzania and Uganda). On-going negotiation with other neighbours are still underway in Sirari (Tanzania and Kenya), Horohoro (Tanzania and Kenya), and Mtambaswala (Tanzania and Mozambique).

Further to the bilateral cross border arrangements which exist now, the government will continue to utilize other mechanisms in place like the neighbourhood committees and forums under regional bodies like EAC, SADC and Continental organs like the AU.

1.5 APR Panel Recommendation: Encourage diversification of pastoralist community economic activities, through civil society- government- private sector partnerships, thereby reducing their dependency on a pastoral life style; [Ministry of Finance, CSOs]

Country Response: The government is aware that with looming effects of climate change and scarcity of land, pastoral societies face real problems which have to be met by diversifying their economic activities. The government through agriculture line Ministries and offices in the Regional Administration has been implementing a number of projects to help pastoral societies to undertake modern pastoral methods including reduction of the size of number of cattle.

The Ministry of Tourism and Natural Resources, for instance, has programs on cultural tourism which benefits pastoral societies by providing them with alternative income. Another programme is undertaken by the Ngorongoro Conservation Area Authority which supports the Maasai pastoralists living in the area through projects under Pastoral Council. The projects include construction of classes, teacher's houses, laboratories, water and other infrastructure projects, solar power installation, in schools, beekeeping, provision of medicine and hospital facilities, fumigation of food reserve godowns, scholarships, construction of cattle dips and provision of vaccines.

In addition, there are also programs and campaigns to diversify into farming-adopting cultivation to remain pastoralists. Other strategic interventions include motivating pastoral societies to undertake modern techniques and technologies, promote diversification within by increasing dairy rather than traditional cattle keeping, switch to hides and skin trade and other livestock related activities. The APR Panel Recommendation is in line with the country's goal in the Five Year Development Plan which is to ensure commercialization and modernization of livestock sector. Since the government has already in place a law on Public Private Partnership which provides an elaborate mechanism on how public and private entities may forge partnerships to implement development projects, the government will continue to strengthen the available frameworks to support more diversification.

Objective Two: Constitutional Democracy and Rule of Law

2.1 APR Panel Recommendation: Consider introducing legislation for parliamentary confirmation of ministers, judges, ambassadors, the Chairperson and members of the National Electoral Commission, the Commission on Human Rights and Good Governance, and the Prevention and Combating of Corruption Bureau; [Ministry of Justice and Constitutional Affairs, Parliament]

Country Response: We wish to reiterate that as Tanzanians are currently airing their opinions on various constitutional issues, we believe that the new constitution will also further inform us on the best model to follow on this matter.

2.2 APR Panel Recommendation: Enhance the institutional capacity and independence of democracy-promoting institutions such as CHRAGG, NEC, PCCB, and Registrar of Political Parties [Ministry of Justice and Constitutional Affairs, Ministry of Finance, Parliament]

Country Response: The autonomy and Independence of the CHRAGG and PCCB are provided for in Article 130 (2) of the URT Constitution and sections 5(2) of the PCCB Act, 2007 respectively. To ensure autonomy of the NEC, section 4(1)(a) of the Election Act, 1985 stipulates that NEC shall be chaired by a Judge of the High Court or Court of Appeal of Tanzania. A person of similar qualifications shall also be the Vice Chairperson. NEC has now been allowed to establish offices at District level and recruit own staff.

The government has also been enhancing the institutions in terms of personnel, finance and equipments. For example the PCCB has established offices in each of the districts in Mainland Tanzania. In respect of CHRAGG, the Act no. 7 of 2001 and the Draft National Human Rights Action Plan have provisions on strengthening this institution. The government will continue to strengthen the institutions from time to time to facilitate their effective operations.

2.3 APR Panel Recommendation: Vigorously pursue current efforts to eradicate extra-judicial killings and the incidence of mob justice in the country. Those suspected of complicity should be expeditiously prosecuted; [Ministry of Justice and Constitutional Affairs, Judiciary]

Country Response: The government recognizes the Constitutional rights to life as per Article 14 of the Union Constitution, 1977 and article 13 of the Zanzibar Constitution and that every accused person should be considered innocent until proven guilty by a competent court of law.

Extra judicial killings are a concern of every Tanzanian. The legal framework in place is a testimony that the government does not condone such acts. The government through the police force has initiated various programs and campaigns including mass education on obeying the law without being forced to (utii wa sheria bila shuruti). The police force and other organs will continue to educate citizens on the need to let the legal recourse take its flow and refrain from taking the law into their hands. The government will not hesitate to prosecute those who take the ends of justice into their own hands.

In accordance with section 7 (1) of The Penal Code, Cap.16 RE 2002, death under mysterious circumstances must be given notice to any police officer or authorities responsible. Under Sections 6 (1) (2) and 14 (1) of the Inquest Act Cap. 24 RE 2002, inquiry into death is performed by a Coroner. The DPP has powers under the provisions of the Prosecution Services Act, 2008, to order investigation of death by a Coroner if he finds it best to do so for public interest. In addition, Section 6 (1) (b) (c) (e) (f) (g) (o) and section 15 (1) (a) (b) (2) (c) and (3) of the Commission on Human Rights and Good Governance Act, Chapter 391, provides statutory authority for the Commission to conduct investigations on matters of human rights abuse or maladministration. Efforts will be continued to educate citizens and address institutional capacity gaps including human, financial and material resources.

2.4 APR Panel Recommendation: Implement a sustained civic education programme and human rights awareness campaign for the Police, security services, related services, and the population as a whole, to guide them towards more respect and protection for the human rights of people living in Tanzania; [Ministry of Justice and Constitutional Affairs, Commission for Human Rights and Good Governance (CHRAGG)]

Country Response: The government has mounted civic education and human rights training to its organs and the citizens in partnership with relevant organs and the civil societies. For instance, human rights curriculum for training police officers has been introduced and human right as a subject has been included in secondary school curriculum. Implementation will be supervised by respective MDAs.

The Draft National Human Rights Action Plan provides for the development of Standard Operating Procedures for Police Officers that clearly explain how police should exercise their duties while upholding individual's rights. The Action Plan further sets as a broad objective on Human Rights training to law enforcement officers on use of reasonable force. Such efforts will be sustained to ensure that human rights protection is enhanced.

2.5 APR Panel Recommendation: Expeditiously enact the Freedom of Information and Media Services Bills; [Ministry of Information, Youth, Culture and Sports, Parliament]

Country Response: The preparation of the Bills has taken long due to the fact that the government had to harmonize the diverse views from stakeholders' country wide. The Media Services Bill will be tabled before the National Assembly for first reading between February and April, 2013. The Zanzibar government has also initiated a process to enact a law on Freedom of Information.

2.6 APR Panel Recommendation: Repeal legislation ousting the courts from jurisdiction over results declared by NEC, and undertakes a comprehensive review of the electoral law and related legislation on competitive party and electoral politics to strengthen and advance multi-party politics; [Ministry of Justice and Constitutional Affairs, Parliament, Political Parties, NEC, Registrar of Political Parties CHRAGG, CSOs]

Country Response: The current legal procedure does not allow challenging in court of laws NEC Presidential results, but allows the same for Councilors and Parliamentarians. The government submits that the issue of challenging NEC presidential results will be decided in the on-going Constitutional review process.

2.7 APR Panel Recommendation: Review the current First-Past-the-Post electoral system so as to modify it with some element of the Proportionality System. This would have the effect of broadening and diversifying parliamentary representation and generally improve governance; [Government, Parliament]

Country Response: The current electoral system has elements of proportional representation through affirmative action of women special seats. However, the issue will be taken care of by the on-going constitutional review exercise.

2.8 APR Panel Recommendation: Develop and enhance local authority capacity to levy taxes and raise revenue [Government, Parliament]

Country Response: Section 6 of the Local Government Finances Act no. 9, 1982, provides for full legal powers to Local Government Authorities to levy tax and raise revenue. Section 10A (1) further provides for salaries, expenses and development grants from the revenues of the Central Government. Through the on-going local government reform programmes the local authorities capacity in levying taxes will continue to be enhanced to further their independence.

2.9 APR Panel APR Panel Recommendation: Extend the logic and principle of devolution to regional levels by making it a level of government and elect administration officials. [Government, Parliament]

Country Response: Decentralization by Devolution (D by D) is the process of dispensing decision-making governance both human and financial resources closer to the people and/or citizens. The Prime Minister's Office-Regional Administration and Local Government is the leading MDA in implementation of D by D policy in Tanzania. Since devolution is a continuous process, it is believed that the current reforms will continue to strengthen capacity of local government. Issues of extending the D by D logic will be taken care in the on-going Constitutional review process.

Objective three: Promotion and Protection of Economic, Social and Cultural Rights, Civil and Political Rights as enshrined in African and International Human Rights Instruments.

3.1 APR Panel Recommendation: Provide legal recognition of indigenous peoples by establishing their demographic, social, cultural, and political characteristics, and undertaking a vulnerability and risk assessment incorporating the extent to which they lack access to opportunities relative to other groups; [Ministry of Justice and Constitutional Affairs, Parliament, CHRAGG, CSOs.]

Country Response: The rights of equality of all Tanzanians including indigenous people are provided for and protected in Articles 12 and 29 of the Union Constitution, 1977. The government is implementing educational and health programs for the traditionally disadvantaged people (indigenous) to ensure that they access development opportunities.

3.2 APR Panel Recommendations: Promote human rights-based approaches to development for implementation in the public and private sector in order to achieve people-centered development that brings real change in citizens' lives through developing appropriate frameworks and formulating human rights-based standard operating procedures; [Ministry of Justice and Constitutional Affairs, Parliament, Ministry of Finance, CHRAGG, CSOs.]

Country Response: Article 8 of the Union Constitution provides mandate to the Government and gives same legitimacy to govern on behalf of the people. The primary objective of the Government shall always be to ensure the continuous improvement in the welfare of the people.

The Government has in place various frameworks, plans and strategies that incorporate views of the people in designing and implementation as key human right principle for development. The Five Year Development Plan, MKUKUTA II and MKUZA II are some of the development frameworks that are people centered. In Zanzibar the government has put in place the Zanzibar Food Security and Nutrition Policy, 2008 and the Zanzibar Food Security and Nutrition Act. No. 5 of 2011.These legal instruments are meant to address people centered development in food and nutrition by including them in line with other human rights values.

3.3 APR Panel Recommendations: Expedite the establishment of small claims courts and procedures in district courts to increase access to commercial justice at the lower levels; [Ministry of Justice and Constitutional Affairs, Parliament, and Judiciary]

Country Response: The current court jurisdiction does not bar individuals from filing any claims in District Courts for small claims. The Ward and District Land Tribunals also facilitate resolution of small land claims. To widen access to the courts and commercial justice, the Judiciary has now lifted the exclusive jurisdiction of land and commercial claims from the Land Division and Commercial Division of the High Court respectively. Now both small (land and commercial) claims may be filed and adjudicated at all Court registries. To allow the people to access more legal representation in this and many other legal issues, the government has employed new Resident Magistrates to work in the primary Courts laws will be amended to allow advocates to appear and represent their clients down to the primary courts. This will help legal services to reach more people in the lower levels.

3.4 APR Panel Recommendation: Create a State-funded and sustainable legal aid system that conforms to minimum standards provided by international and regional instruments that call for the diversification of legal aid service providers to improve access to both civil and criminal justice for the poor and vulnerable; [Ministry of Justice and Constitutional Affairs, Ministry of Finance, Judiciary.]

Country Response: The government has initiated mechanisms to address gaps in the law in respect of access to justice to both civil and criminal justice. A study on the best practices on legal aid is being conducted to provide for the formation of the permanent and sustainable legal aid coordinating body, recognize and formalize the work of paralegals in Tanzania, among others. It is expected that by the 2nd quarter of 2013 comprehensive legal aid legislation will be in place. In the interim, a Legal Aid Secretariat has also been launched in cooperation with the Tanganyika Law Society under the Legal Sector Reform Programme (LSRP) to coordinate Legal Aid services. The Zanzibar Act. No. 7, 2004 provides for legal aid in capital offences.

3.5 APR Panel Recommendation: Institutional strengthening for CHRAGG to transform it into an effective human rights watchdog: reinforcing its powers to increase compliance with its decisions and parliamentary discussion of its reports; securing increased and predictable funding; filling the staffing table; and, de-concentrating its services to lower levels; [Ministry of Legal and Constitution Affairs Ministry of Justice, Ministry of Finance, Parliament.]

Country Response: The government has been strengthening the financial and institutional capacity of CHRAGG. But in view of the APR Panel's specific Recommendations above, the government will receive further consultations from the on-going constitutional review process to inform the future structure and mandate of the Commission. In addition, specific measures to strengthen CHRAGG are in place through the National Human Rights Action Plan.

3.6 APR Panel Recommendation: Develop and implement a strategy to modify and eliminate - as necessary - cultural discriminatory practices and stereotypes of vulnerable groups including women, children, PWDs and the youth; [Ministry of Justice and Constitution Affairs, Parliament, Ministry of Gender and , Children and Community Development, CHRAGG, CSOs.]

Country Response: The government is committed to ensure that discrimination of any form of any group in the society is squarely addressed by putting in place legal and institutional mechanisms. Some of these measures include:-

- The Constitution of the United Republic of Tanzania provides for equality to all citizens and forbids discrimination of any kind;
- The Women and Gender Policy (2000) provides policy statements for gender equality and the five years Gender strategy is under implementation;
- The Village Land Act no. 4 and the Land Act no. 5 of 1999 have specific provisions which prohibit customary beliefs which prevented women from owning land;
- The Child Justice Reform Strategy (2012 – 2017) has been developed;
- The Persons with Disabilities Act, 2010 adds to the country's legal protection against any form of discrimination to the people with disabilities;

- The Law of the Child Act 2009 which has adopted most of the international provisions on children rights and welfare is in place. The Child Protection system is being piloted in selected districts and monitoring framework has been developed. Likewise a number of regulations have been developed to operationalize the implementation of this law;
- The HIV and AIDS (Prevention and Control) Act, 2008 has dedicated the whole of part VII of the law to provide guidance and criminalization of stigma of people affected with the disease.

Further to the above mentioned safeguards, the government has in place a clear legal procedure on how aggrieved Tanzanians can sue the government and/or any other person/institution for inaction or for damages/ redress in case of violation of basic rights (The Basic Rights and Duties Enforcement Act, 1994). The government has also created conducive environment for non state actors to contribute in this area through research, campaigns and advocacy. Likewise, several campaigns are ongoing to discourage all cultural aspects that affect the people to enhance behavioral change. These campaigns and education programmes are done in partnership with development partners and Civil Society Organization.

3.7 APR Panel Recommendation: Strengthen the institutional capacities of MDAs responsible for achieving the rights to education, health and employment, and monitor the implementation of MDG-related policies and programmes to better address the needs of citizens. [MoF, Ministry of Labour, Economic Empowerment and Cooperatives]

Country Response: The government is closely monitoring and implementing the MDG related policies at all levels through such strategies like the MKUKUTA II and MKUZA II for Zanzibar, Employment Policy (1999) and Employment Policy of Zanzibar (2009). Most of the projects have now been included in the Union and the Zanzibar development plans for budget allocations and implementation. Following investments in these areas, the growth rates in education and health services, for instance, grew by 7.4 percent and 5.4 percent in 2011 compared to 7.3 percent and 6.9 percent in 2010 respectively. The growth of education services is attributed to continued implementation of Primary Education Development Programme II (PEDP II) and Secondary Education Development Programme (SEDP) and an increase in recruitment of teachers. The growth in health services was caused by the implementation of various programmes including immunization, malaria, tuberculosis and HIV.

In strengthening the institutional capacities for achieving the rights to employment, the Government of Zanzibar has passed Employment Policy in 2009. It has also developed Jobs Program for Zanzibar and Youth Employment Action Plan. The Labour Market Information System (LMI) is being strengthened to provide information to job seekers and for monitoring the trend of employment in the country. The Government will continue to strengthen the institutional capacity of the Ministry to be able to efficiently manage, coordinate and monitor implementation and achievement of employment objectives.

Objective Four: Uphold the separation of powers including the protection of the independence of the Judiciary and of an effective Legislature.

4.1 APR Panel Recommendation: Provide the judiciary with ample resources, especially at the lower levels, to strengthen administrative and financial independence; [Ministry of Justice and Constitutional Affairs, Parliament]

Country Response: The government has been providing the Judiciary with adequate resources to improve its capacity to deliver. In addition, the enactment of the Judiciary Administration Act, 2011 (Act No. 4/11) which establish internal courts administrative machinery will help reduce administrative hierarchies. The Act has also established Judicial Fund that will increase financial independence and address financial constraints to the Judiciary. The government commits itself to continue providing adequate budget to the Ministry to ensure smooth implementation of its programs and plans.

4.2 APR Panel Recommendation: Consider amending the Constitution to provide for a Parliamentary Service Commission [Ministry of Legal and Constitutional Affairs, Parliament].

Country Response: The Parliamentary Service Commission which was formed via the Parliamentary Services Commission Act. No. 14, 1997 is now operational. The recommendation will be forwarded to the Constitutional Review Commission for consideration.

Objective Five: Ensuring Accountable, Efficient and Effective Public Office Holders and Civil Servants

5.1 APR Panel Recommendation: Strengthen the judiciary to ensure the efficient and effective delivery of public judicial services commensurate with the demands of the changing and dynamic economic and political environment in present-day Tanzania; [Ministry of State (Prime Minister's Office Regional Administration and Local Government), Ministry of Finance]

Country Response: The Judiciary is a necessary component among the three pillars of the government. The government of Tanzania through the Legal Sector Reform Programme aims at facilitating the effective operation of this arm by undertaking the following:-

- Introducing Judicial Fund that will ensure financial independence;
- Strengthening the administration of the Judiciary to deliver its goals by enacting the Judiciary Administration Act, 2011 (Act No. 4/11); and

In addition the government will continue to facilitate the Judiciary by constructing more primary court rooms, recruitment of Magistrates and appointment of High Court and Court of Appeal Judges.

5.2. APR Panel Recommendation: Fully integrate communities into council development plans to ensure effective local participation in development planning; [Ministry of State (Prime Minister's Office Regional Administration and Local Government, Local Government Authorities]

Country Response: As submitted in our earlier responses, the legal system in Tanzania provides for the rights of the people to participate in planning and implementation of projects and plans [Article 21 (2). The Local Government Finances Act, 1982 also provides for local government authorities to ensure participation of the people in identifying development projects to be funded. The practice has always been to directly involve communities and other stakeholders' in planning and implementation of various projects. Participation of the communities is also done through representation in Council meetings. Since involvement of the people is also a key principle under the D by D policy, the government will continue to ensure effective implementation of this policy.

5.3 APR Panel Recommendation: Rapidly deploy human resources to LGAs to strengthen local capacity development plan implementation and enhanced service delivery. [Ministry of State (Prime Minister's Office Regional Administration and Local Government, Local Government Authorities, Ministry of Finance]

Country Response: The government under D by D policy mandated the LGAs to employ staff for improvement of service delivery. In the Five Year Development Plan 2011/12-2015/16 the government has planned to train more skilled workers to be able to enhance human resource capacity in the central government and local government.

Objective Six: Fighting corruption in the political sphere

6.1 APR Panel Recommendation: The various agencies tasked with fighting corruption are consolidated into an Anti-Corruption Commission well-resourced and with prosecutorial powers, and reporting directly to the legislature; [Ministry of Justice and Constitutional Affairs, Prevention and Combating of Corruption Bureau (PCCB) and Parliament]

Country Response: The government understands the need to strengthen anti corruption efforts. In this regard over the last seven years it has strengthened its legal and institutional capacity in fighting against graft and

corruption. In 2007, for instance, the Prevention of Corruption Bureau Act (PCB Act) was amended to create an autonomous institution-the Prevention and Combating of Corruption Bureau Act (PCCB) which among other major reforms increased corruption offenses stipulated in the law from 4 to 24. This has resulted into increasing the number of both bribery and high profile cases investigated and prosecuted in various courts of laws. The government has also enacted the Election Expenses Act no. 6 of 2010 to combat corruption during elections.

The Commission for Human Rights and Good Governance and Ethics Secretariat, are independent and effective because they have been established by the Constitution of the United Republic as cited in Objective Three above. The government will be guided by the views of the people in the on-going constitution review on the future structure of the anti corruption agencies.

6.2 APR Panel Recommendation: The role of the media, civil society organizations and the private sector as partners with the government be enhanced in the anti-corruption war; [Government of Tanzania, the legislature, media, CSOs]

Country Response: The government underscores the multi institutional and multi disciplinary facets of the war against corruption. The media, civil societies and the private sectors are key and important actors. Recognizing their role, the National Anti Corruption Strategy (NACSAP II) has strategic policy statements that identify these actors in the fight against corruption. The National Steering Committee under NACSAP II has membership from these groups. The Annual National Anti Corruption Forum is another forum which invites various stakeholders to discuss and forge common strategies to address corruption issues. More partnership with non state actors will continue to be forged especially now that NACSAP II is under review.

6.3 APR Panel Recommendation: Cases of corruption by high-profile public and private sector functionaries continue to be vigorously prosecuted; [Ministry of Justice and Constitutional Affairs]

Country Response: The government will continue with its policy of zero tolerance on corruption and that the noted achievements will be intensified, political will is to be sustained and necessary resources will be provided to ensure that corruption whether petty or involving high profile people, is contained.

6.4 APR Panel Recommendation: The legal framework for the anticorruption war is strengthened by (i) providing sufficient protection for whistleblowers; (ii) opening up access to declarations of assets and liabilities by public officials; and (iii) passing the Freedom of Information Bill into law. [Government of Tanzania, Parliament]

Country Response: The government understands the significance of strengthening the above cited areas to intensify its war on corruption. Currently the legal framework protects informers from any retribution under Section 51 of the PCCB Act, 2007. However, the Whistleblowers' Bill has been prepared to ensure a comprehensive protection of informers in other areas.

On the Ethics Secretariat, it should be noted that Section 20 of the Public Leadership Code of Ethics Act, 1995 (Cap 398) provides mechanisms for the public leaders declaration of assets to be accessed by the public. The government position on the Freedom of Information Bill as another effort to strengthen the capacity of media institutions to oversee public accountability systems remains as reported in the above mentioned Country Responses.

Objective Seven: Promotion and protection of the rights of children and young persons

7.1 APR Panel Recommendation: Strengthen institutional frameworks to make them more effective in prosecuting perpetrators of gender violence and to provide effective remedies for discrimination and violation of women's rights, and to victims of violence, including providing medical assistance, psychosocial support, and expanding legal assistance to rural women; [Ministry of Legal and Constitutional Affairs, the Ministry of Social Welfare, Youth, Women and Children Development (MSWYWCD), CHRAGG, CSOs]

Country Response: The government understands the need to improve legal and social services in the recommended areas. As submitted earlier, the various efforts going on now in partnership with non state actors have resulted into an effective fight against discrimination and gender violence. The following have been done:-

- The legal mechanism is elaborate; The Sexual Offences (Special Provisions) Act, 1998 criminalizes a number of violence acts against women, the Basic Rights and Duties Enforcement Act provides for a procedural process on remedies on breach of constitutional rights. Also there is a legal and institutional framework for provision of education and legal aid.
- The police force has established special gender and children desks with special trained officers to hear and handle specific complaints from women and children.
- National Committee on Elimination of Gender Based Violence has been established up to the district level.
- Gender focal points have been introduced in all MDAs and are operational.
- The government through the Ministry of Gender, Children and Community Development, Ministry of Justice and Constitutional Affairs in partnership with Local Government Authorities is also conducting coordinated legal and gender awareness and legal aid services with non state actors to help women and children in the rural areas.

On its part, the government of Zanzibar has implemented a number of legal and institutional reforms to address this area as follows:

- Penal Act No. 2004 has been enacted with the view to combat Gender Based Violence (GBV) incidences in Zanzibar. Part XV of this Act provides for offences against morality including sexual violence, abduction and trafficking of women and children;
- The Spinsters and Single Parent Children Protection Act was enacted in 2005 following the repeal of the Spinsters and Female Divorcee Protection Act of 1985, where by section 3 (1) provided the jail sentence for the spinsters found to be pregnant on her own will. Also the act repealed and section 20 (3) and (4) of Education Act 1982 which provided for the expulsion from school a Female pupil found pregnant.
- To ensure the existence of effective legal frameworks against GBV, specific study was conducted in 2008 with the objective of identifying the hitherto existing laws on GBV. The findings were used for advocacy and inform decisions for revision of different legislations.
- Currently efforts are underway to review the Kadhi's Court Act No. 3 of 1985 in order to strengthen its institutional capacity to address, among others, domestic violence in Zanzibar. Kadhis Courts exercise jurisdiction in the determination of questions of Muslim law relating to personal status such as marriage, divorce, inheritance or gifts in proceedings in which both parties profess the Islamic religion. Studies revealed that the law had gaps in ensuring that the rights of women and children are adequately protected.
- The Employment Act 2005 prohibits all form of sexual harassment in employment. The Act also requires employers with more than 25 employees to have in place measures to prevent and respond to sexual harassment occurring at the workplaces.

Apart from the above legal mechanisms, the Zanzibar government has also addressed institutional frameworks as follows:-

- Within the Ministry of Social Welfare, a Department of Social Welfare has established a Child Protection Unit which provides counseling and follows up cases of violence. The Department of Policy, Planning and Research is also a Gender Unit which coordinate the interventions against GBV. Another Department of Women and Children has a Counseling Unit which provides counseling services to women including legal assistance.
- The Ministry in collaboration with GBV actors has established two "One Stop Centers", one at Mnazi Mmoja Hospital in Unguja and another at Chake Chake Hospital in Pemba which provide coordinated services under one roof. The plan is to establish these centers at every district hospitals.

- The Ministry further facilitated the establishment of the National GBV Committee to monitor, evaluate, and provide oversight, advice or recommendations on GBV prevention and response measures across Zanzibar.
- At local authority level the Regional, District and Shehias (hamlet) GBV Committees have been established in Unguja and Pemba. These Committees undertake preventive and response activities at their level of authority.

7.2 APR Panel Recommendation: Reform the legislation pertaining to the age of marriage with a view to eliminating the exceptions that allow for girls to marry at age 14 and boys at 16, and to bring legislation into line with Article 1 of the Convention on the Rights of the Child that defines a child as anyone under the age of 18 years; [Ministry of Justice and Constitutional Affairs, CHRAGG, CSOs]

Country Response: The age of marriage is a concern that the government through the Law Reform Commission has been dealing with. The fact that the country now has in place the Law of Child Act, 2009 which clearly stipulates that the age of a child to be under 18, the next stage is to harmonize it with other conflicting laws, cultures and traditions of the people.

7.3 APR Panel Recommendation: Assess the institutional capacities of the national gender machinery: the Ministry of Community Development, Gender and Children for Mainland Tanzania, in particular; the Ministry of Social Welfare, Youth, Women and Children Development for Zanzibar; and, strengthen them with the necessary authority and adequate human and financial resources to promote women's rights and gender equality; [Ministry of Gender, Children and Community Development, Ministry of Labour and Employment; Ministry of Social Welfare, Youth, Women and Children Development for Zanzibar]

Country Response: The government has established gender focal points in every MDA in the Mainland and Zanzibar tasked with among others to mainstream gender issues into the planning process, policy making and projects implementation.

Regarding Zanzibar, in 2010, Gender audit for the Ministry of Social Welfare was done to determine the extent at which its own programs, processes, plans, policies and budgets are in line with the existing gender equality principles enshrined in the international, regional, and national instruments. The knowledge generated from this exercise provided baseline information used as a basis for planning, programming, policy development and reviews as well as budgeting. Both governments will continue to strengthen and facilitate the legal, human, and financial capacity of the named institutions to be able to efficiently manage, coordinate and implement gender issues.

7.4 APR Panel Recommendation: Enhance mechanisms for women economic empowerment, including providing them with access to resources so that they can increase their yields to lift their households out of poverty; [Ministry of Finance, Prime Minister's Office (Investment and Empowerment)]

Country Response: The government has various mechanisms in place that aim at women economic empowerment as follows:

- Initiated the Economic Empowerment Council that administers Presidential Funds for Mainland and Zanzibar under Empowerment Departments. These funds, with soft interest credits, support women and other groups;
- Established Women Development Fund that offers loans to small scale women projects in all Districts;
- Facilitated the establishment of various Village Community Informal Banks (Vicoba), savings and credit cooperative societies (SACCOS), all of which provide soft loans to women and children respectively;
- Established the Women Bank with special windows for credits to women and other groups;
- Facilitated conducive environment for establishment of private owned credit and financial services that empower women with interpreneaural trainings and soft loans; and
- There is a robust agricultural subsidy mechanism which empowers women to access inputs.

7.5 APR Panel Recommendation: Civic education on the importance of women's participation in decision making starting at household level; [Ministry of Justice and Constitutional Affairs, CHRAGG, CSOs];

Country Response: The government has been implementing various legal and policy initiatives to empower and sensitize women to participate in decision making. The following are some of the efforts:-

- Training seminars to women during pre and post elections to empower and motivate women to vie for various leadership and political posts.
- Establishment of a Women Information Centre that provides women with information to be able to participate in political and leadership processes.
- Partners with non state actors like Tanzania Gender Networking Programme (TGNP) and others to conduct training on women leadership and empowerment.

7.6 APR Panel Recommendation: Review policies and programmes to identify where and what the bottlenecks facing women entrepreneurs are, and develop and implement specific programmes-with monitoring mechanisms-to strengthen their entrepreneurial potential [Ministry of Trade and Industry].

Country Response: The government is currently reviewing the National Trade Policy (2003) and National Gender Policy (2000) with a view to, among other things; identify the various constraints facing women entrepreneurs in Social and Economic Development.

The Government has put in place a Five Year National Strategy for Gender Development (NSGD) that will ease doing business for women, improve access to finance and taxation issues. Furthermore, the government has developed programs and strategies with short and long term objectives for implementation. These programs provide sector policy guidance, supervision, coordination implementation and monitoring activities, which are contributing towards achievement of gender quality and equity. For example, The Industry and Trade Sector Program is currently addressing the constraints which include: Starting and closing a business; Access to land and site development; Access to finance; Dealing with taxation ; Labor laws; Access to international trade; Access to Day Care Centers; Enforcement of intellectual property rights; Trade policy development; and Strengthening of women advocacy.

Objective Eight: Promotion and protection of the rights of children and young persons

8.1 APR Panel Recommendation: Enact legislation to provide for rehabilitative services and support for prosecuting child offenders, in line with relevant provisions in international covenants; [Ministry of Justice and Constitutional Affairs, CHRAGG, CSOs]

Country Response: Regarding prosecution of child offenders, the legal framework in Tanzania has provided an elaborate mechanism that safeguards the interests of child offenders and rehabilitation services.

Section 97 of the Law of the Child Act no. 21, 2009 establishes the Juvenile Court. The court is entrusted to prosecute and deal with child offenders just as prescribed in the international standards. Emphasis will now be directed at ensuring that the Law of the Child Act is implemented and enforced effectively. In addition the Child Justice Reform Strategy and Guidelines on Gender Based Violence have been developed. In Zanzibar the Child Act no. 6, 2011 has been enacted to protect the rights of children including child offenders.

8.2 APR Panel Recommendation: Set up a readily accessible special fund with low interest rates to assist youth in entrepreneurial activities; [Ministry of Labour, Employment and Youth Development, Central Bank of Tanzania]

Country Response: The Youth Special Fund was established in the financial year 1993/94 with the aim of building economic capacity of Tanzanian youth through Savings and Credit Cooperative Societies (SACCOS). A total of 242 SACCOS have benefitted from the Fund. In the next three financial years 2012/13-2015/16 the government has planned to spend a total of Tshs. 2.5 bn. /- for the Fund. Efforts are underway to establish Youth Bank, an institution that will provide small, low interest loans to the youth.

The Zanzibar Government on its part has already established, launched and is operating a Special Youth Fund a programme which provides soft loans to support youth enterprises and entrepreneurship initiatives. From March 2011– November 2012, a total of 110 individuals and youth groups benefited from these loans. About Tsh. 239 millions were spent on this and loan repayment is satisfactory.

The government has also since May, 2011 been operating specific youth empowering programme and encourage them to invest in agricultural production. So far two pilot small holding farmer field schools for rosella and vegetable farming are being implemented. The target is to train 25 youths in Unguja and Pemba.

8.3 APR Panel Recommendation: Design an internship system that gives youth a chance to learn new job skills whilst accumulating experience. [Ministry of Education, Ministry of Labour, Employment and Youth Development]

Country Response: The government understands the need to ensure that apart from formal training, the youth are exposed to practical skills to prepare them well for the internal and international job markets. One of the areas the Five Year Development Plan has strategically pointed out is the issue of lack of necessary skills among many Tanzanians. While the Plan directs efforts on training, the government acknowledges the value addition that the proposed internship system may bring to the available mechanisms. The government will work in partnership with the private sector to address the problem.

The Government of Zanzibar through the Ministry of Labour, Economic Empowerment and Cooperatives is in the process of finalizing the Apprenticeship Policy which will serve as a guide for skills development among youth so as to expose them to practical and hands on knowledge and skills that will enhance their chances of being employed. Also the Government is implementing a multi-sectoral programme on youth employment, whose components include demand driven skills with internship, especially in the field of tourism management and hospitality, for the purpose of preparing them for employment in that particular sector.

Objective Nine: Promotion and protection of the rights of vulnerable groups including internally displaced persons and refugees

9.1 APR Panel Recommendation: Reserve special seats in parliament for the people with disability; [Presidency, Political Parties, Parliament]

Country Response: Various political parties have allocated special seats for women with disability. Stakeholders' views in the on-going constitution review will further inform the government on how to strengthen representation of the people with disability in the Parliament.

9.2 APR Panel Recommendation: Provide mobile voting registration and polling facilities for the people with disability; [NEC]

Country Response: The National Electoral Commission (NEC) has initiated measures to ensure that people with various disabilities exercise their voting rights as it is practicable. In the 2010 General Elections, the Commission held a pre election meeting that attracted representatives from all disabled groups to take stock of their specific needs during the electoral process.

This culminated into the preparation of a special ballot folder for the sight challenged individuals. The Commission, through such encounters also was able to establish special needs for the deaf who mostly needed interpreters. Efforts are underway to ensure further improvement.

9.3 APR Panel Recommendation: Carry out a broad civic education campaign on the rights of albinos and those of persons living with disabilities and strengthen the promotion and protection of their rights, [Ministry of Justice and Constitutional Affairs, CHRAGG, CSOs]

Country Response: Regarding rights of people with albinism and other people living with disabilities, the government would like to express its continued political will to protect and promote their rights. A number of efforts are in place including enacting the Persons with Disabilities Act, 2009.

The government has also ensured security in schools and villages to reduce the number of albino killings in the country. Several albino killers have been prosecuted and jailed. More sensitization has helped in the reduction of reported attacks on the Albinos. Sensitization efforts also involve the private sector to ensure that rights of the named groups are known to the majority of Tanzanians and create a sense of shared concern.

9.4 APR Panel Recommendation: Carry out civic education on the rights of refugees so as to reduce xenophobic sentiments [CHRAGG, Government, CSOs]

Country Response: The government through civil societies and the Centre for Study of Forced Migration (CSFM) of the University of Dar es Salaam has been sensitizing Refugee hosting communities on the rights of refugees so as to reduce frictions between the two communities in the future.

In addition, the United Nations High Commission for Refugees (UNHCR) has been facilitating seminars and workshops aimed at sensitizing members of Parliament and decision makers on the rights and obligations of refugees.

9.5 APR Panel Recommendation: Recognize the elderly as a special category requiring some form of cash transfer system to alleviate financial pressures, and design a system that allows retired staff to retain their health insurance cards until they are issued with new ones, so that they can continue to access health services. [Ministry of Health and Social Welfare and CSOs].

Country Response: The government recognizes the role played by the elderly people in building our nation. To complement the current support of free access to health services to the elderly people, more strategies will be put in place to support them in terms of cash receipts and others. Regarding health insurance cards it has been decided that upon retirement they will continue to enjoy health services with their cards. There is also a policy that stipulates that elders beyond 60 years will be offered free medical treatment in all public hospitals and health centers.

The Revolutionary Government of Zanzibar has established special centers for older people in Unguja and Pemba. In these centers, residents are provided with three meals a day, accommodation, health care services and a monthly allowance of TZS. 40,000. In addition to that, the Government of Zanzibar for many years has been providing cash to more than 10,000 older people in the community as welfare grant. The government is now in the process of developing social protection policy which, among other things, will safeguard the interest of the poor and most vulnerable groups in Zanzibar, including that of older people. The policy calls for the establishment of the national universal pension programme for all people above 60 years, which will increase access to other services and ensure income security in old age. The policy also advocates for the establishment of the mechanism to support older people in accessing various social services, and reserve a special place for older people.

ECONOMIC GOVERNANCE AND MANAGEMENT

Standards and Codes

1. APR Panel Recommendation: Formalise and institutionalize the process of consultation between Zanzibar and the Union Government prior to the adoption of the Standards and Codes [Office of the Presidency, Ministry of Foreign Affairs and International Cooperation]

Country Response: The formalization and institutionalization of the consultation between the Government of the United Republic of Tanzania and the Revolutionary Government of Zanzibar is in place. Currently, consultations are made between the Government of United Republic of Tanzania (URT) and the Government of Zanzibar (RGoZ) before adoption of Standards and Codes. Among the institutions used for consultations are: the Parliament of the United Republic of Tanzania, House of Representatives – Zanzibar; and sectoral ministries meetings.

Objective One: Promote Macroeconomic Policies that Support Sustainable Development

1.1 APR Panel Recommendation: Diversify economic production and expand the drivers of economic growth and development by increasing investments in infrastructure, especially rural infrastructure; [Planning Commission in the Presidency, Ministry of Finance]

Country Response: Some of the measures taken by the Government to diversify economic production include; creating enabling environment for production in agriculture, industry, mining and trade; formalization of the informal sector as well as promotion of investment that leads to job creation for young persons and women; investment in infrastructure particularly rural roads which are considered to be having a great potential of unleashing the wealth of this nation. Road construction does not only provide jobs but facilitate easy movement of goods from and to rural areas where the majority of citizens live.

In order to realize its Vision 2025 that projects Tanzania to become a middle income country characterized as a semi industrialized nation, investments in the following areas will be scaled up:

(i) Roads infrastructure that are strategic and open up economic opportunities particularly rural roads toward productive areas linking Tanzania with neighbouring countries and reduce traffic congestion in cities as well as construction of bridges and ferries.

(ii) With regard to agriculture and industry, investment will be directed to irrigation infrastructure in sugarcane and paddy cultivation in projects under Southern Agricultural Growth Corridor of Tanzania (SAGCOT), Agricultural Sector Development Programme (ASDP) and Tanzania Agricultural and Food Security Investment Plan (TAFSIP). Likewise, industrial investment will be increased to explore coal and iron ore, development of Special Economic Zones and Export processing Zones (SEZs and EPZs).

(iii) For energy infrastructure, efforts have been made in the construction of natural gas pipeline and power generation plants (renewable and non renewable). In terms of transmission, investment funds will be allocated for the construction and strengthening of transmission lines as well as strengthening infrastructure to promote rural electrification; increase budgetary allocations to the Rural Energy Fund (REF) to expedite electrification of rural areas; and provide technical support to small project developers. Furthermore, the Government has continued to promote use of alternative energy sources such as solar and bio-energy. As a way to motivate private sector investment, the legal and regulatory framework has been reviewed to allow independent power producers to engage in the power market.

(iv) Construction of logistical/trade hub as well as strengthening the railway lines, and expansion of ports and airports.

(v) Investment in ICT infrastructures which include optic fiber cable - National ICT Backbone which has connectivity national-wide.

1.2 APR Panel Recommendation: Raise awareness and mobilise relevant state and non-state actors around the strategies and plans for accelerating growth rates and vigorously implementing pro-poor, broad-based development strategies and plans; [Planning Commission]

Country response: The Government plans to popularize the national aspirations articulated in the government's development frameworks and initiatives such as Vision 2025, Zanzibar 2020 and the FYDP and articulate respective roles from national to village levels. Among the awareness tools formulated by the government include MKUKUTA and MKUZA communication strategies.

Meanwhile, state and non-state actors are key actors in implementing pro-poor, broad-based development strategies and plans. Their role and responsibility is on building local capacity and empowering communities to participate in monitoring and evaluation of development programmes at the national and community levels; mobilizing and enhancing community participation as well as mobilizing community resources for poverty reduction. For instance, Tanzania Social Action Fund (TASAF), Marine and Coastal Environment Management Project (MACEMP), Participatory Agricultural and Empowerment Project (PADEP) are among the programmes aimed at empowering communities to reduce poverty.

1.3 APR Panel Recommendation: Establish and empower institutions and mechanisms for effective consultations in economic policy making, planning, and implementation among State and non-state stake holders, and enhance partnerships; [Office of the Prime Minister, Planning Commission, National Assembly]

Country Response: The Government has enacted Public Private Partnership (PPP) Act No.18 of 2010 which provides a platform for engagement in planning and implementation in partnership between the state and non stake actors. PPP arrangements provide a better means of sharing benefits and risks in the course of implementing plans (particularly associated with infrastructure projects) between the public and private sectors. The Government has already set up the legal and regulatory frameworks so as to increase state and non-state stakeholders partnerships. Measures in place include: establishment of PPP units in Prime Minister's Office, Ministry of Finance and Tanzania Investment Centre. Efforts are underway to establish these units in other ministries including; works, energy and minerals, water and transport. The Zanzibar Business Council (ZBC) is a main forum which coordinates consultations in economic policy making, planning, and implementation among State and non-state stake holders.

1.4 APR Panel Recommendation: Take pro-active measures to address problems of poverty and inequality by enabling farmers to hold on to their land and strengthening the capacity of institutions established to assist micro, small and medium enterprises; [Planning Commission, Ministry of Finance, ministries responsible for agriculture, land and industry]

Country Response: The Government, in its FYDP, articulates the need to (i) promote an equitable distribution of access to land, (ii) ensure land is put into most productive use to guarantee rapid national social economic development, (iii) development of national land use plan in accordance with development priorities, (iv) institute and put into operation a land bank authority, (v) implementation of land use plan framework, (vi) promote redevelopment schemes and establish new urban centers and promoting affordable housing and research in low cost.

The Ministry of Lands, Housing and Human Settlement Development is building the capacity of the Local Government Authorities in issuing certificates of Customary Rights of Occupancy which enable farmers to have security of tenure of the land they occupy. Strategic interventions in this area include:

(i) Review of policy and land laws; and

(ii) Strengthening of issuance of Certificate of Customary Rights of Occupancy in villages.

Interventions provided by the RGoZ to empower farmers include provision of subsidy and training to clove farmers.

1.5. APR Panel Recommendation: Launch a mass sensitisation and civic education programme geared towards promoting entrepreneurship. [Office of the President, ministries responsible for agriculture, transport and communications, industry, mining, tourism, and the media]

Country Response: The Government has articulated the need for enhancing entrepreneurship and targeted support for the disadvantaged and most vulnerable group in the society in its FYDP. Colleges such as the University of Dar es salaam (UDSM) and College of Business Education (CBE) have started training initiatives aimed at building entrepreneurship capacities. The College of Business Education, for instance, is conducting short courses on entrepreneurship and has developed entrepreneurship curriculum from certificate, diploma to degree levels. Furthermore, the Government has created an enabling environment for the private sector to implement entrepreneurship capacity building programmes in the country.

The Government of Zanzibar acknowledges the importance of promoting entrepreneurship culture and capability as one of the ways to address the problem of unemployment, especially among the youth. For instance, the 'Kazi Nje Nje' Programme is being implemented to sensitize the youth toward entrepreneurship acumen-ship and develop skills for self employment. Also, the Ministry of Labour, Economic Empowerment and Cooperatives is taking initiative to sensitize the youth to change their mindsets towards work and thus consider self-employment as one among the options for their engagement into the labour market. In addition training on entrepreneurship is being provided to cooperative societies and other economic groups involving people of different categories.

Objective Two: Implement Sound, Transparent and Predictable Economic Policies

2.1 APR Panel Recommendation: Adequate technical capacity be developed to ensure effective economic policy formulation, planning and implementation, both at central and local government levels; [Public Service Management, Office of the President, Planning Commission]

Country Response: The Government has established a National Policy Team which consists of 24 members appointed from various Ministries to train MDAs and LGAs in policy formulation and implementation. The rationale for establishing the team are; to reduce dependence on foreign experts in policy development and sustain the process of facilitating Policy and Planning Units of Ministries in policy development and enable them to develop quality policies based on Policy Guidelines provided by the Cabinet. The Government is committed to continue reducing the knowledge gap and reliance on foreign experts in policy development.

2.2 APR Panel Recommendation: Steps be taken to ensure effective implementation of successive phases of the ongoing public sector reform programme (PSRP) to ensure that gains recorded so far are sustained and existing weaknesses addressed; [Public Service Management, Office of the President]

Country Response: The Government of Tanzania will sustain the gains of Public Sector Reform Programme (PSRP) that were achieved from both phases (PSPR I, 2000-2005 and PSRP II, 2007-2014). The objective of PSRP was to enhance performance and accountability across the public service with the aim of improving public service delivery to the citizens. PSRP I was aimed at instituting Performance Management Systems (PMS) tools for MDAs. Among others, these included creation of Strategic Plans (SP), Action Plans (AP), Client Service Charters (CSC), Open Performance Review Appraisal System (OPRAS), Monitoring and Evaluation (M&E) and Complaint Handling System (CHM). Additionally, various public service policies, rules and regulations have been reviewed or introduced.

Under PSRP II, operationalization of PMS tools was emphasized to all MDAs and the demand led approach was introduced to make the MDAs own the reforms and provide opportunities for MDAs to implement most of the reform initiatives directly. With regard to sustainability of reform initiatives; the Government has mainstreamed the reform interventions into MDAs plans so that they are part and parcel of their operations. In this view,

PMS tools such as SP, CSC, CHM, M&E and OPRAS are now a normal practice and reporting system of the Government business. The RGoZ is implementing PSR since 2010. A policy and Public Service Act No 2, 2011 and its Regulations, Strategic Plans are in place. Work has started with reforming MDAs registries. Review of government functions has also started.

2.3 APR Panel Recommendation: Capacity for data collection and analysis be enhanced to ensure credibility of budgets and reports. [Ministry of Finance, National Bureau of Statistics and the Office of Chief Government Statistician Zanzibar]

Country Response: The Government is implementing various projects on data collection, storage and analysis which are coordinated by the National Statistics Offices. The National Bureau of Statistics and the Office of Chief Government Statistician, Zanzibar in collaboration with other ministries, department and agencies are undertaking statistical reforms project with the assistance and fund from the Government of Tanzania to develop national statistical system in the country known as Tanzania Statistical Master Plan (TSMP). The Government of URT approved the TSMP in June 2010 and its implementation started in 2011/12. The TSMP objective is to strengthen the national statistical system in order to provide quality statistics for decision makers in an objective, timely and cost effective manner. The TSMP focuses on five components namely: Institutional development which involves revision of the Statistics Act; Human resources development; Development of statistical infrastructure; Data development and dissemination; and Development of physical infrastructure and equipment. In addition, the government has up graded the units responsible for planning and budgeting in MDAs to the level of sections to increase their efficiency in the preparation of budget and reporting.

Objective Three: Promote Sound Public Financial Management

3.1 APR Panel Recommendation: Continue implementing started financial sector reform policies but in a more coordinated and sequenced manner; [Planning Commission, Ministry of Finance, the Bank of Tanzania]

Country Response: Tanzania's financial sector is undergoing comprehensive reforms under the Second Generation Financial Sector Reform Program (SGFSRP) which is coordinated by the Ministry of Finance and the Bank of Tanzania. A recent assessment of the program has revealed substantial progress in the development and stability of the sector. A preliminary review further noted that the banking system is generally well capitalized and sound even though there is a modest increase in non-performing loans in the wake of the global financial crisis:

As result of effectively coordinating the SGFRP, the following has been achieved;

i. The passage by the National Assembly of the Financial Leasing Act (2008), Mortgage Financing (Special Provisions Act 2008) and Unit Titles Act (2008);

ii. Establishment of a regulator for Pension Funds through Social Security Regulatory Authority Act of 2008;

iii. Transformation of Tanzania Investment Bank into an effective and sustainable Development Finance Institution;

iv. Tanzania Agricultural Development Bank is in the process of being established;

v. Issuance of Regulations for Development Finance Institutions in 2012;

vi. Issuance of Social Security Schemes Investment Guidelines of 2012 to enable the schemes to undertake investments in line with best practices and requirement by the law;

vii. Development of the framework for corporate and municipal bonds markets;

viii. Development of a National Financial Education Framework;

ix. Conducted a comprehensive study on strengthening the regulatory framework for SACCOS;

x. Enhancement of minimum capital requirements to commerce banking business; and

xi. Establishment of a credit reference databank system and private credit reference bureaus in 2012. These serve as sources of information particularly for money lenders.

3.2 APR Panel Recommendation: Continue strengthening all aspects of revenue administration, especially fiscal forecasting and the Integrated Financial Management System operations; [Ministry of Finance, TRA]

Country Response: The Government will continue to implement the Integrated Financial Management System aimed at improving tax revenue collection, enhancing expenditure control and accountability and improving government auditing and budgeting. The office of Internal Auditor General was established in 2011 in order to strengthen management of public funds.

Fiscal forecasting is an annual and continuous process done by the Government to determine expected tax revenues from various sources of tax regimes (VAT, Corporate tax, income tax etc) based on the growth of the economy for the respective years. The tools used in this respect are Financial Programming (FP) and Macroeconomic Modeling (MACMOD). Capacity building in terms of training in methods of forecasting and financial programming is done in collaboration with the IMF - Africa Regional Technical Assistance Center (AFRITAC) and the World Bank to strengthen forecasting for stakeholders institutions responsible for macroeconomic data management (Ministry of Finance, Planning Commission, TRA, Bank of Tanzania, NBS etc.)

RGoZ continued on strengthening all aspect of revenue administration in expansion of revenue bases, improve the legal framework for supervision of taxes/revenues and strengthening the capacity of revenue collection boards (TRA&ZRB) as well as improve Integrated Financial Management System.

3.3 APR Panel Recommendation: Develop and implement a policy framework targeted at enhancing the penetration and affordability of financial services outside the main cities; [Bank of Tanzania/Ministry of Finance]

Country Response: In enhancing the penetration and affordability of financial services outside the main cities, the Government has outlined key areas of intervention including improving and developing the local and regional development banks, the quasi-banking institutions (SACCOs), the information financial service providers (like the Rotating Savings and Credit Associations), the microfinance institutions and insurance companies, capital market and insurance schemes.

The Government has developed a Rural Financial Services Strategy (RFSS) with the main objective of expanding the level of access to a wide range of financial services by individuals, households and enterprises in the rural areas. The Strategy pulls together and ensures consistency of the different approaches of rural and agricultural finance (covering the entire value chain); that are integrated in various sectoral policies and strategies into a clear framework for implementation. In addition, operational guidelines have been put in place for the Government and donors providing support to the microfinance sector. The guidelines aim at ensuring that such support is well coordinated in accordance with best practices and consistent with the National Microfinance Policy. In order to create an enabling environment for housing microfinance, the Bank of Tanzania facilitated the process of establishing a Housing Microfinance Fund (HMF). The fund will be utilized for provision of long term financing through wholesale lending or guarantees. The Housing Microfinance Facility is a tool that facilitates faster and more efficient provision of a medium term reasonable priced loans for construction of houses to majority of the people.

The government has drafted insurance regulations for micro enterprises and low income households which will provide a framework for introducing insurance products catering for this category. Likewise and mindful of the mushrooming of mobile phone financial transactions in the country, the Government is currently drafting regulations to guide provision of mobile phone financial services with the view of enhancing efficiency as well as widening access by the unbanked population, majority of whom residing in rural areas.

3.4 APR Panel Recommendation: Establish clearly-defined and time-bound activity and performance milestones for those implementing the various aspects of the reform policies, as specified in the NPoA; [Ministry of Foreign Affairs and International Cooperation, NGC, Ministry of Finance]

Country Response: The Government is preparing a Monitoring and Evaluation Framework for monitoring the implementation of APRM NPoA. The M & E Framework will clearly show time bound activity and performance milestones for those implementing various aspects of the reform policies.

The Government will mobilize adequate funds for implementing the NPoA and build human resources capacity for effective monitoring of the NPoA. At the same time the National Governing Council (NGC) will periodically prepare progress reports on the implementation of NPoA for submission to the relevant authorities.

3.5 APR Panel Recommendation: Enhance programmed civic education activities for building capacities to question government expenditure at the grassroots; [Prime Minister's Office Regional Administration and Local Government (PMO-RALG), Ministry of Finance, CHRAGG, CSOs,]

Country Response: The Government adopted the Public Expenditure Tracking Systems (PETS) as one of the ways of ensuring social accountability and citizens empowerment as a means of improving the efficiency of service delivery, ensuring transparent in governance and bringing about long term economic development.

The government has also adopted a policy dialogue framework and Public Expenditure Review (PER) processes for sector performance and expenditure evaluation as a means to inform people on government expenditures. At the local government level, wards and village leaders are directed and required to announce and put on notice boards all revenues collected and expenditure incurred on the quarterly basis, and thereafter statutory meeting are convened to discuss the reports.

3.6 APR Panel Recommendation: Zanzibar should embark on a more aggressive and coordinated manpower development programmes, which would alleviate internal human capacity constraints. [Zanzibar Ministry of Education (Manpower Development), Ministry of Finance and Economic Affairs]

Country Response: The Government of Zanzibar has started to provide training and capacity building exposures to its public servants. Also, under the on-going public service reforms, legal and institutional reforms, the Government is addressing inadequacies of manpower development aimed at providing better services and ensuring that local government implements their role according to the law.

The Higher Education Students Loans Board has facilitated issuing of loans in line with Zanzibar human resources requirements. In addition, the Manpower Surveys which are undertaken after every five years helps in identifying capacity gaps that are finally addressed. The private sector also contributes to training and capacity building efforts through contribution of the skills development levy.

Objective Four: Fight Corruption and Money Laundering

4.1 APR Panel Recommendation: Continue strengthening the institutions and instruments which are already in place to fight corruption and money laundering; [The Presidency]

Country Response: The Government of the United Republic of Tanzania underscores the requirement to strengthen the institutions dealing with corruption and money laundering. Efforts made include establishment of PCCB Regional and District offices in Mainland Tanzania. The offices are equipped with computers and their accessories and staff are well trained. Also, the Government has repealed Act No. 16 of 1971 by enacting the new PCC Act No. 11 of 2007, in which the number of offences has increased from 4 to 24. Since the establishment of this Act the number of both bribery and high profile cases investigated and prosecuted has increased.

Also, the Financial Intelligence Unit, Tanzania Police Force and National Security Unit have been reinforced.The Zanzibar government has put in place an Anti-Money Laundering and Proceeds of Crime (Amendment) Act No 10, 2009. In addition cases of Money Laundering falls under economic sabotage crimes and Anti-corruption and Economic Crimes Act 2011 has been enacted to reinforce implementation.

Objective Five: Accelerate Regional Integration by Harmonising Monetary, Trade and Investment Policy

5.1 APR Panel Recommendation: Develop physical infrastructure in order to reduce the cost of production and transportation and hence increase the level of competitiveness as a means of benefitting from opportunities presented by larger market size; [Ministry of Works, Ministry of Transport]

Country Response: The United Republic of Tanzania is implementing the **East African Road Network Project.** The network includes national roads of regional importance that were identified as connecting to other Partner States. In implementing the road infrastructure programme, Tanzania has specified five different zones. The first zone is a Transport Corridor connecting Tanzania with Kenya and Rwanda whereby rehabilitation and design of these sections has commenced at tarmac grade.

The second zone is a Central Transport Corridor joining Tanzania from Dar es Salaam to Rwanda and Burundi where rehabilitation is taking place. For the central corridor, Tanzania is taking measures aimed at transforming Tanzania into an East and Central Africa Transportation and Communication Hub. The third zone joins Tanzania with Kenya in the western part of the country where construction on the 112 KM road has commenced. The fourth zone is the corridor joining Tanzania's Southern highlands to the Western Regions of Tanzania and Burundi where the construction of tarmac road has commenced. The fifth zone connecting the southern highlands of Tanzania with the central part and that of northern-east of Tanzania to join the Republic of Kenya, the construction as well as upgrading the road to tarmac grade has commenced.

A total of 190.95 KM of road networks has been constructed and rehabilitated. A key milestone noted in the 2012/2013 is the inauguration of the Arusha-Namanga-Athi River Road by the EAC Heads of State and Government in November, 2012. This road joins Tanzania and Kenya to open up the cross-border trade between the two EAC Partner States. In addition to that, Tanzania is also implementing the *Transport Strategy and Program Development in the Road Sector,* which identifies transport projects including roads, railways, air transport, lake and marine transport, and pipelines for the transportation of liquids including oil and gas.

The East African Rail Network:

United Republic of Tanzania in collaboration with Rwanda and Burundi continued to cooperate in relation to the development of the railway network which will join the three partner States. Detailed design and environmental impact assessment; assessment of the economic feasibility, the legal and institutional frameworks including the role of the private sector were initiated. In addition to that, the capacity and modernization of the Central Railway Line has begun as well as the design of the Central Railway Line extension to Bujumbura and Kigali.

Development of Marine Transportation and Ports

In developing the transport sector and ports, the United Republic of Tanzania, have adopted the Terms of Reference for preparing a Marine Transport Strategy that identify priorities for projects to strengthen marine transport and ports in the country.

The Civil Aviation Sector

The United Republic of Tanzania will strengthen aviation by increasing the use of Cheaper Navigation System based on the Global Navigation Satellite System (GNSS); implementation of the Yamoussoukro Declaration (YD) to enable liberalization of air transport; adopt a regional approach to conducting investigation of aircraft accidents; install the Security System to enhance ability to see a large defence area instead of the radar system Automatic Dependent Surveillance-Broadcast (ADS-B).

Moreover, the United Republic of Tanzania, being the only country that borders all Partner States of the Community, the development and strengthening of transport infrastructure particularly ports, railway systems, construction of airports, maritime, air and road transport must be among its priorities in the integration agenda. The development of such infrastructure will enable Tanzania to take advantage of its geographical location in benefiting economically, socially and culturally. Expansion and rehabilitation of the New Terminal of Zanzibar Airport is one of the projects under regional integration.

The Energy Sector

The United Republic of Tanzania through the East African Community Power Pool agreed to adopt policies and mechanisms to promote the efficient exploitation, development, joint research and utilization of various energy

resources available within the region with a view to generating and distributing electricity at affordable rates in the Community. Therefore, through this, the Government will engage other EAC member states in an effort to connect the national grid to those of neighboring countries with a view to assuring reliability in power supply and reduce the cost of doing business. The earmarked energy projects being undertaken are among others, Interconnectivity of Partner States' National Grids which will enable Partner States to eliminate electricity shortages in the region under the agreements on Trade in Power whereby for Tanzania TANESCO and ZECO will facilitate as service providers.

The laying of fiber optical cables between Zanzibar and Dar es Salaam and Pemba and Tanga are some of projects under regional integration.

Power Generation Project Between Tanzania and Uganda

This project is expected to produce 16 MW that will enable the government of Tanzania to develop the electricity distribution infrastructure in the target beneficiary areas in Tanzania through the Rural Energy Agency (REA).

Priority Power Generation and Distribution Projects

The United Republic of Tanzania in collaboration with other Partner States is responding to the recurring shortage of electrical energy by identifying priority projects for electricity production and distribution that will be funded through regional cooperation. On the Tanzania side, the projects proposed will provide power connectivity line of a total 840 kV Interconnector; and a total of 2390MW from Hydro Power Plants. However, in terms of priorities, the focus is on gas, coal and wind power generation aimed at power source diversification and capacity expansion for both national and regional demand. In this context, Tanzania has launched on the 08.11.2012 a gas pipeline construction and power generation plant. Besides this initiative, hydro power generation would be pursued whose immediate estimated capacity is over 2,000 MW.

Cross Border Electrification Policy

The United Republic of Tanzania in collaboration with other Partner States is working on the Cross-Border Electrification Policy. The policy serves as a guide on how Partner States shall cooperate in facilitating the electrification of border villages and townships with the purpose of easing the cross-border trade and reduce the cost of doing business.

5.2 APR Panel Recommendation: Strengthen financial markets, investment and business regulations and procedures, and customs procedures; [Ministry of Industry, Trade and Marketing, Ministry in Charge of Investment, and Empowerment, Prime Minister's Office]

Country Response: The United Republic of Tanzania continued the implementation of the EAC Customs Union Protocol, in which significant progress has been made particularly through increased exports to the region and thereby enhancing employment, investment, and production in the country. Implementation of the Customs Union has continued to complement government's efforts in promoting and developing investment in the country. Both the number and value of projects implemented by investors from the EAC countries has increased year after year. For example, during 2011, 21 new projects with a total investment value of USD 58 million were implemented. The implementation of the Regional Plan for elimination of Non Tariff Barriers (NTBs) has helped Tanzania to solve the problems of NTBs whereby, out of 50 NTBs identified, 27 were eliminated. NTBs eliminated include levies and charges on motor vehicles upon entry into another Partner State, charges designed to restrict export, barriers to some of Tanzania's export to other Partner States, cumbersome procedures for availing Certificates of Origin, and mutual recognition of the Certificate of Quality issued by the Partner State's respective authorities. However, despite all these efforts initiated to eliminate the NTBs, sixteen (16) new NTBs were reported during the year. The new NTBs include: reduction of the grace period for goods at ports before being subjected to demurrage charges, port congestion; varying rates for overweight charges among road users in different countries; weighing unloaded trucks, which tends to waste time for no real benefit; cumbersome procedures for perfecting security for goods transiting through Partner State's territories; the banning of horticultural products destined for export to Europe from transiting through another country's territory; and imposition of charges and levies on agricultural products traded within the EAC region.

As part of the effort against NTBs, The United Republic of Tanzania in collaboration with EAC Partner States has also established One Stop Border Posts (OSBP) at border stations with the aim of reducing unnecessary and time wasting bureaucracy in the Customs, Immigration, Standards and Security operations at border crossings. This initiative will substantially reduce the time spent at the crossings. The construction of the One Stop Border Posts at the borders with Rwanda, Kenya, Uganda, Burundi, Malawi, Zambia and Mozambique has commenced and works are at different levels of completion.

The United Republic of Tanzania has formed a National Technical Committee on the implementation of this initiative which is responsible for the operations to be covered under the OSBPs (i.e. customs, immigration, standards and safety of goods, security, and transportation). The Committee is charged with responsibility to oversee the establishment of the posts as well as their actual operations, and to report to the government on any action needed to expedite the posts' operationalisation and proper management.

The Government has undertaken strategically sequencing interventions to allow producers to build and consolidate capacities before entering more competitive markets; including, building research capacities in identifying opportunities and challenges within the Regional Economic Communities and creating awareness. Develop adequate capacities for negotiations, monitoring and evaluation, building capacity of market actors, enhancing capacity of trade and market institutions; enhancing trade and business education.

In strengthening business regulations, the Government has already reviewed some laws in view of improving business environment. Laws that have been reviewed include The Tanzania Trade Development Authority Act 2009, The Companies Act 2002, Business Name Act and Merchandise Marks Act of 1963.

The Government has continued to prudently implement its monetary policy with a view to controlling inflationary pressure in the economy, important for maintaining orderly markets for financial assets. Other measures include enhancement of the Government Securities System since 2012 to allow for online participation in the market by investors; putting in place a master repurchase agreement for horizontal repo between banks; and public education and sensitization programs through the use of media and exhibitions.

5.3 APR Panel Recommendation: Implement schemes aimed at developing production, marketing, business education and entrepreneurial skills of the private sector (particularly SMEs) in order to enhance cross-border trading possibilities; [Ministry of Industry, Trade and Marketing, Prime Minister's Office - Ministry of Investment and Empowerment,)

Country Response: Currently the Small Scale Industries Development Organization (SIDO) is implementing various schemes aimed at developing production, marketing, business education and entrepreneurial skills. In addition, the United Republic of Tanzania has been organizing SME's exhibitions and training to different stakeholders as an avenue for Tanzania entrepreneurs to meet and share experiences with their counterparts from the other Partner States. These initiatives focus on how to develop their enterprises, learn new technologies, and establish business networks.

5.4 APR Panel Recommendation: As a matter of urgency, finalise, adopt and implement Tanzania's EAC Common Market Implementation Strategy (2011-2015) which outlines the opportunities and challenges, identifies the roles of various institutions, sets out strategic intervention areas where actions are required, and provides recommendations for policy, planning and resource allocation; (Ministry of East African Cooperation)

Country Response: The United Republic of Tanzania has already finalized its National EAC Common Market Implementation Strategy (2011 – 2015) for the Implementation of the EAC Common Market Protocol. The Strategy identifies the opportunities arising from the EAC Common Market, Tanzania's capacity to harness those opportunities, and the challenges that the country must address in order to increase its capacity to explore the opportunities. The Strategy shows the strategic areas and sectors in the market liberalisation process agreed in the Protocol, especially regarding trade in goods and services, employment, and movement of capital. The strategy focuses on enhancing agricultural productivity, improving agro-processing industries, expansion and modernisation of infrastructure that links Tanzania with the EAC Partner States as well as Central and Southern Africa. The respective infrastructure includes Roads, Railways, Ports and Electricity.

The strategy further emphasizes on enhancing competitiveness of Tanzanians in the EAC labour Market by directing efforts on improving the quality of education, skills, and professionalism of human resource, especially for the liberalised professions and upgrading skills in the tourism sector and copy rights laws. With regards to liberalisation of Capital Market, the Strategy requires reform of the legal and regulatory framework of the capital market to facilitate broader participation of the people in the said market, to develop and deepen the financial market and ease the availability of capital. The Strategy puts emphasize on rationalization of laws and simplification of procedures for setting up businesses as well as maintaining conducive environment for attracting serious investors. Next step is for Sectoral Ministries to prepare Sectoral Implementation Plans for relevant Strategic Areas.

5.5 APR Panel Recommendation: Improve coordination of regional integration matters by bringing both EAC and SADC affairs under a single ministry; [Office of the President]

Country Response: Article 8(3)(a) of the Treaty for the establishment of the East African Community requires every EAC Partner State to establish the Ministry specific for coordinating the implementation of the EAC issues in the Partner State. Therefore, the Ministry of East African Cooperation has been established to coordinate and oversee the implementation of the East African Community Treaty and its Protocols. According to the current government structure, SADC affairs are coordinated by the Ministry of Foreign Affairs and International Cooperation. Considering the ongoing broad regional initiatives that bring integration matters together, e.g. the Economic Partnership Agreements that are negotiated within regional integration context and negotiations on establishing COMESA-EAC-SADC Tripartite Trade Arrangement, the government will consider the recommendation of bringing regional integration matters under one Ministry.

5.6 APR Panel Recommendation: Implement the EAC communication policy and strategy to guide the process of participation of all Tanzanians in the integration process, including a better understanding of how they can reap the benefits of integration. [Ministry of East African Cooperation]

Country Response: The Government has prepared EAC Communication Strategy and implementation Plan that provides guidance on awareness creation to various stakeholder groups on available opportunities in the EAC integration with a view to enabling them utilize and benefit from existing and emerging opportunities. The implementation of the Strategy which covers both Tanzania mainland and Zanzibar is ongoing. The approach used by the strategy include TV and radio programmes; joint sensitization (with the governments of the other Partner States) of the cross border communities; meetings, seminars and workshops; exhibitions as well as publications, flyers and brochures.

CORPORATE GOVERNANCE

Standards and codes

1. **APR Panel Recommendation: Consider, in cooperation with the private sector, applying corporate governance standards and practices beyond listed companies, giving more attention to small and medium-sized enterprises; [Ministry of Trade, Industry and Marketing, BRELA, the Registrar General, Zanzibar, Ministry of Legal and Constitution Affairs, Zanzibar].**

   Country Response: In Tanzania Small and Medium Enterprises (SMEs) constitute 90% of the private sector. Majority are family owned micro-enterprises. The Government will continue to enhance their performance through capacity building through Business Registration and Licensing Authority (BRELA) and Small Industries Development Organization (SIDO). The objective is enable them finally grow into big companies. As part of the efforts to nurture, this sector a framework will be put in place to enable them comply with corporate governance standards and Codes. On its part, the Zanzibar Government is in the process of reviewing the business registration and licensing systems to accommodate SMEs

2. **APR Panel Recommendation: Establish a task force to significantly improve the capacity of regulators and supervisors to effectively enforce corporate governance codes and standards for all business enterprises; [Ministry of Trade and Industry, BRELA, Office of the Registrar General, Zanzibar].**

   Country Response: The Government is reviewing the functions of regulatory authorities from time to time through legal amendments. The efforts will be maintained to ensure effective operations of such institutions like Tanzania Bureau of Standards, Fair Competition Commission, Energy, Water and Utilities Regulatory Authority (EWURA), Surface and Marine Transport Regulatory Authority (SUMATRA) Tanzania Food and Drug Authority (TFDA) Zanzibar Food and Drugs Board (ZFDB) Zanzibar Bureau of Standards (ZBS) etc. by providing them with skilled personnel and modern equipment to enhance their performance. The Government of Zanzibar has enacted the Fair Trading and Consumer Protection Act no 2 of 1995 for the purpose of regulating competition in business in Zanzibar.

3. **APR Panel Recommendation: Launch, in cooperation with the private sector, public awareness activities in standards and codes of corporate governance through the media, publications and trainings. [Ministry of Trade and Industry, BRELA, the Registrar General, Zanzibar, Business associations]**

   Country Response: There are already in place awareness programmes and campaigns on standards and codes carried out by different institutions including Business Registration and Lincensing Authority (BRELA), TBS, Zanzibar Bureau of Standards, EWURA, the Tanzania Trade Development Authority (TANTRADE). In addition, other programmes are conducted through exhibitions and trade fairs using various media and workshops.

OBJECTIVE ONE: Promote an enabling Environment and Effective Regulatory Framework

1.1 **APR Panel Recommendation: Review mining policies and further amend mining laws to ensure that the national economy and Tanzanians benefits much more from the extractive industry; (Government, Parliament).**

Country Response: The Tanzania Mining Act was last amended in 2010 to ensure that the mining sector significantly contributes to the national economy and Tanzanians benefit more from the sector. Among the salient features of the new law is that loyalties are now charged on gross value of sales contrary to the previous arrangement whereby charges were determined by net back value of sales. Currently the small scale miners are legally protected and recognized whereas some of the areas are reserved for them.

1.2 APR Panel Recommendation: Publish existing mining contracts and subject them to Parliamentary scrutiny; [Ministry of Energy and Minerals, Parliament].

Country Response: The Government of Tanzania is committed to being transparent in conducting public affairs including on mining sector. Tanzania is a member of Transparency Institutions like the Extractive Industries Transparency Initiative, and Open Government Partnership. In order to enhance transparency on mining contracts, the Government has decided to deposit copies of the contracts at the offices of the Parliament so that it can be accessed and reviewed by the Parliamentarians.

1.3 APR Panel Recommendation: Implement the newly passed provisions on Public-Private Partnership (PPP) by creating a task force composed of members from the Chamber of Commerce, Industry and Agriculture, high level government officials, and the private sector at large.

Country Response: The Tanzania Public Private Partnership (PPP) Act No. 18 of 2010 was put in place with the overarching purpose of involving the private sector in the management of the country's economic activities. The PPP Act Regulations were issued in June, 2011 to ensure smooth implementation of the Law. The PPP Law has started to be implemented by establishing a Coordinating Unit and a Finance Unit to recommend and advice on the implementation of the projects under PPP framework. [Ministry of Industries and Trade]

OBJECTIVE TWO: Ensure that Corporations Act as Good Corporate Citizens with Regards to Human Rights, Social Responsibility and Environmental Sustainability

2.1 APR Panel Recommendations: Establish monitoring mechanisms to ensure the strict implementation of labour conventions ratified and domesticated in Tanzanian legislation; [Ministry of Labour and Employment, Ministry of Labour, Economic Empowerment and Cooperatives- (RGoZ), Trade Unions].

Country Response: It should be noted that the employment and Labour relations in Tanzania is principally governed by the Labour Relations Act No.6 of 2004, the Labour Institutions Act No. 7 of 2004 and the Employment Act, 2005 for Zanzibar. In addition, Tanzania is a signatory to International Labour Organization (ILO) Conventions.

The Government has established labour offices in most of the regions whose role is to inspect employer's compliance with Employment and Labour Laws as well as handle complaints from workers. Other mechanisms which have been put in place are Trade Unions operating at work places in order to represent worker's rights and interests. The Government has also established Occupational Safety and Health Authority (OSHA) to inspect and ensure that the standards and requirement of safety and health are adhered to. The Mediation and Arbitration Commission (CMA) is a quasi judicial body that handles workers disputes with their employers. The government will continue to strengthen the institutions responsible for worker's rights to ensure strict implementation of the Labour Convention.

Likewise, the RGoZ has put in place two principal legislations on labour matters; The Employment Act no 11 of 2005 and the Labour Relations Act no 1 of 2005.The two laws provide for the establishment of the Labour Commission that undertakes regular inspection at workplaces to ensure their compliance with labour laws. The legislations also establish the Dispute Handling Unit to effectively deal with, among other things, claims from employees in relation to their rights and interests. Considerable efforts have been taken with the support of ILO, to strengthen capacity of the Dispute Handling Unit so that it can carry out its responsibilities effectively.

Despite its infancy, the Unit has been performing well in settling labour disputes to the extent that the number of cases referred to the Industrial Court has been reduced significantly. The right of employees to unionize is provided for in the Labour Relations Act No 1 of 2005. The Government of Zanzibar has also established a department responsible for occupational safety and health which ensures that safety and health standards are adhered to.

2.2 APR Panel Recommendation: Harmonize the various policies and laws regarding child labour, for effective implementation; [Ministry of Labour and Employment, Trade Unions].

Country Response: The Government enacted the Law of the Child Act No. 21 of 2009 aimed at reforming and consolidating all legislations relating to children which were formerly fragmented into different legislations. The consolidated legislations included, the Affiliation Act, the Adoption Act, the Children and Young Persons Act and the Children Home (Regulations) Act. Following the repeal of the above legislations, the Law of the Child Act no 21 of 2009 is now the principal legislation which provides the provisions relating to promotion, protection, maintenance and rights of children as well as provisions prohibiting child labour which has taken cognizance of International and Regional Conventions related to promotion and protection of the right of the Child. The Employment Act 2004 and Labour Relations Act, 2004 have provision related prohibiting child labor.

The Zanzibar Government on its part, has put in place the Employment Act of 2005 which among other things, prohibits child labour. The Government has also enacted the Child Act no 6 of 2011 which also has provisions prohibiting child labour. In addition the Zanzibar Government is implementing an Action Plan involving non stake state holders towards the above end. Both governments will continue to make close supervision to ensure effective implementation of laws protecting children's rights.

2.3 APR Panel Recommendation: Strengthen the provisions of mining contracts as regards environmental responsibilities of the developers, including reclamation at the end of exploitation; [Ministry of Energy and Minerals.]

Country Response: The Government has put in place the Environment Management Act No.20 of 2004 to provide for the legal and institutional framework for sustainable environmental management including environmental restoration and conservation. Moreover the Mining Act No.14 of 2010 contains provisions which provide guidance on mining contracts and environmental protection. The Government will strengthen provisions in the mining contracts pertaining to miner's responsibility at the end of exploitation.

2.4 APR Panel Recommendation: Establish a public policy to guide Corporate Social Responsibility (CSR) activities; [Office of the Prime Minister].

Country Response: In Tanzania corporate bodies have been participating in community development activities particularly in areas where they operate without a government policy or force of law. Examples in this regard include buildings of schools, donation of school desks and provision of water and construction of roads. Between 1999 and 2002, corporations in Tanzania contributed USD 17m as CSR. Out of this amount, USD 12m (or 70%) was spent on water and roads. Donation to education projects have increased over the years. Consultations will be made with stakeholders on the need to have in place a policy to guide participation in CSR activities.

2.5 APR Panel Recommendation: Revise the procedures relating to Environmental Impact Assessments, to make them more independent and objective. [Ministry of Energy and Minerals, Ministry of Tourism and Natural Resources].

Country Response: The Environmental Impact Assessment is the study carried out prior to the commencement or financing of a project. It is a legal requirement that the cost of undertaking the assessment is borne by the developer within the guidelines provided by the Government. The procedures provided under the Environmental Impact Assessment (EIA) Regulations and Guidelines required the respective authority to involve and consult different stakeholders in the process of undertaking the assessment to ensure that it is carried out in an impartial and objective manner. This makes it difficult for the developers to influence or tamper with the EIA Report.

OBJECTIVE THREE: Promote Adoption of Codes of Good Business Ethics in achieving the objectives of the Corporation

3.1 APR Panel Recommendation: Intensify the public education programme on, (a) the private sector-driven economy; and, (b) the need to formally register businesses and for them to adopt codes of good business ethics, with sanctions for any breach; [Ministry of Industry and Trade, Presidents Office (Good Governance Unit) Zanzibar Chamber of Commerce Industry and Agriculture, (ZNCCIA)].

Country Response: The Government through the Ministry of Industry and Trade has over the last decade intensified efforts to educate the public on the participation of the private sector in the economy. The vision of the Government is to view the private sector as the engine of growth of the economy. Public education on the private sector driven economy has been carried out by different institutions including BRELA, Tanzania Private Sector Foundation, Tanzania Chamber of Commerce Industry and Agriculture and Zanzibar National Chamber of Commerce, Industry and Agriculture (ZNCCIA). BRELA, for instance, has been in the forefront in conducting awareness programmes on registration of businesses through media, seminars, international exhibitions and Trade Fair. The Government has also put in place the Property and Business Formalization Programme that is aimed at advising the Government on formalizing businesses which operate extra legally, by identifying business organization barriers which keep out of formal businesses the majority of the extralegal sector i.e. about 98% of all the businesses. After the businesses have been formalized, they can then be sensitized to adopt the codes of good business ethics.

3.2 APR Panel Recommendation: Ensure that in formulating standards and codes of business ethics, Tanzania's agencies keep abreast of global trends while taking due cognizance of national needs; (Ministry of Trade and Industry, Institutes of Corporate Governance such as Tanzania National Business Council (TNBC), Confederation of Tanzania Industries (CTI), Tanzania Chamber of Commerce Industry and Agriculture (TCCIA)

Country Response: Most of the provisions pertaining to standards and codes of business ethics are spelled out in the Companies Act of 2002 administered by BRELA. The Standards in this Act were formulated while keeping in mind international standards and codes. Other laws in this respect include the Anti Money Laundering Act, 2006, the Public Procurement Act, 2004 and Zanzibar Procurement Act, 2005. Institutions established to oversee implementation of good business ethics include BRELA, Registrar General in Zanzibar Prevention and Combating of Corruption Bureau (PCCB), Zanzibar Anti-corruption and Economic Crime Authority (ZAZECA) and Financial Intelligence Unit under the Ministry of Finance.

3.3 APR Panel Recommendation: Ensure that the previously registered Institute of Corporate Governance becomes operational; [President's Office (Good Governance Unit)].

Country Response: The Institute of Directors in Tanzania was registered in 2010 with the objective of propagating, promoting and enhancing corporate governance through capacity building. It shall also act as a platform for Directors to exchange expertise and experiences. As a way of showing government support, the country's Vice President launched the Institute in early 2012. The Institute has already started its operations by conducting a certificate programme for directors of companies.

3.4 APR Panel Recommendation: Ensure a multi-agency approach for implementing recommendations geared to improve good business ethics. [Good Governance Unit in the Presidency, Business Environment Strengthening Programme for Tanzania (BEST), BRELA the Tanzania Revenue Authority (TRA), the Dar es Salaam Stock Exchange(DSE), the Ministry of Trade and Industry, Parliament, Media, Tanzania Business Council, Local Investors Roundtable and Chamber of Commerce Ministry of Information, Culture, Sports and Tourism].

Country Response: The issue of business ethics is multi-disciplinary and it therefore cannot be left to one agency alone. In Tanzania different agencies are involved in the initiatives geared at improving good business ethics. This includes Tanzania Private Sector Foundation, BRELA, Tanzania Business Council, Tanzania Chamber of Commerce, Industry and Agriculture, Zanzibar Business Council and the Government.

OBJECTIVE FOUR: Ensure that Corporations treat their Stakeholder's (Shareholders', Employees, Communities, Suppliers and Customers) in a fair and just manner.

4.1 APR Panel Recommendation: Ensure the swift implementation of the Good Governance Policy 2011; [President's Office, Public Service and Good Governance-Zanzibar].

Country Responses: The implementation of Good Governance Policy of 2011 has already started by forming a Good Governance Working Group which is composed of state and non-state actors. The primary role of the Good Governance Working Group is to coordinate the Good Governance affairs in the country.

4.2 APR Panel Recommendation: Engage the corporate sector to spread economic opportunities to the local communities by incorporating them in the supply chain; [Ministry of Trade, Zanzibar Chamber of Commerce].

Country Response: The Government will continue to enhance opportunities for having dialogue with the Corporate Sector particularly in the tourism industry to sensitize them on the need to provide opportunities to local communities, particularly on employment opportunities and supply of raw materials etc. MKUZA II for instance targets to increase the share of local horticulture products such as vegetables in the local tourism market to ensure the spread of the benefits to the local communities. The Government will continue to enhance local capacity for the production of quality goods and development of skilled staff.

4.3 APR Panel Recommendation: Step up efforts for consumer rights protection and provide education on consumer's rights. [CHRAGG, Fair Competition Commission, Consumer Consultative Councils].

Country Response: The Government has already put in place consumer consultative councils as key institutions which oversee provision of vital services under EWURA, SUMATRA, and TCRA in order to protect consumer interests and sensitize on their rights. Besides, the National Consumer Advocacy Council has been established to oversee the rights of consumers at the national level. The capacity of these bodies will be strengthened so that they continue to play their roles more effectively. Zanzibar is in the process of enacting a legislation to regulate utilities in the islands. The Zanzibar Government is also planning to review the Fair and Consumer Protection Act no 2 of 1995 and to enact a law to regulate competition.

OBJECTIVE FIVE: Provide for Accountability of Corporations, Directors and Officers

5.1 APR Panel Recommendation: Review tax laws with a view to striking the right balance between providing much-needed incentives to attract foreign investment and protecting the sources of tax revenues; [Ministry of Finance, TRA].

Country Response: The Tanzania Investment Act 1987 and the Economic Development Zones Act 2009 have provisions which provide enough incentives to investors to invest in the country .The Acts also stipulate obligations of the investor including that of payment of taxes. The Government will put more emphasis to ensure effective implementation of the Investment and Tax Laws.

5.2 APR Panel Recommendation: Facilitate the formation of Shareholder Associations that will promote accountability in companies in which they have invested; [BRELA, DSE, CMSA, the Chamber of Commerce and other private sector groups].

Country Response: The rights of shareholders are spelt out in the Company's Act 2002. However, there is no recognized association for shareholders in Tanzania. It might be caused by infancy of the capital market in the country. Furthermore, the number of companies listed in the stock market is low. As the capital market grows and the number of shareholders increases the Government will consider facilitating the formation of shareholders associations.

5.3 APR Panel Recommendation: Step up efforts towards producing more accountants and other professionals required for the development of the corporate sector. [Ministry of Education and Vocational Training, Universities, Professional bodies in Tanzania].

Country Response: The training of professional accountants in Tanzania is carried out by public and private providers including Tanzania Institute of Accountants (TIA), National Board for Accountants and Auditors (NBAA), the Chwaka Institute of Finance Management in Zanzibar, Arusha Institute of Accountants etc. The country's Five Year Development Plan among others, aims at improving the quality of education and skills including professional

accountants needed in the corporate sectors. The Government will continue to create suitable environment for the institutions offering training in accountancy to operate effectively so that they play their part in increasing the number of accountants in the corporate sector.

SOCIO ECONOMIC DEVELOPMENT

Standards and Codes:

1. APR Panel Recommendation: Comprehensive review and identify relevant standards and codes for signature, ratification or implementation; [Ministry of Foreign Affairs and International Cooperation, Parliament]

Country Response: The Government is committed to undertake a comprehensive review on all outstanding standards and codes to ensure that they are up to-date with the international standards. This will be done in two stages, first updating the database to establish those that have not been signed and second ratifying the outstanding standards and codes.

2. APR Panel Recommendation: Facilitate public access by translating all important standards and codes into Kiswahili; [Ministries, Departments and Agencies (MDAs) and Prime Minister's Office, Regional Administration and Local Government (PMO-RALG)]

Country Response: The translation of standards and codes has been normal practice of the Government and this process will continue in order to ensure all standards and codes are translated. Some standards and codes have been translated into Kiswahili these include the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). In addition, the Land Act Number 4 of 1999 and the Village Land Act No. 5 of 1999 have been translated into Kiswahili to increase the understanding of the population on these Laws. The Government will continue to scale up its efforts to translate standards and codes into Kiswahili for ease of comprehension.

Objective One: Promote Self Reliance in Development and Build Capacity for Self-sustaining Development

1.1 APR Panel Recommendation: Strengthen state capacity to implement policies and programmes by recruiting the necessary personnel and increasing budgetary allocations to key economic and social sectors; [Ministry of Finance, President's Office, Public Service Commission]

Country Response: The Government recognizes the importance of enhancing its capacity to implement policies and programmes through recruiting additional human resource. Investment in Human Capital is a priority spelt out in Vision 2025, in MKUKUTA as well as in the Five Year Development Plan 20111/2012-2015/2016. Several measures are already underway to improve human resource base from which to recruit new personnel. These include expansion of tertiary and university institutions, implementation of various training programmes, increased investments in vocational institutions as well as efforts to encourage private sector to support skill building initiatives. The operational objectives for the coming five years include: (i) creating conducive environment for teaching and learning (ii) training adequate number of teachers and trainers (iii) developing skills needed to support implementation of these interventions.

With regard to increasing budgetary allocation to key economic and social sectors, the government has increased resources to finance infrastructure projects that are important in economic development. Other sectors that received substantial allocation include health, education, energy, agriculture, fisheries and livestock, transport and communication, industrial development and development of human resource skills. The government hence underscores the need to mobilise additional resources to support the ongoing efforts.

1.2 APR Panel Recommendation: Empower villagers and ward leaders with planning and evaluation skills to enhance their participation in decision-making processes; [Prime Minister's Office, Regional Administration and Local Government, Councils]

Country Response: Tanzania's policy of decentralisation by devolution is intended to record greater voice to citizens in local democratic governance. The process of Local Government Reform has been underway since 1998 in order to effect the implementation of this policy. In view of this, the Government has established an elaborate system of governance which starts from the hamlet level ("Kitongoji"), village level, ward level and district level. This system provides a greater opportunity for community involvement in planning. The Government recognises that democratic local governance depends on regular well-conducted and attended meetings of assemblies in villages and urban wards (mitaa), accessible information to citizens about the conduct of local governments, but also crucially on broad participation. Data from local government authorities indicate a significant increase in citizens' access to various types of information from local governments. This was a result of the Government's efforts to enhance citizen's access to local government finance data in particular. The announcement of local government budget information in all wards is now a requirement. The Government is of the view that this is a good practice which needed to be highlighted by the Panel.

Participation planning methodology was further strengthened effectively from 2002 with the adoption of Opportunities and Obstacles to Development philosophy (O&OD). The approach requires all community projects in Local Government to be identified through a participatory approach. The government is continuing to mobilize resources to support realization of this approach.

1.3 APR Panel Recommendation: Strengthen country systems in order to create a strong partnership with development partners for effective development cooperation. [Ministry of Finance]

Country Response: The Government of Tanzania has established a number of systems under the umbrella of Joint Assistance Strategy for Tanzania (JAST 2007) geared toward working harmoniously with development partners. The frameworks include: General Budget Support (GBS), Common Basket Fund (CBF) and Common Basket Fund Steering Committee (CBFSC). The Government of United Republic of Tanzania is committed to strengthen these systems so as create a strong partnership.

Objective Two: Accelerating Socio-economic Development to achieve Sustainable Development and Poverty Eradication

2.1 APR Panel Recommendation: Take deliberate measures to improve the quality of economic growth through the creation of jobs and income opportunities for people, especially the youth and university graduates; [Ministry of Finance, Private sector, CSOs]

Country Response: Deliberate measures that the Government will undertake to improve the quality of economic growth through the creation of jobs and income opportunities for people, especially the youth and university graduates include the following:

i. Increase value addition through processing minerals within the country:

ii. Increase agricultural productivity and allow most of the rural population to benefit from such growth through selling the increased produce on domestic and export markets;

iii. Empowering citizens economically and providing them with opportunities for employment through ensuring access to capital; enhancing entrepreneurship skills and creating conducive environment for various groups of Tanzanians to participate fully in economic activities;

iv. Support and facilitate youth development projects and programmes, by introducing enterprise mentorship programmes, business opportunities support services, and expanding skills-related training in the revived national service programme;

v. Promote the formation of youth cooperatives and joint-ventures;

vi. Support community-based financing schemes (SACCOs, community banks) and improve access to finance by setting up special funds that can be accessed by youth entrepreneurs;

vii. Introduce labour intensive technology and work programmes in rural areas, and increase enrolment in vocational education training institutions;

viii. Improving the business environment, especially for labour intensive SMEs (which are most likely to absorb

the excess labour supply); and setting up SEZs and EPZs in urban and rural areas, in order to spread the manufacturing economic activity;

ix. The Government has established Special Youth Development Fund in 1993. The main objective of this fund is to provide soft loans to the youth, both female and male to facilitate the setting up of income generating projects. So far several youth projects and Savings and Credit Societies (SACCOS) have benefitted from this fund. For example in financial year 2009/2010 about 242 youth SACCOS received about 1,210.00 million Tanzania Shillings. In up-scaling this fund the government is in the process of establishing a National Youth Bank in order to provide more user friendly financial services to young people between 15 - 35 years.

x. The government in collaboration with the International Labour Organization (ILO) is implementing a programme known as "Youth to Youth Fund" "Kazi Nje Nje" literally meaning creating plenty of jobs. Under this programme youth from different colleges and universities are provided with internship opportunities in order to learn job skills and subsequently accumulate experience which will enable them to be competitive enough and get employment in the public and private sector.

In the case of Zanzibar, the government has done the following:

a) The government in collaboration with the International Labour Organization (ILO) is implementing a programme known as "Youth to Youth Fund" "Kazi Nje Nje" literally meaning creating plenty of jobs.

b) Currently there is a programme that is linking products of small business entrepreneurs with tourism. The objective is to provide marketing opportunities, hence increase sales and contribute to employment creation.

More details on improvement of the quality of economic growth through the creation of jobs and income opportunities are provided in the Democracy and Political Governance Thematic Area.

2.2 APR Panel Recommendation: Increase budgetary allocations to agriculture and the social sector by reforming and strengthening the tax administration system; [Ministry of Finance]

Country Response: Among the ways of addressing the country's economic and social problems is to increase budgetary allocations to agriculture and social sectors in the country. This has a bearing on poverty reduction. Since independence in 1961, the government has had poverty eradication as its main goal. One of the intervention measures suggested is the introduction and implementation of social and economic policies which address the issue of poverty both at national and individual level. This may necessitate increased state intervention in education and other social welfare service, and the creation of enabling environment for private investment in productive sectors, agriculture included. It is the intention of the Government to continue increasing allocation of funds to the sector aimed at promoting agriculture. From time to time, the Government reviews its fiscal policy and administrative reforms, in order to create an enabling environment for transformation and modernization of the sector.

To implement the above initiatives, the Government through Tanzania Revenue Authority (TRA) is currently undertaking various reform measures in the areas of tax administration (administrative reforms). Some of the major reforms undertaken include; modernizing TRA operations – implement electronic operations on its core functions, implementation of e-filling of returns and e-payment, implementation of TRA Quality Management System (QMS) from the ISO 9001:2000 to ISO 90001:2008 International standards, development and implementation of Electronic Cargo Tracking System (ECTS), introduction of Electronic Fiscal Devices (EFDs) for all VAT traders (will be rolled to other traders), and the introduction of an Enterprise – Wide Risk Management System (ERMS).

All these measures are aimed at improving tax compliance and increase revenue collection.

2.3 APR Panel Recommendation: Strengthen the M&E system and statistical data collection to ascertain the extent to which the country is progressing towards targets set in MKUKUTA II, MKUZA II and the MDGs. [Ministry of Finance, Ministry of Finance and Economic Affairs-RGoZ, Office of the Chief Government Statistician - RGoZ]

Country Response: The Government of Tanzania has established a monitoring and evaluation system for monitoring progress in the implementation of MKUKUTA II/MKUZA II. MKUKUTA/MKUZA Monitoring Systems (MMS) benefits from lessons learned during the first five years of their implementation. The Government will continue to periodically review the MMS to identify weaknesses for improvement. In addition, the Government will continue to strengthen existing frameworks and enhance the capacity of the key institutions such as NBS and Office of the Chief Government Statistician-Zanzibar in collecting, analysing and packaging data for broader dissemination to the citizens.

Objective Three: Strengthen Policies, Delivery Mechanisms and Outcomes in Key Social Development Areas, including Education for all, Combating of HIV and AIDS and Other Communicable Diseases.

3.1 APR Panel Recommendation: Urgently and comprehensively remedy deteriorating standards in the education system by increasing funding to local government authorities; training and recruiting more teachers to reduce the high learner/teacher ratios; and improving necessary educational infrastructure; [Ministry of Education and Vocational Training, Ministry of Education and Skills Development-RGoZ]

Country Response: In improving the quality of education, the Government has increased enrolment of teachers at various levels (grade A, diploma and graduate). During 2011, a total of 43,258 (18,898 females; 24360 males) teacher trainees were enrolled. The 2012 enrolment in both Government and non-Government Teachers Colleges increased by 14.7% compared to enrolment in 2011. Furthermore, the Teacher pupils' ratio (TPR) for primary education improved from 1:48 in 2011 to 1:46 in 2012, while the total number of primary school teachers increased from 175,449 to 180, 987. As regards to provision of teaching and learning materials, the Government provides Capitation Grants (CG) through Primary Education Development Programme (PEDP) and Secondary Education Development Programme (SEDP). At Primary Education level the Capitation Grants amounted to TZS 10,000 per pupil and TZS 20,000 per each pupil with disability whereas for Secondary Education level the amount was TZS 25,000.00 per student. The amount of Capitation Grants allocated for procurement of books for primary education is 40% and 50% for Secondary Education level.

The government in collaboration with communities will continue to improve teaching and learning environment at schools and institutions, in various localities through constructing new classrooms and teacher's houses aimed at improving the quality of education.

The RgoZ has recorded high success in expanding intakes in primary and secondary schools, as well as universities. In terms of achieving Universal Primary education gross enrolment, since 2007 there has been a steady annual increase in the number of schools that are providing inclusive education. The teacher/pupil ratio is 1:30 which by international standards is fairly good. The success has been achieved by centralizing the management of the education sector. Currently there are efforts to improve infrastructure in the education sector. In this regard, 21 secondary schools are being constructed the target was to have one secondary school in each Shehia but this target has been surpassed as of now some 'Shehias' have more than one secondary school. Measures have also been undertaken to popularize and encourage students to take science and mathematics. Other measures taken include in-service training of teachers through Teacher Advancement Programms and promoting use of ICT for education.

3.2 APR Panel Recommendation: Ensure that challenges to young girls and the girl-child in accessing quality education – such as socio-cultural factors, perceptions about girl education, adequacy of accommodation for girls near secondary schools, and user-friendly school premises - are addressed; [Ministry of Education and Vocational Training, Ministry of Finance, Ministry of Finance and Economic Affairs-RGoZ, Ministry of Education and Skills Development-RGoZ]

Country response: In order to ensure that girls and disadvantaged groups have equal opportunity to quality education as well as improving retention and performance at various levels of education, the Government of Tanzania has taken significant efforts to improve young girls and girl child in accessing quality education by eliminating challenges facing them. Such measures include: construction of hostels, and schools in underserved areas to improve equal participation and completion; raising awareness to pupils/students to avoid early marriages and pregnancies; taking parents or guardians to court when their children are engaged in early marriages; and raising awareness to pupils/students and parents/guardians to prevent school dropouts.

For the case of Zanzibar, progress in girl child education is fairly good, the proportion of girls to boys in primary and secondary schools has improved; there are now more girls than boys in these schools. Initiatives which are being carried out to improve girls' education include:

(i) Lowering of a compulsory age for joining standard one. The age of joining standard one is now 6 years, lower than before, aimed at making sure that girls complete their studies before getting married

(ii) Allowing girls who get pregnancy while schooling to return back to school after delivery

(iii) Construction of secondary schools after every 4km radius which reduces the risk of girls being harassed by boys, because majority of the girls reside close to schools.

3.3 APR Panel Recommendation: Increase medical personnel numbers at all levels and improve conditions of service for health personnel to enhance and sustain their productivity and increase retention in under-serviced areas, rural areas; [Government of the United Republic of Tanzania, Ministry of Health, Ministry of Finance]

Country Response: The Government continued to improve the quality of health care in the country through implementation of Health Sector Programs. In the year 2008 the Government trained 4,296 medical personnel which increased to 7,458 in the year 2011/12 to reduce the shortage of workforce. The Tanzania Five Year Development Plan 2011/2012-2015/2016 envisages an increase of the current professional cadre from 110,000 to 476,000. Furthermore, the Government has embarked on construction of health centres in each ward. With regard to provision of drugs through Tanzania Medical Store Department, the service delivery system has improved.

3.4 APR Panel Recommendation: Strengthen and expand coverage of measures that enabled Tanzania to reduce HIV prevalence rate over the last few years; [Ministry of Health and Social Welfare, Ministry of Community Development, Gender and Children, Local Governments, Faith -based organizations and CSOs]

Country Response: The Government recognises that HIV&AIDS is still a national challenge. The national prevalence among sexually active population (between 15-49) is 5.7%, with a higher rate for women (6.6%) infected than men (4.6%). Although these figures show some modest achievements in controlling the new infections, and mitigating impacts of the pandemic on those living with the virus, the Government continues with measures to fight this pandemic. The measures include: awareness raising to the public on preventive measures, ensuring consistent supply of ARVs, HIV prevention programmes for in and out of school youth; and increasing prevention of mother to child transmission coverage.

3.5 APR Panel Recommendation: Strengthen and expand on existing measures to reduce maternal mortality in the country, including training skilled birth attendants and making health care centres user-friendly for pregnant mothers; [Prime Minister's office, Regional Administration and Local Government, Ministry of Health and Social Welfare, Local Governments, Ministry of Health-RGoZ]

Country Response: The current maternal mortality ratio as reported by Tanzania Demographic Health Survey is estimated at 454 maternal deaths per 100,000 live births. This ratio is lower than the ratio estimated for the 10-year periods prior to the 2004-05 TDHS (578 maternal deaths per 100,000 births. Existing measures to reduce

maternal mortality include: The Maternal and Child Health Program which provides anti and post natal services, Nutrition Program which promotes breast-feeding mothers to have adequate and balanced diet, the control of Communicable Diseases Program, prohibiting early marriages, civic education targeting men involvement in caring for pregnant women, increased training of health workers, as well as provision of delivery kits to rural maternal and child clinincs.

The RGoZ improvement of health care quality is impeded by inadequate health providers and diagnostic equipment and facilities. Hence the progress in reducing maternal and infant mortality has been slower than expected. Decrease in mortality rate due to decrease in death at birth from 473 in 2006 to 279 deaths in 2009 for every 100,000. Furthermore, the drop in infant mortality for under one year from 61 in 2004/05 to 54 in 2009/10 for every 1000 live births.

3.6 APR Panel Recommendation: Intensify the efforts in reducing malaria - a major cause of death in the country. [Ministry of Health and Social Welfare, Local Governments, Ministry of Health-RGoZ, CSOS]

Country Response: The Government has launched the Malaria Campaign Program under the theme of Malaria Haikubaliki (Malaria No More). The campaign involves an indoor residual spraying to kill malaria parasites in all malaria Pandemic districts and sensitization campaigns. Training on rapid Diagnostic Test to Laboratories Technicians; distribution of 5 million insecticide treated nets to children under 5 in each household in the country; and subsidized insecticide treated nets. The Government will continue to raise awareness on the causes of malaria, how to prevent it and treatment methods.

The Zanzibar Government in collaboration with civil societies and Development Partners has made possible a "Malaria Free Zanzibar". As result of this collaboration malaria prevalence rate has been reduced from 40% in 2000 to 1% in 2011 achieved by blending Artemisin-based combination therapy, indoor residual spraying, use of insecticide treated nets and conducting special surveillance system using mobile phones (MEEDS) for malaria case reporting. Malaria is no longer a major cause of death. The Goverment will continue to improve distribution of malaria diagnosis tools (RDT, Microscopes) to all health facilities-both public and private.

Objective Four: Ensuring Affordable Access to Water, Sanitation, Energy, Finance, Markets, ICT, Shelter and Land to all Citizens, especially the Rural Poor

4.1 APR Panel Recommendation: As a matter of urgency, improve and enhance the water infrastructural system by rehabilitating water supply chains to adequately meet demand for water from a rapidly growing population; [Government of the United Republic of Tanzania, Ministry of Water, Ministry of Energy and Minerals, Ministry of Lands, Housing Development, Water and Energy-RGoZ]

Country Response: The Government of Tanzania instituted water sector reforms in early 2000s as articulated in the National Water Policy (2002). The overall objective of the reforms, as being coordinated by the Water Sector Development programme (WSDP), is to strengthen sector institutions for integrated water resources management and improve access to clean and safe water supply and sanitation services. There are a number of instruments which have been established since then in order to facilitate efficient and effective implementation of the reforms. Key among them include; the National Water Sector Development Strategy (2006-2015), Water Resources Management Act No. 11 of 2009, and Water Supply and Sanitation Act No. 12 of 2009.

In the medium term, WSDP is set to achieve the Millennium Development Goals (2000 - 2015) and MKUKUTA II (2010 - 2015) targets at increasing access in rural areas from 57.8% in 2010 to 65%; regional capitals from 84% in 2010 to 95%; Dar es Salaam from 55% in 2010 to 75%; district, small towns and national projects from 53% in 2010 to 57% by 2015. In the long-term WSDP is set to achieve the Tanzania Development Vision (2025) targets at increasing access to clean and safe water in rural areas to 90% and universal access in urban areas by 2025.

The Government since formulation of WSDP has continued to implement projects in rural and urban areas. The projects include rehabilitation of worn-out water infrastructures, drilling of boreholes, construction of new

gravity and pumped schemes and drilling of shallow wells. Since 2007 a total of 3,897 subprojects in rural areas that resulted in installation of 8,988 operational water points serving an additional population of 2,247,000 people were implemented.

As of December 2011 the rural water supply trend shows that water coverage is at 56.6%. In assessing the implementation against MDG Targets, using routine data system, the actual trend indicates an increase from 51% in 2000, to 56.6% in 2011. This is an increase of 5.6% during the 1990- 2011 period. In urban areas, by June 2012, water supply coverage was 86% in the 19 urban regional headquarters which were defined by MKUKUTA to represent urban sector. The coverage in district head quarters and small towns was 53% and coverage in Dar es Salaam reached 67%.

The Revolutionary Government of Zanzibar has undertaken various legal and institutional reforms related to the provision of safe water since the year 2000. These reforms involved the establishment of Zanzibar Water Authority (ZAWA) by the Water Act (2006) shifting the responsibility of providing safe and clean water from the department of water in the Ministry of Water, Construction, Energy and Land to a specialized agency.

Since the establishment of ZAWA, the water sector has been very successful in the provision of water services. With the collaboration of private sector number of wells drilled also increased since 2000. There has been an increase of coverage from 70-80 percent of the Zanzibar citizens in urban areas and from 41-60 percent of the rural population that enjoy access to reliable, clean, and safe water from 2000 to 2010 respectively.

4.2 APR Panel Recommendation: Promote an enabling environment for sanitation with clear policy statements delineating institutional roles; [Government of the United Republic of Tanzania, Ministry of Water, Ministry of Health and Social Welfare]

Country Response: Efforts to mainstream sanitation activities in Tanzania are embedded in a number of policies and strategies such as the Water Sector Policy of 1991, National Environmental and Health Policy Guidelines (2004), National Health Policy (2007) the Rural Water Supply and Sanitation Programme (RWSSP), the Urban Water and Sewerage Programme (UWSSP), and the Water Resources Management Programme (WRMP). The Government will complete the National Sanitation Policy in order to assign responsibilities to various stakeholders.

4.3 APR Panel Recommendation: Expand sanitation facilities for schools and adequate water supply in schools to develop sound hygiene practices; [Government of the United Republic of Tanzania, Ministry of Water, Ministry of Health and Social Welfare, Ministry of Lands, Housing Development, Water and Energy-RGoZ]

Country Response: Effective 2006, the Government has been implementing School WASH Programme aimed at providing sanitation facilities to schools and water supply. The Rural Water Supply and Sanitation Program (2007-2025) prepared jointly with the Government and Development Partners has included a program on National Sanitation Campaign and School Wash aimed at countrywide expansion of sanitation facilities to schools and provision of adequate water supply. In 2012, a total of 1,397 demonstration latrines were built; training to 3,863 artisans conducted producing 7,007 sanplats; 521 school sanitation clubs were formed and a total of 2,751,325 people sensitized on sanitation and hygiene. National School WASH Strategy and guidelines were developed and School WASH mapping report was launched. The Government will continue to mobilise resources from communities, private sector and development partners to ensure broader coverage of this service to all schools.

Under the project funded by the African Development Bank (ADB), Zanzibar has introduced sanitation and hygiene in schools whereby publicity and awareness campaigns have been carried out to the public on the importance of this project. The project include, among other things, the construction of sanitation and hygiene facilities for 47 schools in Unguja and 34 schools for Pemba that gives a total of 81 facilities for Zanzibar.

4.4 APR Panel Recommendation: As a matter of urgency, strengthen the energy sector through sustained development, expansion and maintenance of power-generating capacity and electrification - a critical component for improving the country's investment climate - to attract local and foreign investments for rapid economic growth; [Government of the United Republic of Tanzania, Ministry of Energy and Minerals, Ministry of Land, Housing Development, Water and Energy-RGoZ]

Country Response: The Government's medium term objective is to ensure a steady supply of electricity to the economy at low cost. To this end, Government is planning to increase electricity generation through use of diversified sources such as natural gas and coal. It is envisaged that the country will increase total installed capacity from 1,100 MW in 2011 to 2,780 MW by 2015. Among the new sources of energy which are envisaged to ease electricity shortage is the construction of a new gas pipeline to bring lower cost natural gas from Songo Songo and Mnazi Bay gas reserves to Dar es Salaam and surrounding areas for electricity generation and other uses. Additionally, the Government developed a Power System Master Plan (PSMP) to provide a fundamentally new plan to guide the development of the power system in Tanzania. It is expected that the Master Plan will identify investment projects with low costs that attract private sector competition.

For Zanzibar, a new submarine cable with capacity of 100MW has been laid from Mainland Tanzania to Zanzibar and will be commissioned in January 2013. This will give room for the investors to increase their investments in the Isles. Moreover, there is a short term programme of upgrading the distribution network in Zanzibar in which it is anticipated to be completed by March 2013.

4.5 APR Panel Recommendation: Give urgent attention to rural roads enhancement to facilitate market development and national market integration; [Ministry of Finance, Prime Minister's Office, Regional Administration and Local Government, Ministry of Finance and Economic Affairs-RGoZ, Ministry of Infrastructure and Communication-RGoZ]

Country Response: The government is committed to directly invest in rural roads leading to areas with highest economic potential (e.g. agriculture, mining, tourism) aimed at enhancing and facilitating market development and national market integration. In addition, the Government will enhance effective systems for financing and management of rural roads. The key emphasis here is to ensure that local governments and communities are actively involved in investment initiatives and in improving rural roads. More specifically, in the coming years, strategic interventions will be on:

- Increasing financial allocation for rural roads investments and maintenance services;
- Developing a Rural Roads (RR) Investment Programme that will include improvement of the RR under the Feed the Future initiatives.
- Strengthening institutional and technical capacities for RR Management at the national and district levels

By 2015, the target is to construct and rehabilitate 5,204.7 kilometres of roads to bitumen standards, put in place effective system to finance and manage districts and feeder roads. Addresing congestion in cities particularly Dar es Salaam will also be one of the key outputs in this area.

Recently, the RGoZ has approved the use of the Zanzibar Transport Master Plan. The Master Plan provides strategies for implementation of transport policy in Zanzibar. It also replaces the older and outdated Town and Rural Infrastructure Plan which has been in use since 1982. Moreover, it serves as a response to current and projected needs for road, airport and maritime transport.

The Zanzibar Transport Master Plan also provides the means for safety improvement, transport regulations, policy development, improved public transport, parking spaces, increase private sector investment, improved transport services, and improved Government institutions in providing appropriate transport services.

The Zanzibar road network has about 1,150 km of which to date 611.71 km are paved roads and the remaining 538.29 km is either gravelled or earth roads. The transport Master plan entails the road network which indicates that most of Economic roads in Zanzibar such as Wete - Konde 14.9km, Wete - Gando 15km, Mzambarauni – Pandani - Finya 7.9Km, Bahanasa - Daya - Mtambwe 13.9km, Chwale - Kojani 1.9km, Kipangani - Kangagani 2.7km, Mzambarauni - Mapofu 8.9km are under construction. Current efforts are aimed at upgrading and constructing the remaining road networks (538.29km) to bitumen standards and at the same time to continue with maintenance works of paved and unpaved roads. However, the rest is devoted to Zanzibar Town entry roads which need expansion and reconstruction. The detailed engineering design and tender documents are now in place and the government is communicating with different Development Partners to finance the civil works. Also

the procurement of consultants to undertake the feasibility study and detailed Engineering Design of six Unguja rural roads is under the process. Future plans in road sector to be implemented between now and 2015 include projects such as (i) Road Maintenance Management System, (ii) Urban Entry Roads Improvement, (iii) Bus access roads improvement and (iv) Institutional Reform and Capacity Building.

4.6 APR Panel Recommendation: As a matter of urgency, address the land ownership issues to broaden land ownership and avoid the potential for future social unrest. [Government of the United Republic of Tanzania, Ministry of Lands, Housing and Human Settlement Development, Prime Minister's Office, Regional Administration and Local Government, Ministry of Lands, Housing Development, Water and Energy-RGoZ]

Country Response: The Ministry of Lands, Housing and Human Settlement Development is building the capacity of the Local Government Authorities by issuing Certificates of Customary Rights of Occupancy which enables farmers to have security of tenure of the land they occupy. Strategic interventions include: Review of policy and laws and strengthening of Certificates of Customary Rights of Occupancy in the villages.

Zanzibar has enacted The Registered Land Act No. 10 of 1990 under which there is a Registrar of Land. Under the Act, all transactions on land must be registered by the Registrar of Land. Registration of Land is done systematically and on a case to case basis. The registration data is recorded both manually and electronically.

To avoid future social unrest in land ownership the RGoZ decided to implement land adjudication. This is done through Sustainable Management of Land and Environments (SMOLE) Project and Business and Property Formalization Programme ("MKURABITA") which are being implemented in rural and urban areas. The exercise is very crucial in accelerating registration process and hence resolves land disputes and conflicts. Currently adjudication exercise is taking place in 20 wards in Zanzibar.

Objective 5: Progress towards Gender Equality in all Critical Areas of concern

5.1 APR Panel Recommendation: Raise awareness and build the capacity of local government authorities on gender budgeting for them to mainstream gender into local budgets and service delivery; [Government of the United Republic of Tanzania, Ministry of Community Development, Gender and Children]

Country Response: The Government of Tanzania is one of few governments in Africa which has mainstreamed gender in its budget guidelines. The budget guidelines instruct all sector ministries and local government institutions to mainstream gender in their budget. The main challenge has been the capacity of budget officers to mainstream gender. In responding to this challenge, the government has facilitated development of tools and guidelines on how to do the gender mainstreaming. Such tools include: Gender Responsive Budget Statement and Gender Budget Guidelines/Circulars. In addition, the government has included 'A Time Use Module' which captures the contribution of men and women in the care/household in economy in its Demographic surveys. The information generated from this data facilitates mainstreaming gender in plans and budgets. Again Tanzania is one of the few countries in Africa which has made this attempt of capturing the time use in its national statistics. The process of training and awareness raising is an ongoing process which demands among other things a change of mind set on how planning and budgeting can be more people centred and gender responsive.

In the case of Zanzibar the government has prepared gender mainstreaming guidelines and gender checklist which are both used for training on gender in the ministries, departments and agencies.

5.2 APR Panel Recommendation: Provide training programmes that strengthen leadership skills, confidence, networking, advocacy and self-esteem in women politicians; [Ministry of Community Development, Gender and Children; CSOs]

Country Response: Article 21 of the URT constitution provides for the women and men to equally participate in all leadership positions. While affirmative action focuses on numbers, the government recognises that additional

efforts are needed to address cultural norms, values and attitudes which act as a barrier to women's participation in various positions of leadership. There are local institutions which provide leadership training which have been attracting women candidates, including Hombolo Training Institute which trains ward leaders and the University of Dar es Salaam 'Uongozi' Institute which targets young upcoming leaders to mention a few. The government however has provided an enabling environment for civil society organizations which target women leaders to fill in this gap. Some of the civil society organisations include Tanzania Women Cross Party Forum, The TGNP Gender Training Institute as well as Women Fund Tanzania.

5.3 APR Panel Recommendation: Step-up efforts to increase the number of girls enrolling in tertiary and higher learning institutions including in science and technology courses. [Ministry of Education and Vocational Training]

Country Response: The Government of Tanzania is currently implementing a comprehensive programme aimed at increasing the number of girls enrolment in tertiary, higher learning institutions for science and technology courses. Efforts that are currently being implemented include: The established Science Education in Secondary schools (SESS-2002) project aimed at improving science instructions and has a particular focus on increasing girls participation in science subjects. SESS organizes science camps for girls who perform science subjects. Pre-entry programmes and lowering admission criteria allow more female students to be enrolled in science and technology programmes; Female students are provided full sponsorship. These efforts help to promote equity in higher education provision. Also the Government offers awards to female students who perform well in science and technology and related subjects or courses.

Objective Six: Encourage Broad-Based Participation in Development by All Stakeholders at All Levels

6.1 APR Panel Recommendation: Ensure the representation and participation of all marginalised groups in national development processes; [Ministry of Education and Vocational Training, Ministry of Health and Social Welfare, Ministry of Community Development, Gender and Children, Ministry of Education and Skills Development-RGoZ]

Country Response: The Government of Tanzania is providing enough space to marginalised groups to participate in national development. The cases in point include the passing of the Law on Disability in 2010 which documents the opportunities for persons with disabilities to participate in national development programmes. In addition to the aforementioned effort, the Government ensures that there is access to education at all levels for marginalized groups such as most marginalised children, children with special needs and females. The Net Enrolment Ratio (NER) for girls in primary schools has increased from 93.9 percent in 2005 to 94.2 percent in 2011 implying that more girls were accessing primary education due to the sensitization of communities concerning girl's education. Regarding pupils with disabilities, the enrolment increased from 27,422 in 2009 to 30,433 in 2011 at primary education level.

The RGoZ has enacted Disability Legislation (Rights and Privilege) Act No. 9 of 2006 which led to the establishment of the Department of Disability Affairs, aiming at coordinating and providing advice to the government regarding issues of Persons with Disabilities (PWDs). The government also has established Disability focal person in all Ministries to ensure the implementation of United Nations Convention on Rights of People with Disabilities (UNCRPD) and Disability Act. Advocacy and awareness raising is done on human rights and on disability issues at 'Shehia' (the lowest administrative structure) level.

Registration of PWDs is undertaken both in Unguja and Pemba to get accurate and reliable data, in so doing a data base for PWDs was established. According to available data there are approximately 9,447 PWDs. Moreover the Government has special funds for assisting PWDs as well as supporting Disabled Peoples Organizations (DPOs) to run their activities. Zanzibar Development Funds were established for PWDs in order to contribute to medical, education and entrepreneurship expenses. Currently the government is reviewing Disability Policy of 2004 so as to reflect UNCRPD which Tanzania has ratified in 2009. Furthermore, the RGoZ is implementing an Inclusive Education Programme so as to increase the enrolment of children with disabilities in regular classes. A draft toward Inclusive Development Policy has been presented to various stakeholders at different levels.

6.2 APR Panel Recommendation: Improve information dissemination, and awareness-raising about laws that promote broad-based participation; [Ministry of Justice and Constitutional Affairs, Ministry of Information, Culture and Sports]

Country Response: The constitution which is the primary law of the land provides for the right of every citizen to participate in all aspects of development and decision making. The government has embarked on public awareness programme which requires multi sectoral approach and civil society support. The government considers the media as a strategic partner in this area. At the same time the government has translated some laws in Kiswahili for ease of comprehension by majority of the people and it will continue to do so in future.

AFRICAN PEER REVIEW MECHANISM

AFRICAN UNION

ANNEXURE II

NATIONAL PROGRAM OF ACTION OF THE UNITED REPUBLIC OF TANZANIA

ANNEXURE II

NATIONAL PROGRAM OF ACTION OF THE UNITED REPUBLIC OF TANZANIA

1.1 INTRODUCTION

The National Program of Action is a key output to the country's governance review process. It is an integral part of the Country Review Report (CRR). This National Program of Action (NPoA) has been prepared from concerted efforts of governance stakeholders. It was prepared simultaneously with the Country Self Assessment Report (CSAR) and reviewed during finalization of CRR.

The analysis in the CSAR and CRR report has provided the issues around which the objectives in the NPoA have been established. Subsequently, indicators of performance and the expected outputs have been outlined. Moreover the views articulated by stakeholders during the governance review process have remained paramount and are the basis of the objectives, required actions and priorities contained in the NPoA.

1.2 LINKAGE BETWEEN NPoA AND OTHER DEVELOPMENT INITIATIVES

The development of the NPoA has taken into account the existing government frameworks and sectoral plans that are currently being implemented in existing frameworks such as MKUKUTA II, MKUZA II, Five-Year Development Plan etc. In ensuring this complementarity is maintained, activities that are currently being implemented by other development initiatives were left out in NPoa to avoid duplication and dissipation of resources. To a large extent the planned activities reflect the objectives and aspirations of the Five Year Development Plan.

As a starting point, the Government has earmarked key intervention areas from APRM NPoA and included them in the Budget Guidelines for FY 2013/14. The objective is for MDAs to select areas of interventions and include them in their respective Annual Work Plans for subsequent implementation. These intervention areas will continue to be rolled over in the Ministries, Departments and Agencies (MDAs) Annual Plans and continued to be monitored periodically. In so doing, it will be easy to track the implementation of APRM NPoA in the Government Budgets.

1.3 COSTING OF THE NATIONAL PROGRAM OF ACTION

The National Governing Council (NGC) prepared the NPoA in collaboration with the Technical Assessment Teams (TATs), MDAs, private sector, civil society and APRM Secretariat. After preparation of the CSAR by the TATs, four consultants one from each thematic area were engaged to go through the Report and identify governance gaps. The governance gaps were listed for discussion during the first meeting on NPoA.

A workshop involving 100 participants from MDAs, members of the NGC, APRM Tanzania Secretariat, private sector and civil society was called in March 2007 to discuss on the preparation of the NPoA. In the said workshop, participants were requested to go through and comment on the listed governance gaps. Participants were also requested to identify the causes of these gaps which were to be used as the basis for the costing exercise. After this workshop, a select group involving some APRM Tanzania Secretariat, MDAs and a consultant was tasked to prepare the zero draft NPoA. Thereafter, in May 2007 a workshop involving MDAs, members of the NGC, APRM Tanzania Secretariat staff, private sector and civil society was convened to scrutinize, discuss and agree on the draft NPoA.

After discussions of the zero draft, a consultant, few MDA staff and APRM Secretariat were tasked to finalize the NPoA taking into consideration recommendations from the stakeholders workshop held in May 2007. The CSAR and Draft NPoA were thereafter, submitted to the APRM Continental Secretariat for consideration and inclusion in the Tanzania's Issues Paper to be used during the external review process (CRM). For various reasons the CRM could not be fielded in 2009 which resulted into the updating and reviewing of CSAR and NPoA to take into account various social, political and economic changes.

After preparation of the revised CSAR, four consultants, one from each thematic area were engaged to go through

the thematic area reports and identify governance gaps. The identified governance gaps were listed and provided to the APRM Tanzania Secretariat. Thereafter, APRM Tanzania Secretariat revised the NPoA by taking out issues and costing that are no longer governance gaps from the original NPoA. After revision, the revised CSAR and NPoA were submitted to the APRM Continental Secretariat in July 2011 ready for conducting external governance assessment.

The Country Review Mission (CRM) visited Tanzania in March 2012 to conduct governance assessment. After going through the NPoA, the CRM advised to review the NPoA so as to involve more stakeholders. To that effect, the CRM advised APRM Tanzania to revise the NPoA by ensuring that it reflects the country's priorities through involving a wide range of key stakeholders.

Subsequently, a workshop involving about 100 participant from MDAs, private sector, civil society, members of the NGC and APRM Tanzania Secretariat was called in April 2012 to scrutinize the revised NPoA to ensure that activities in the country's frameworks and plans such as MKUKUTA II (National Strategy for Growth and Reduction of Poverty II) and MKUZA II (Zanzibar Strategy for Growth and Reduction of Poverty II) etc. that are currently being implemented do not appear in the revised NPoA and also make corrections on names of implementing agencies, stakeholders, budgets, expected outputs and M&E agencies.

After submission of CRR to the government of Tanzania, a workshop with MDAs was organized to further improve the NPoA. Some activities based on CRR recommendations were included in the revised NPoA.

The total amount required to implement the NPoA is now USD 4,130,757,915.00. To arrive at this figure, the required actions for each specific objective were analyzed and broken down into achievable tasks within a period of up to five years. The tasks or cost drivers were considered, required inputs ascertained and the associated costs determined. The costs were determined based on experiences of experts in implementing various programs and projects and the general knowledge of cost structure in this country. Where costs could not be ascertained, nominal planning figure were considered and included.

1.4 IMPLEMENTATION, MONITORING AND EVALUATION AND REPORTING

After the NPoA has been endorsed by the relevant stakeholders it is anticipated that the MDAs will institutionalize the program and include them in their respective MTEFs. A training workshop organized by United Nations Development Program (UNDP) and United Nations Economic Commission for Africa (UNECA) was conducted from 26-27 September 2012 to discuss on how to integrate the NPoA into National Development Plans and MTEFs. After the Peer Review the MDAs will start to implement the activities by rolling them over in their respective Annual Work Plans and Budgets. The NGC for APRM Tanzania will be responsible for monitoring and reporting on the implementation of the NPoA on regular basis.

The Monitoring and Evaluation Framework and Reporting Formats will be developed for monitoring the implementation of the NPoA. In this regard, semi annual reports and annual reports will be prepared by the NGC of APRM Tanzania as per the APRM Guidelines. The annual reports will be submitted by the President of the URT to the APRM Forums. The Focal Point Ministry i.e. Ministry of Foreign Affairs and International Cooperation (MFAIC) will continue to play its facilitation role for the program.

1.5 PERCEIVED RISKS

The implementation of the NPoA, like other programs, will depend on the continuity of the existing political will. The cost of implementing the program is immense and the span of implementing goes beyond five years. If the financial resources are not adequately mobilized there may be delays in achieving the objectives of the program within the specified time frame. Moreover, there is need to continuously build the human resource capacity that is pivotal in coordinating and monitoring the program.

DEMOCRACY AND POLITICAL GOVERNANCE

Activities by APRM Objectives	Required action	Monitorable indicators	On-going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost	M & E Agency
STANDARDS AND CODES									
1. Sign, ratify and accede to International democratic conventions and standards; domesticate and popularize them.	Ratify outstanding six* standards and Acts	Outstanding standards and codes are ratified	Ratification is an ongoing activity. CHRGG in place	MFAIC, MoCLA, MHSW, MCDGC Parliament, VPO-1, HoR, MoEAC, AG	MFAIC, MoCLA, Parliament, CSO, Political Parties, VPO-1, HoR, MoEAC	3	Conventions ratified	28,000	MFAIC, MHSW, MCDGC, MoCLA, Parliament, NGC, HoR, VPO-1, MoEA
	Legislate and create awareness on standards and codes	Standards and codes domesticated and popularized	Legislation and awareness raising is an ongoing activity	MFAIC, MoCLA, MHSW, MCDGC, CHRGGP, parliament, HoR, VPO-1	MFAIC, MoCLA, MHSW, MCDGC, Parliament, HoR, VPO-1	5	Acts enacted and popularized	172,000	MFAIC, MHSW, MCDGC, MoCLA, Parliament, HoR NGC
Objective One: Prevention and Reduction of Intra and Inter State Conflicts									
1. Strengthening the workings of GNU and its legal framework in Zanzibar so as to consolidate it.	Periodic review of the workings of GNU in Zanzibar	GNU operates more effectively at all levels from the center to the grassroots.	Formal and informal arrangements for sustaining GNU already exists between CCM and CUF	CCM,CUF,GNU	GNU, CCM, CUF, URT, Citizenry.	3	GNU consolidated	271500	GNU&URT, CCM&CUF, other political parties, NSAs,TCD, ZLSC, NGC.
2 .Minimize inter and intra state conflicts	Review and Amend Zanzibar Land Laws in line with Zanzibar Land Policy	Reviewed Laws	Reviewed Zanzibar Constitution	MoLHSDWE	MoLHSDWE, MoCAJ, CSOs, Citizenry	2	Improved land governance	267,450	MoLHSDWE, MoCAJ, NGC
	Introduce and Operationalize TZ national ID system	Number of intra-state conflicts	Preliminary initiatives by MoHA, ID management system in place and operational	MoHA	Citizens, Government, Political Parties	5	People have IDs	100,000	MoHA, NGC
	Enhance Inter State Border Committees meetings	Number of interstate conflicts		MoHA, MFAIC	MoHA, General public, MFAIC	5	Inter State Border Committees functioning	100,000	MoHA, MFAIC NGC
Objective Two: Constitutional Democracy and Rule of Law									
1. Create enabling environment for public discourse on Constitutional democracy and rule of law both	Draft new Union Constitution	Parliament resolution on Constitutional reform, House of Representatives resolution on Constitutional reform,	Constitutional Review Commission formed	MoCLA, TCD, ZEC, NEC, CSOs, ZEC, CHRAGG,	URT & Zanzibar Governments, Citizens, Political Parties, Parliament, NEC, Registrar	5	New Union Constitution in place	3,746,800	MoCLA, NGC

Activities by APRM Objectives	Required action	Monitorable indicators	On-going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost	M & E Agency
for URT and Zanzibar		Constitutional Assembly held		AG, AG (RGoZ)	of Political Parties, NSAs, ZEC				
	Review Zanzibar Constitution in line with the New Union Constitution	Draft Committees formed and operational	Constitutional Review Commission formed	POPSGG, TCD, ZEC, NEC, AG (RGoZ)	URT & RGoZ) Citizens, Political Parties, Parliament, NEC, Registrar of Political Parties, NSAs	5	Reviewed Zanzibar Constitution in place	790,500	MoCLA, (RGoZ), NGC
	Establish and Broaden mandate of a Constitutional Court	Properly structured Constitutional Court taking care of all constitutional issues	Constitutional Review Commission formed	URT MoCLA, POPSGG , TCD, ZEC, NEC	URT & RGoZ) , Citizenry, Political Parties, Parliament, NEC, Registrar of Political Parties, NSAs	5	Constitutional Court in place	100,000	URT MoCLA, POSGG, NGC
	Mount awareness raising programmes to Police Officers to enhance freedom of holding political rallies	Number of awareness creation sessions	Programmes of training police in place	MoHA, MoCLA, POPSGG , TCD, ZEC, NEC, Registrar of Political Parties, NSAs	MOHA, MoCLA, POPSGG, TCD, ZEC, NEC, Registrar of Political Parties, NSAs, Citizenry	5	Increased awareness	140,320	URT MoCLA, POPSGG, NGC
	Enhance community	Number of police officers trained in	Programmes of	MoHA, MoCLA,	MoHA MoCLA,POPS	5	Reduced crime rate	100,000	MOHA, MoCLA,
	policing	community policing	training police, and prisons in place except for TPDF	POPSGG TCD, ZEC, NEC, Registrar of Political Parties, NSAs, MoHA	GG , TCD, ZEC, NEC, Registrar of Political Parties, NSAs, Citizenry				POPSGG, MoHA, NGC, Citizenry
	Review the Election Expenses Act for improvement	Guidelines on the disclosure of sources and uses of funds in place		MoHA, MoCLA, POPSGG , TCD, ZEC, NEC, Registrar of Political Parties, NSAs, MoHA	MoHA, MoCLA, POPSGG , TCD, ZEC, NEC, Registrar of Political Parties, NSAs, Citizenry	5	Reviewed Legal framework for the use of money in election in place	390,900	URT MoCLA, POPSGG, MoHA, NGC
	Review Elections Act- URT	Reduced complaints on electoral laws		MoHA, MoCLA, POPSGG , TCD, ZEC, NEC, Political Parties, Registrar of NSAs, MoHA	MoHA, MoCLA, POPSGG , TCD, ZEC, NEC, Registrar of Political Parties, NSAs, Citizenry	5	Reviewed Act	510,900	MoHA, MoCLA, POPSGG, MoHA, NGC
	Review Elections Act- Zanzibar	Reduced complaints on electoral laws		POPSGG , TCD, ZEC, Registrar of	MoCLA, POPSGG) , TCD, ZEC,	5	Reviewed Act	267,450	POPSGG, AG (RGoZ), NGC
				Political Parties, NSAs, MoHA	NEC, Registrar of Political Parties, NSAs,AG, Citizenry				

Activities by APRM Objectives	Required action	Monitorable indicators	On-going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost	M & E Agency
	Review Political Parties Act	Reduced complaints on electoral laws and from political parties		URT MoCLA, POPSGG , TCD, ZEC, NEC, Registrar of Political Parties, NSAs	URT MoCLA, POPSGG , TCD, MoHA, ZEC, NEC, Registrar of Political Parties, NSAs, Citizenry	5	reviewed Act	475,500	URT MoCLA, POPSGG, NGC
	Enact a Freedom of Information Act and Media Services Act	Information easily accessed by the public	Two bills are under preparations	MoIYCS, Media houses, Editors forum	MoIYCS, Media houses, Editors forum, Parliament, Citizenry NSAs, MDAs, LGAs,MCT	2	Act in place	144,000	MoIYCS, Media houses, Editors forum, Parliament, NGC
Objective Three: Promotion and Protection of Economic, Social and Cultural Rights, Civil and Political Rights as Enshrined in African and International Human Rights Instruments									
1. Put in place a mechanism to eradicate discrimination, social and cultural barriers	Review and amend Laws governing the social, economic and cultural rights	Act in place		MoCLA, AG, MoHSW, DPOs, LGAs, MoEVT, MoI, MLE, MoIYCS,	MoCLA MoHSW, DPOs, LGAs, MoEVT, MoI, MLE, MoIYCS, MoF, NBS, DPs, MoCLA,	5	Social, economic & cultural rights included in both Constitutions	635,500	MoCLA, AG, NGC
				MoF,MoCLA	MoI, Citizenry				
	Implement and monitor the National Human Rights Action Plan	Annual Progress Reports	CHRAGG Annual Reports, Joint LHRC&ZLSC Annual Reports, UN Universal Periodic Human Rights Reports, AU Human Rights Reports	MoJCA, MoCLA-RoGZ, POPSGG	CHRAGG, MoCLA, POPSGG, LHRC, ZLSC	3	Improved Human Rights Architecture	100,000	CHRAGG, MoJCA, MoCLA-RoGZ, POPSGG, NGC
	Increase court rooms at District Level	Number of court rooms at District level, Backlog of cases decreased	BEST ProgrammeLSRP, MoCLA			5	Expedited dispensing of justice	29,411,764	MoCLA, MoL, NGC
	Put in place a Legal Framework to Address Legal Aid to the Need and Disadvantaged	Number of people accessing legal aid	Study has been undertaken to establish a legal aid framework	MoCLA ,AG	MoCLA, Citizenry	5	Easy access to legal aid availed	380,000	MoCLA, NGC, AG
	Especially in Civil Cases		TLS already is providing legal aid to the needy.						
Objective 4: Uphold the Separation of Powers Including the Protection of the Independence of the Judiciary and of an Effective Legislature									
1. Enforce the Constitutional provision of separation of powers between Legislature and the Executive	Effectively separate the functions of members of Parliament and House of Representatives from the Executive arm	Reports	Constitutio nal Review Commission formed	MoCLA, AG, PMO-RALG	MoCLA, AG,PMO-RALG	5	Members of Parliament do not take positions in the Executive arm	100,000	MoCLA, AG,PMO-RALG NGC

Activities by APRM Objectives	Required action	Monitorable indicators	On-going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost	M & E Agency
Objective Five: Ensuring Accountable, Efficient and Effective Public Office Holders and Civil Servants									
1 Build capacity to speed up	Train public officers and civil servants on	Number of training seminars held	PSRP II (2010) Zanzibar	POPSGG	RGoZ, Citizenry	5	Number of officers trained	277,900	PO-FEDP, PSRP II, NGC,
Public Service Reforms in Zanzibar	implementation of public service reforms in Zanzibar		Component in place						
	Improve participation of actors in the implementation and evaluation of reforms	Number of people participating, Media reports on events		POPSGG	POPSGG, Citizenry	5	People own reforms	381,400	PO-FEDP, POPSGG NGC,
2. Implement and enforce Local Government Reforms in Zanzibar	Establish and implement Local Government Reform Programme	Enhanced effectiveness and efficiency in Local Government		POLGSU	RGoZ, Citizenry	5	Programme in place	5,000,000	POLGSU
	Establish and implement leadership training targeting political and executive levels	Number of Political and Executive leaders trained in leadership and management.		RGoZ, Political Parties, LGAs,	RGoZ, Political Parties, LGAs,	5	Political and Executive leaders providing effective leadership to implement reforms	1,051,500	RGoZ, Political Parties, LGAs, NGC
3.Build capacity to media institutions to monitor governance	Train media practitioners on effective methods of exposing vices that are barrier to good governance	Number of media practitioners trained in governance monitoring	MCT conduct training on investigative reporting	MoIYCS, MoICTS (Zanzibar), MISA, Media Institutions, POPSGG	MoIYCS, MoICTS, MISA, Media Institutions, Political Parties, POPSGG, MCT, Citizenry	5	Improved reporting on governance issues	2,118,000	MoIYCS, MoICTS, POPSGG, MISA, Media Institutions, MCT, NGC
Objective Six: Fighting Corruption In the Political Sphere									
1. Enforce the implementation of NACSAP	Enforce implementation of subsequent phases of NACSAP	NACSAP implementation reports	NACSAP is on going initiative	MDAs, LGAs, PCCB, PO-GG	MDAs, LGAs, PCCB, CSOs, Parliament, Citizenry	5	Minimized corruption	100,000	MDAs, LGAs, PCCB, PO-GG
	Conduct civic and voters education to eliminate corruption during elections	Number of institutions engaged in creating awareness, Number of people trained, Number and frequency of media programmes, Media reports on events	Current initiatives are ad hoc	URT, RGoZ, MoEVET, PCCB	URT, RGoZ, Parliament, House of Representatives, Political Parties, NSAs, Citizenry	5	Increased awareness	244,000	URT, RGoZ, NEC, ZEC, NGC
Objective 7: Promotion and Protection of the Rights of Women									

Activities by APRM Objectives	Required action	Monitorable indicators	On-going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost	M & E Agency
1. Build capacity of MDAs and LGAs in gender	Mainstream gender in MDAs, LGAs, Private sectors, CSOs, FBOs, CBOs etc	Gender responsive plans, Gender disaggregated data available	Initiative in place and implemented by MCD,	MFAIC,MCDGC, TGNP, TAMWA, TAWLA,MS	MCDGC, TGNP, TAMWA, TAWLA, MDAs, LGAs	5	Gender responsive programmes and projects mainstreamed	100,000	MFAIC, MCDGC, TGNP, TAMWA, TAWLA, MSWWCD,
planning and implementation	plans, strategies and programs		other sector ministries, Executive Agencies and LGAs but need strengthening	WWCD, MDAs, LGAs					MDAs, LGAs , NGC
	Build capacity of gender focal points in MDAs and LGAs	Number of focal point staff trained, Roles and responsibilities defined, resources provided for gender	Gender focal points have been established in MDAs and LGAs	Mo EVT, MCDGC, MoHSW, MoCLA, LGAs, POLGSU	Mo EVT, MCDGC, MoHSW, MoCLA, LGAs, POLGSU, General Public	5	Functional gender focal points	154,115	Mo EVT, MCDGC, MoHSW, MoCLA, LGAs, POLGSU and NGC
2. Institute stronger and more independent supervisory bodies to oversee the PCCB and Ethics Secretariat	Review the legal framework for overseeing the working of PCCB and Ethics Secretariat.	New legal framework for overseeing PCCB abd Ethics Secretariat in place	None	MoCLA, Parliament, Political parties Citzenry	MoCLA, Parliament Political parties Citizenry.	5	Reviewed statute in place	192,000	MoCLA, NGC.
3. Effective implementation of conventions on women rights	Domesticate women rights conventions	Number of laws on women rights in place	Ratification is on going	MFAIC,Mo EVT, MCDGC, MoHSW, MoCLA,	MFAIC, Mo EVT, MCDGC, MoHSW, MoCLA, LGAs, POLGSU,	5	Institutionalized women rights.	100,000	MFAIC, Mo EVT, MCDGC, MoHSW, MoCLA, LGAs,
				LGAs, POLGSU	General public				POLGSU, NGC
	Develop strategie for implementation of conventions	Strategies for implementation in place	None	Mo EVT, MCDGC, MoHSW, MoJCA, LGAs, (ZNZ)	Mo EVT, MCDGC, MoHSW, MoJCA, LGAs, (ZNZ), General public	5	Convensions implemented	519,000	Mo EVT, MCDGC, MoHSW, MoJCA, LGAs, (ZNZ),NGC
	Enforcement of the reviewed inheritance laws	Increase number of women inheriting property		Mo EVT, MCDGC, MoHSW, MoCLA, NSAs, LGAs,POLGSU	Mo EVT, MCDGC, MoHSW, MoCLA, NSAs,, LGAs,POLGSU, General Public	5	Improved implementation of inheritance laws	244,000	Mo EVT, MCDGC, MoHSW, MoCLA, NSAs, LGAs, POLGSU

Activities by APRM Objectives	Required action	Monitorable indicators	On-going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost	M & E Agency
4.Increase women representation in different organs	Empower women to contest in political and technical spheres through education and training, affirmative action and advocacy campaign	Number of women in decision making positions	On going to MDAs and LGAs and political parties	Mo EVT, MCDGC, MoHSW, MoCLA, PO-PSM, MoIYCS, Non State Actors, LGAs, (ZNZ), Political Parties Parliament, Registrar of Political Parties	Mo EVT, MCDGC, MoHSW, MoCLA, NSAs, LGAs, (ZNZ), Political Parties Parliament, Registrar of Political Parties, Media Institutions, and General Public	5	Increased women representation in different decision making positions	885,500	Mo EVT, MCDGC, MoIYCS, MoHSW, MoJCA, LGAs, (ZNZ), Political Parties and NGC
Objective Eight: Promotion and Protection of the Rights of Children and Young Persons									
1. Effective implementation of conventions on children and young persons	Enforce implementation of the Law of the Child Act	Enforcement mechanism in place		MFAIC,MCDGC, MoCLA, LGAs, NSAs,, MDAs, MoIYCS, DPOs, LRC,	MCDGC, MoCLA, MoIYCS, LGAs, NSAs,, MDAs, Children, Parents, Citizenry, DPOs	5	Children and young persons rights provided	244,000	MFAIC, MCDGC, NGC
	Design and implement a nationwide internship program for the youth to improve practical skills	Internship program in place, number of youth beneficiaries, number of training institutions	MDAs and private sector provide training on ad-hoc basis	MoLE, MoLEEC, Private Sector	MoLE, MoLEEC, Vocational Training Colleges, Private Sector, Youth	5	Improved skills and experience among the youth	519,000	MoLE, MoLEEC, NGC
2. Increase access to quality education by children and young	Provide effective regulation to enhance education quality	Supervision/ inspection reports	PEDP, SEDP, ESDP but improvement needed	MoEVT, PMO-RALG, LGAs, Private sector, NSAs,	MoEVT, PMO-RALG, LGAs, Private sector, NSAs, Citizenry, DPOs	5	Tanzania provides quality and competitive education	0	MoEVT, NGC
	Provide adequate learning and teaching facilities including books	Facilities and books	PEDP, SEDP, ESDP but improvement needed	MoEVT, PMO-RALG, LGAs, Private sector, NSAs,	MoEVT, PMO-RALG, LGAs, Private sector, NSAs,, DPOs, Citizenry	5	Tanzania provides quality and competitive education	0	MoEVT, NGC
	Train quality teachers	Number of teachers	PEDP, SEDP, ESDP but improvement needed	MoEVT, PMO-RALG, LGAs, Private sector, NSAs,	MoEVT, PMO-RALG, LGAs, Private sector, NSAs, Citizenry	5	Tanzania provides quality and competitive education	0	MoEVT, NGC
	Improve working conditions for teachers	Remuneration & fringe benefits	PEDP, SEDP, ESDP but improvement needed	MoEVT, PMO-RALG, LGAs, Private sector, NSAs,	MoEVT, PMO-RALG, LGAs, Private sector, NSAs,, Citizenry	5	Low turnover of teachers, Tanzania provides quality and competitive education	0	MoEVT, NGC
	Maintain effective database on children and young persons including those with disabilities	Database in place	EDU-MIS	MoEVT, PMO-RALG, LGAs, MOHSW, MIYCS, Private sector, NSAs,	MoEVT, PMO-RALG, MOHSW, MIYCS, LGAs, Private sector, NSAs,, Citizenry, DPOs	5	Data available for effective decision making & planning	380,000	MoEVT, NGC

Activities by APRM Objectives	Required action	Monitorable indicators	On-going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost	M & E Agency
	Effective enforcement of education policies, laws and regulations	Better performance, Higher retention of teachers, better facilities & higher enrolment		MoEVT, PMO-RALG, LGAs, Private sector, NSAs,	MoEVT, PMO-RALG, LGAs, Private sector, NSAs,, Citizenry, DPOs	5	Education standards observed	244,000	MoEVT, NGC
	Review corporal punishment	number of students caned, more effective rules and regulations in place		MoEVT, PMO-RALG, LGAs, Private sector, NSAs,	MoEVT, PMO-RALG, LGAs, Private sector, NSAs,, Citizenry	5	Improved student discipline	275,750	MoEVT, NGC
Objective Nine: Promotion and Protection of the Rights of Vulnerable Groups Including Internally Displaced Persons and Refugees									
1. Effective implementation of conventions, policies and laws on vulnerable groups	Enforce the rights of vulnerable groups including internally displaced persons, refugees and persons with disabilities	Number of laws on internally displaced persons, refugees and persons with disabilities in place	Refugees Act, Disabilities Act	MFAIC, MoCLA, MoHSW, DPOs, LGAs, MoEVT, MoI, MLE, MoIYCS,	MoCLA, MoHSW, DPOs, LGAs, MoEVT, MoI, MLE, MoIYCS, PO-PSM, MoFEA, NBS,	5	Rights for displaced persons, refugees and persons with disabilities availed	-	MoHA,NGC, VPO II
including internally displaced persons, refugees and people with disabilities to ensure their protection and welfare				MoF, NBS, VPO 2	persons with disabilities, NSAs, DP's				
	Enforce implementation of Law on disability rights	Enforcement mechanism in place	Disabilities Law in place	MoCLA, MoHSW, DPOs, LGAs, MoEVT, MoI, MLE, MoIYCS, MoF, NBS	MoCLA, MoHSW, DPOs, LGAs, MoEVT, MoID, MLEYD, MoIYCS, MoF, NBS, persons with disabilities, CSOs, DP's	5	Rights of persons with disabilities availed	100,000	MoHSW, MCDGC,NGC
	Raise awareness on rights of vulnerable groups including internally displaced persons and refugees	Awareness raising television, radio and newspaper programmes		MoHSW, LGAs, MoIYCS,	MoHSW, LGAs, MoIYCS, persons with disabilities, NSAs,	5	Increased awareness on rights	144,000	MoHSW, LGAs, MoIYCS, NSAs, NGC
	Maintain effective database on vulnerable groups including	Database in place		MoHSW, LGAs, MoIYCS, NBS	MoHSW, LGAs, MoIYCS, persons with	5	Data and information available for effective	380,000	MoHSW, LGAs, MoIYCS, NBS, NGC
	internally displaced persons and refugees				disabilities, CSOs, NBS		decision making and planning		

Activities by APRM Objectives	Required action	Monitorable indicators	On-going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost	M & E Agency
	Review policies and laws on internally displaced persons and refugees	Policies and laws in place		MoCLA, MoHSW, LGAs	MoCLA MoHSW, LGAs, Citizenry	5	Rights of internally displaced persons and refugees availed	349,750	MoHSW, LGAs, NGC
2. Assist pastoralists to cope with changing demands for land	Assess compatibility of pastoralism with development trends, land laws and determine viable alternatives	Assessment report		MoCLA, MoLDF, MoLE, MoWI, CSOs, LGAs, SUA, Ardhi University	MoCLA, MoLDF, MoLE, MoWI, CSOs, LGAs, SUA, Ardhi University, Pastoralists, Citizenry	5	Land use plan in place, Land use laws and regulations, Viable alternatives availed	383,750	MoLDF, NGC
3. Enhance rights to provision of improved social services to Albinos, older people and other people living with disabilities	Provide education on the concept of albinism and their rights to live to the Public, Primary Schools, Secondary Schools and Higher learning Institutions	Curriculum for training on Albinism in place, Number of people trained on the issues related to Albinos	On going in Radio and TV programmes but needs strengthening	MoEVT, MoHSW, MoIYCS, POPSGG (Zanzibar), Media Institutions	MoEVT, MoHSW, MoIYCS, POPSGG (Zanzibar), Media Institutions, citizenry	5	Improved rights of Albinos	548,150	MoEVT, MoHSW, MoIYCS, POPSGG (Zanzibar), Media Institutions, NGC
	Raise awareness to the public to do	Number of people aware on the		MoEVT, MoHSW,	MoEVT, MoHSW,	5	Reduced cases of old	254,000	MoEVT, MoHSW,
	away with the beliefs that old age is associated with superstition, magic and witchcraft	negative effect of superstition, magic and witchcraft beliefs		MoIYCS, POPSGG (RGoZ), Media Institutions	MoIYCS, POPSGG (RGoZ), Media Institutions, citizenry		woman and men killings, Improved wellbeing of old women and men		MoIYCS, POPSGG (RGoZ), Media Institutions, citizenry, NGC
	Enhance provision of security system in Primary schools, Secondary schools and Higher learning Institutions in order to protect lives of Albinos and other students	Security system in place	On going in Mitindo primary school Misungwi Mwanza but needs country wide strengthening	MoEVT, MoHSW, MoIYCS, POPSGG (RGoZ), Media Institutions	MoEVT, MoHSW, MoIYCS, POPSGG (RGoZ), Media Institutions, citizenry	5	Reduced cases of Albino killing, Improved wellbeing of Albinos	100,000	MoEVT, MoHSW, MoIYCS, POPSGG (RGoZ), Media Institutions, citizenry, NGC
	Enhance provision of improved health and education services to Albinos and other people living with disabilities	Number of Albinos accessing health and education services	Ongoing initiatives but needs strengthening	MoEVT, MoHSW, MoIYCS, POPSGG (RGoZ), Media Institutions	MoEVT, MoHSW, MoIYCS, POPSGG (RGoZ), Media Institutions, citizenry	5	Improved social wellbeing of Albinos and other people living with disabilities	100,000	MoEVT, MoHSW, MoIYCS, POPSGG (RGoZ), Media Institutions
	Provide entrepreneur-ship	Number of people trained in	Ongoing initiatives	MITM, MoF, POFEDP,	MoF, POFEDP, MITM	5	Enhanced self reliance of	432,800	MITM, MoF,POFEDP

Activities by APRM Objectives	Required action	Monitorable indicators	On-going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost	M & E Agency
	training and credit facilities to Albinos and other people living with disabilities	entrepreneur-ship, Number of people accessing credit	but needs strengthening	MCDWC, TAoD DPOs (Zanzibar)	(Mainland and Zanzibar), MCDWC (Mainland and Zanzibar), TAoD DPOs (Zanzibar),		Albinos and other people living with disabilities, Improved economic wellbeing of Albinos and other people living with disabilities		, MCDWC, TAoD DPOs (Zanzibar), NGC
	Increase number of representatives of special groups in the Union Parliament, House of Representatives and other decision making bodies nd establish a democratic system of selection	Number of representa-tives, Democratic selection system, Revised electoral laws, New Union and Zanzibar Constitution	Ongoing initiatives but needs strengthening	MoCLA, MoHSW, Union Parliament, HoR, TAoD, DPOs (Zanzibar)	MoCLA, MoHSW, Political Parties, Union Parliament, HoR, TAoD, DPOs (Zanzibar), Citizenry	5	Improved representation of special groups, Improved governance.	244,000	MoCLA, MoHSW, Political Parties, Parliament, HoR, NGC
	Introduce special education programme for the disabled in all teachers colleges and education	Number of Teachers colleges with special education programme on peoples with disabilities,	Special education programme available in some colleges	MoEVT, MoHSW	MoEVT, MoHSW, Media Institutions, TAoD, DPOs (Zanzibar), Citizenry	5	Improve education system of people living with disabilities	100,000	MoEVT, MoHSW, NGC
	institutes	Curriculum of special education							
	Translate laws and policies related to special groups into Kiswahili for easy understanding	Number of translated laws and policies	Ongoing initiatives but needs strengthening	MoCLA, High court, MoHSW, MoIYCS, MoIC(Zanzibar)	MoCLA, High court, MoHSW, MoIYCS, MoIC(Zanzibar), TAoD, DPOs (Zanzibar), Citizenry	5	Improved understanding and implementation of laws and policies	299,000	MoCLA, High court, MoHSW, MoIYCS, MoIC (Zanzibar)
	Enforce implementation of law to ensure all public and private physical infrastructures are designed and constructed in a way that are user friendly to people living with disabilities	Enforcement mechanism in place		MoCLA, High court, MID (Mainland and Zanzibar), TAA, ERB, NCC, MDAs, LGAs, private sector	MoCLA, High court, MID (Mainland and Zanzibar), TAA, ERB, NCC, MDAs, LGAs, private sector citizenry	5	Improved accessibility and usage of infrastructures	244,000	MoCLA, High court, MID (Mainland and Zanzibar), TAA, ERB, NCC, MDAs, LGAs, private sector, NGC

Activities by APRM Objectives	Required action	Monitorable indicators	On-going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost	M & E Agency
	Increase effort of fighting against the usage of bhang and other illicit drugs	Reduced number of people using Bhang and other illicit drugs	Ongoing initiatives but needs strengthening	MoHA, MoCLA, MoHSW (Mainland), MoH (Znz) Judiciary, (Mainland), VPO 1 (Zanzibar)	MoHA, MoCLA, Judiciary, NAND(Mainland) and VPO 1 (Zanzibar), private sector citizenry	5	Improved social and economic wellbeing	5,471,750	MoHA, MoCLA, Judiciary, NAND, VPO 1

*The Optional Protocol to the International Covenant on Civil and Political Rights

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, (1984), UN

Convention on The Political Rights of Women, 1952

International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990

Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts, 2000

Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman, and Cruel, Inhuman and Degrading Treatment or Punishment, (2002), UN

APRM Tanzania National Plan of Action
Democracy and Political Governance – (Budget)

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
STANDARDS AND CODES							
1. Sign, ratify and accede to International democratic conventions and standards; domesticate and popularize them.	Ratify outstanding six* standards and Acts	Task force to identify and make proposal for ratification	Person day	200	10	14	28,000
		Sub Total					**28,000**
	Legislate and create awareness on standards and codes	Task force to translate convention into Act	Person day	200	10	14	28,000
		Task force to prepare awareness materials and publicity through Print and electronic media	Size/Programs	800	6	30	144,000
		Sub Total					**172,000**
Objective One: Prevention and Reduction of Intra and Inter State Conflicts							
1 .Strengthening the workings of the GNU and the legal framework in Zanzibar so as to consolidate it	Periodic review of the workings of GNU in Zanzibar	Task force to review to review the workings of NGU in Zanzibar	Person day	300	5	30	45000
		Production and distribution of the report	Page	1	150	500	75000
		Stakeholders workshop to discuss report:					
		DSA to participants - Local	Person day	60	500	1	30,000
		Domestic transport	Person day	40	500	1	20,000
		Stationeries	Cost/Person	3	500	1	1,500
		Follow up on implementation	Sector	100,000	1	1	100,000
		Sub Total					**271,500**
2. Minimize inter and intra state conflicts	Review and Amend Zanzibar Land Laws in line with Zanzibar Land Policy	Task force to review Land Laws	Person	200	10	30	60,000
		Validate reviewed Land Laws	Person day	40	150	3	18,000
		DSA to participants	Person day	60	150	3	27,000
		Domestic transport	Person day	40	150	3	18,000
		Stationeries	Person	3	150	1	450
		Submit to the IMTC	sector	0	0	0	-
		Submit to the Cabinet	sector	0	0	0	-
		Submit to the National Assembly	sector	0	0	0	-
		Create awareness to public on the reviewed Land Laws	Size/Programs	800	6	30	144,000
		Sub Total					**267,450**
	Introduce national ID system	Monitoring implementation of the National ID	Sector	100,000	1	1	100,000
		Sub total					**100,000**
	Enhance Inter State Border Committees meetings	Follow up on implementation	sector	100,000	1	1	100,000
		Sub total					**100,000**

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
Objective Two: Constitutional Democracy and Rule of Law							
1. Create enabling environment for public discourse on Constitutional democracy and rule of law both for URT and Zanzibar	Draft new Union Constitution	Facilitate the Constitutional Review Commission	Person day	0	0	0	0
		Regional workshops to validate new constitution: Conference package	Person day	40	2600	3	312,000
		DSA to participants - Local	Person day	60	2600	3	468,000
		Domestic transport	Person day	40	2600	3	312,000
		Stationeries	Person	3	2600	1	7,800
		National workshop to validate new constitution: Conference package	Person day	40	300	5	60,000
		DSA to participants - Local	Person day	60	1000	5	300,000
		Domestic transport	Person day	40	1000	5	200,000
		Stationeries	Person	3	1000	1	3,000
		Table the draft constitution to the IMTC	sector	0	0	0	-
		Table the draft constitution to the Cabinet	sector	0	0	0	-
		Table the draft constitution to the National Assembly	Person	0	0	0	-
		President to ascent the new constitution	person	0	0	0	-
		Print and distribute the new constitution to the general public	Person	5	10000	1	50,000
		Create awareness to the general public through print and electronic media	Size/Programs	800	6	30	144,000
		Sub Total					**1,856,800**
	Review Zanzibar Constitution in line with the New Union Constitution	Commission to Review Zanzibar Constitution	Person day	300	10	120	360,000
		Regional workshops to validate new constitution: Conference package	Person day	40	250	3	30,000
		DSA to participants - Local	Person day	60	250	3	45,000
		Domestic transport	Person day	40	250	3	30,000
		Stationeries	Person	3	250	1	750
		National workshop to validate new constitution: Conference package	Person day	40	250	5	50,000
		DSA to participants - Local	Person day	60	250	5	75,000
		Domestic transport	Person day	40	250	5	50,000
		Stationeries	Person	3	250	1	750
		Table the draft constitution to the IMTC	sector	0	0	0	-
		Table the draft constitution to the Cabinet	sector	0	0	0	-
		Table the draft constitution to the House of Representatives	Person	0	0	0	-
		President to ascent the new constitution	person	0	0	0	-
		Print and distribute the reviewed constitution to the general public	Person	5	1000	1	5,000
		Create awareness to the general public through print and electronic media	Size/Programs	800	6	30	144,000
		Sub Total					**790,500**

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Establish and Broaden Mandate of the New Constitutional Court	Follow up Implementation of the structure and functions	sector	100,000	1	1	100,000
		Sub Total					**100,000**
	Mount awareness raising programmes to Police Officers to enhance freedom of holding political rallies	Task force to conduct seven zonal awareness raising workshops	Person day	200	7	5	7,000
		DSA to participants	Person day	60	440	3	79,200
		Domestic transport	Person day	40	440	3	52,800
		Stationeries	Person	3	440	1	1,320
		Sub Total					**140,320**
	Enhance community policing	Follow up implementation	sector	100,000	1	1	100,000
		Sub Total					**100,000**
	Review the Election Expenses Act for improvement	Task force to prepare laws and regulations governing the role of money in electoral process	Person	200	10	60	120,000
		Validate prepared laws and regulations: Conference package	Person day	40	300	3	36,000
		DSA to participants	Person day	60	300	3	54,000
		Domestic transport	Person day	40	300	3	36,000
		Stationeries	Person	3	300	1	900
		Submit to the IMTC	sector	0	0	0	-
		Submit to the Cabinet	sector	0	0	0	-
		Submit to the National Assembly	sector	0	0	0	-
		Create awareness to public on the Act	Size/Programs	800	6	30	144,000
		Sub Total					**390,900**
	Review Elections Act-URT	Task to review Elections Act	Person	200	20	60	240,000
		Validate reviewed Elections Act	Person day	40	300	3	36,000
		DSA to participants	Person day	60	300	3	54,000
		Domestic transport	Person day	40	300	3	36,000
		Stationeries	Person	3	300	1	900
		Submit to the IMTC	sector	0	0	0	-
		Submit to the Cabinet	sector	0	0	0	-
		Submit to the National Assembly	sector	0	0	0	-
		Create awareness to public on the Act	Size/Programs	800	6	30	144,000
		Sub Total					**510,900**

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Review Elections Act-Zanzibar	Task force to review Elections Act	Person	200	10	30	60,000
		Validate reviewed Elections Act	Person day	40	150	3	18,000
		DSA to participants	Person day	60	150	3	27,000
		Domestic transport	Person day	40	150	3	18,000
		Stationeries	Person	3	150	1	450
		Submit to the IMTC	sector	0	0	0	-
		Submit to the Cabinet	sector	0	0	0	-
		Submit to the National Assembly	sector	0	0	0	-
		Create awareness to public on the Act	Size/Programs	800	6	30	144,000
		Sub Total					**267,450**
	Review Political Parties Act	Task force to review Political Parties Act	Person	200	10	60	120,000
		Validate reviewed Political Parties Act	Person day	40	500	3	60,000
		DSA to participants	Person day	60	500	3	90,000
		Domestic transport	Person day	40	500	3	60,000
		Stationeries	Person	3	500	1	1,500
		Submit to the IMTC	sector	0	0	0	-
		Submit to the Cabinet	sector	0	0	0	-
		Submit to the National Assembly	sector	0	0	0	-
		Create awareness to public on the Act	Size/Programs	800	6	30	144,000
		Sub Total					**475,500**
	Enact a Freedom of Information Act and Media Services Bill	Create awareness to public on the Act	Size/Programs	800	6	30	144,000
		Sub Total					**144,000**
Objective Three: Promotion and Protection of Economic, Social and Cultural Rights, Civil and Political Rights as enshrined in African and International Human Rights Instruments							

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
1. Put in place a mechanism to eradicate gender discrimination, social and cultural barriers	Review and amend Laws governing the social, economic and cultural rights	Procure consultant services	Person	10,000	1	1	10,000
		Consultant to review the Bill	Person	300	10	90	270,000
		Validate reviewed Bill: Conference package	Person day	40	500	3	60,000
		DSA to participants	Person day	60	500	3	90,000
		Domestic transport	Person day	40	500	3	60,000
		Stationeries	Person	3	500	1	1,500
		Submit to the IMTC	sector	0	0	0	-
		Submit to the Cabinet	sector	0	0	0	-
		Submit to the National Assembly	sector	0	0	0	-
		Create awareness to public on the Act	Size/Programs	800	6	30	144,000
		Sub Total					**635,500**
	Implement and monitor the National Human Rights Action Plan	Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**100,000**
2. Enhance equal access to justice for all	Increase court rooms at District Level	Construct primary courts		588,235	5	5	14,705,882
		Construct High Courts			5	5	4,705,882
		Sub Total					29,411,764
	Put in place a Legal Framework to Address Legal Aid to the Needy and Disadvantaged especially in Civil Cases	Procure consultant	Person	10,000	1	1	10,000
		Consultant to prepare legal aid systems and procedures for civil cases	Person	300	10	90	270,000
		Establish an independent unit to provide legal aid for civil cases	sector	0	0	0	-
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**380,000**
Objective Four: Uphold the separation of powers including the protection of the independence of the Judiciary and of an effective Legislature							
1. Enforce the Constitutional provision of separation of powers between Legislature and the Executive	Effectively separate the functions of members of Parliament and House of Representatives from the Executive Arm	Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**100,000**
Objective Five: Ensuring Accountable, Efficient and Effective Public Office Holders and Civil Servants							

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
1 . Adopt and build capacity to speed up Public Service Reforms in Zanzibar	Train public officers and civil servants on implementation of public service reforms in Zanzibar	Procure consultant	Person	10,000	1	1	10,000
		Consultant to identify training needs and prepare training modules	Person	300	2	90	54,000
		Consultant to conduct training	Person	300	2	5	3,000
		Conference package	Person	40	300	5	60,000
		DSA to participants	Person day	60	300	5	90,000
		Domestic transport	Person day	40	300	5	60,000
		Stationeries	Person	3	300	1	900
		Sub Total					**277,900**
	Implementation and evaluation of reforms	Procure consultant	Person	10,000	1	1	10,000
		Consultant to prepare training modules for improving actors participation, formulation, implementation and evaluation of reforms	Person	300	2	5	3,000
		Consultant to conduct training	Person	300	3	15	13,500
		Conference package	Person	40	300	5	60,000
		DSA to participants	Person day	60	300	5	90,000
		Domestic transport	Person day	40	300	5	60,000
		Stationeries	Person	3	300	1	900
		Awareness raising materials in participation of actors in the formulation and evaluation of the reform	Size/Programs	800	6	30	144,000
		Sub Total					**381,400**
2. Implement and enforce Local Government Reforms in Zanzibar	Establish and implement Local Government Reform Programme	Implement Local Government Reforms	sector	5,000,000	1	1	5,000,000
		Sub Total					**5,000,000**
	Establish and implement leadership training targeting political and executive levels to Zanzibar	Procure consultant	Person	10,000	1	1	10,000
		Consultant to identify leadership training needs and trainees	Person	300	2	30	18,000
		Consultant to prepare training modules	Person	300	20	7	42,000
		Consultant to conduct training: Conference package	Person	40	500	14	280,000
		DSA to participants	Person day	60	500	14	420,000
		Domestic transport	Person day	40	500	14	280,000
		Stationeries	Person	3	500	1	1,500
		Sub Total					**1,051,500**

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
3. Build capacity to media institutions to monitor governance	Train media practitioners on effective methods of exposing vices that are barrier to good governance	Procure consultant	Person	10,000	1	1	10,000
		Consultant to identify training needs and modules	Person	300	2	30	18,000
		Consultant to conduct training: Conference package	Person	300	2	45	27,000
		Conference package	Person	40	1000	14	560,000
		DSA to participants	Person day	60	1000	14	840,000
		Domestic transport	Person day	40	1000	14	560,000
		Stationeries	Person	3	1000	1	3,000
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**2,118,000**
Objective Six: Fighting Corruption in the Political Sphere							
1. Enforce the implementation of NACSAP	Enforce Implementation of subsequent phases of NACSAP	Follow up of implementation	sector	100,000	1	1	100,000
		Sub Total					**100,000**
	Conduct civic and voters education to eliminate corruption during elections	Create awareness to the public on programmes aimed at discouraging corruption during elections	Size/ Programs	800	6	30	144,000
		Follow up of implementation	sector	100,000	1	1	100,000
		Sub Total					**244,000**
Objective Seven: Promotion and Protection of the Rights of Women							
1. Build capacity of MDAs and LGAs in gender planning and implementation	Mainstream gender in MDAs, Private sectors, CSOs, FBOs, CBOs etc into plans, strategies and programmes	Follow up of implementation	sector	100,000	1	1	100,000
		Sub Total					**100,000**

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Strengthen gender focal points	Procure consultant	Person	10,000	1	1	10,000
		Consultant to review roles and responsibilities of gender focal points in MDAs	Person	300	2	5	3,000
		Consultant to train gender focal points on effective implementation of their roles and responsibilities	Person	300	2	5	3,000
		Conference package	Person day	40	105	3	12,600
		DSA to participants	Person day	60	105	3	18,900
		Domestic transport	Person day	40	105	3	12,600
		Stationeries	Person	3	105	1	315
		Follow up of implementation	sector	100,000	1	1	100,000
		Sub Total					**154,115**
	Review legal framework	Task force to review the legal framework for overseeing the working of PCCB and Ethics Secretariat	Person day	200	2	5	2,000
		Production of the report	Page	3	150	200	90,000
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**192,000**
2. Effective implementation of conventions on women rights	Domesticate women rights conventions	Taken care by the laws and regulations to be enacted	sector	0	0	0	-
		Follow up of implementation	sector	100,000	1	1	100,000
		Sub Total					**100,000**
	Develop implementation strategies for implementation of conventions	Task force to validate proposed inheritance laws: Conference package	Person day	200	250	5	250,000
		DSA to participants	Person day	60	250	5	75,000
		Domestic transport	Person day	40	250	5	50,000
		Stationeries	Person	3		1	-
		Submit to the IMTC	sector	0	0	0	-
		Submit to the Cabinet	sector	0	0	0	-
		Submit to the National Assembly	sector	0	0	0	-
		Create awareness to public on the reviewed Act	Size/Programs	800	6	30	144,000
		Sub Total					**519,000**
	Enforcement of the reviewed inheritance laws	Create awareness to public on inheritance rights	Size/Programs	800	6	30	144,000
		Follow up of implementation	sector	100000	1	1	100,000
		Sub Total					**244,000**

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
3.Increase women representation in different organs	Empower women to contest in political and technical spheres through education and training, affirmative action and advocacy campaign	Procure consultant	Person	10,000	1	1	10,000
		Consultant to identify areas of empowerment	Person	300	10	14	42,000
		Consultant to prepare modules of training to include individual SWOT analysis, communication skills, confidence building, audience management, opportunity taking and resources mobilization	Person	300	10	30	90,000
		Consultant to conduct training on area of empowerment	Person	300	10	14	42,000
		DSA to participants	Person day	60	500	14	420,000
		Domestic transport	Person day	40	500	14	280,000
		Stationeries	Person	3	500	1	1,500
		Sub Total					**885,500**
Objective Eight: Promotion and Protection of the Rights of Children and Young Persons							
1. Effective implementation of conventions on children and young persons	Enforce implementation of the law of the child	Create awareness to public on the Act	Size/Programs	800	6	30	144,000
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**244,000**
	Design and implement a nationwide internship program for the youth to improve practical skills	Task force to develop nationwide internship program	Person day	200	250	5	250,000
		Validation of the internship program:					
		DSA to participants	Person day	60	250	5	75,000
		Domestic transport	Person day	40	250	5	50,000
		Stationeries	Person	3		1	-
		Submit to the IMTC	sector	0	0	0	-
		Submit to the Cabinet	sector	0	0	0	-
		Create awareness to public on the internship program	Size/Programs	800	6	30	144,000
		Sub Total					**519,000**

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
2. Increase access by children and young persons to quality education	Provide effective regulation to enhance education quality	Budgeted under socio-economic development	sector	0	0	0	-
		Sub Total					
	Provide adequate learning and teaching facilities including books	Budgeted under socio-economic development	sector	0	0	0	-
		Sub Total					
	Train quality teachers	Budgeted under socio-economic development	sector	0	0	0	-
	Improve working conditions for teachers	Budgeted under socio-economic development	sector	0	0	0	-
		Sub Total					
	Maintain effective database on children and young persons including those with disabilities	Procure consultant	Person	10,000	1	1	10,000
		Consultant to review, update and improve the existing data base.	Person	300	10	90	270,000
		Maintain and update regularly the data base	sector	0	0	0	-
		Follow up of implementation	sector	100,000	1	1	100,000
		Sub Total					**380,000**
	Effective enforcement of education policies, laws and regulations	Create awareness to public on the guidelines and rules prepared	Size/Programs	800	6	30	144,000
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**244,000**
	Review corporal punishment	MoEVT to convene a National meeting of stakeholders to review the need and effectiveness of corporal punishment: Conference package	Person day	40	250	5	50,000
		DSA to participants	Person day	60	250	5	75,000
		Domestic transport	Person day	40	250	5	50,000
		Stationeries	Person	3	250	1	750
		Set rules of implementation of the agreed mode of administration	sector	0	0	0	-
		Follow up of implementation	sector	100,000	1	1	100,000
		Sub Total					**275,750**
Objective Nine: Promotion and Protection of the Rights of Vulnerable Groups Including Internally Displaced Persons and Refugees							

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
1. Effective implementation of conventions, policies and laws on vulnerable groups including internally displaced persons, refugees and people with disabilities to ensure their protection and welfare	Institutionalize the rights of vulnerable groups including internally displaced persons, refugees and persons with disabilities	Taken care under the Acts on disabilities; and internally displaced persons and refugees	sector	0	0	0	-
	Enforce implementation of Law on disability rights	Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**100,000**
	Raise awareness on rights of vulnerable groups including internally displaced persons and refugees	Create awareness to public	Size/Programs	800	6	30	144,000
		Sub Total					**144,000**
	Maintain effective database on vulnerable groups including internally displaced persons and refugees	Procure consultant	Person	10,000	1	1	10,000
		Consultant to review, update and improve the existing data base.	Person	300	10	90	270,000
		Maintain and update regularly the data base	sector	0	0	0	-
		Follow up of implementation	sector	100,000	1	1	100,000
		Sub Total					**380,000**
	Review policies and laws on internally displaced persons and refugees	Procure consultant services	Person	10,000	1	1	10,000
		Consultant to review policies and laws on internally displaced persons and refugees	Person	300	10	30	90,000
		Validate reviewed policies and laws: Conference package	Person day	40	250	3	30,000
		DSA to participants	Person day	60	250	3	45,000
		Domestic transport	Person day	40	250	3	30,000
		Stationeries	Person	3	250	1	750
		Submit to the IMTC	sector	0	0	0	-
		Submit to the Cabinet	sector	0	0	0	-
		Submit to the National Assembly	sector	0	0	0	-
		Create awareness to public on the reviewed Policies and Act	Size/Programs	800	6	30	144,000
		Sub Total					**349,750**

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
2. Assist pastoralists to cope with changing demands for land	Assess compatibility of pastoralism with development trends, land laws and determine viable alternatives	Procure consultant services	Person	10,000	1	1	10,000
		Consultant to assess land use pattern and; laws and regulations governing its use .	Person	300	2	30	18,000
		Consultant to prepare land use laws	Person	300	2	30	18,000
		Consultant to prepare land use plans	Person	300	2	30	18,000
		Validate proposed land use laws and land use pattern: Conference package	Person day	40	250	5	50,000
		DSA to participants	Person day	60	250	5	75,000
		Domestic transport	Person day	40	250	5	50,000
		Stationeries	Person	3	250	1	750
		Submit to the IMTC	sector	0	0	0	-
		Submit to the Cabinet	sector	0	0	0	-
		Submit to the National Assembly	sector	0	0	0	-
		Create awareness to public on the reviewed Policies and Act	Size/Programs	800	6	30	144,000
		Sub Total					**383,750**

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
Enhancing rights to provision of improved social services to Albinos, older people and other people living with disabilities	Provide education on the concept of albinism and their rights to live to the Public, Primary Schools, Secondary Schools and Higher learning Institutions	Procure consultant	Person	10,000	1	1	10,000
		Consultant to develop curriculum on the concept of albinism to primary, secondary and higher learning institutions	Person	300	2	14	8,400
		Stakeholders workshop to validate proposed curriculum: Conference package	Person day	40	250	5	50,000
		DSA to participants	Person day	60	250	5	75,000
		Domestic transport	Person day	40	250	5	50,000
		Stationeries	Person	3	250	1	750
		Follow up of implementation on developed curriculum	sector	100,000	1	1	100,000
		Procure consultant services	Person	10,000	1	1	10,000
		Consultant to prepare awareness raising programmes and material to the public on Albinism .	Size/Programs	800	6	30	144,000
		Follow up of implementation	sector	100,000	1	1	100,000
		Sub Total					**548,150**
	Raise awareness to the public to do away the beliefs that old age is associated with superstition, magic and witchcraft	Procure consultant services	Person	10,000	1	1	10,000
		Consultant to prepare awareness raising programmes and material to the public discarding negative beliefs on witchcraft .	Size/Programs	800	6	30	144,000
		Follow up of implementation	sector	100,000	1	1	100,000
		Sub Total					**254,000**
	Enhance provision of security system in Primary schools, Secondary schools and Higher learning Institutions in order to protect lives of Albinos and other students	Follow up on implementations	sector	100,000	1	1	100000
		Sub Total					**100,000**
	Enhance provision of improved health and education services to Albinos and other people living with disabilities	Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**100,000**

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Provide entrepreneurship training and credit facilities to Albinos and other people living with disabilities	Procure consultant services	Person	10,000	1	1	10,000
		Consultant to study and design entrepreneurship development training programme to Albinos and other people living with disabilities	Person	300	10	60	180,000
		Stakeholders workshop to validate proposed training programme: conference package	Person day	40	100	7	28,000
		DSA to participants	Person day	60	100	7	42,000
		Domestic transport	Person day	40	100	7	28,000
		Stationeries	Person	3	100	1	300
		Consultant to conduct training on entrepreneurship development	Person	3	100	14	4,200
		DSA to participants	Person day	60	100	14	84,000
		Domestic transport	Person day	40	100	14	56,000
		Stationeries	Person	3	100	1	300
		Graduated entrepreneurs to access credit facilities from microfinance institutions	sector	0	0	0	-
		Sub Total					**432,800**
	Increase number of representatives of special groups in the Union Parliament, House of Representatives and other decision making bodies nd establish a democratic system of selection	Create awareness to public on the proposed system of electing representatives of special groups.	Size/Programs	800	6	30	144,000
		Follow up of implementation	sector	100,000	1	1	100,000
		Sub Total					**244,000**
	Introduce special education programme for the disabled in all teachers colleges and education institutes	Follow up of implementation on developed curriculum	sector	100,000	1	1	100,000
		Sub Total					**100,000**
	Translate laws and policies related to special groups into Kiswahili for easy understanding	Procure consultant services	Person	10,000	1	1	10,000
		Consultant to translate laws and policies related to special groups into Kiswahili for easy understanding	Person	300	5	30	45,000
		Consultant to prepare awareness raising programmes and material to the public on the translated laws and policies.	Size/Programs	800	6	30	144,000
		Follow up of implementation	sector	100,000	1	1	100,000
		Sub Total					**299,000**

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Enforce implementation of law to ensure all public and private physical infrastructures are designed and constructed in a way that are user friendly to people living with disabilities	Create awareness to public on the Act	Size/Programs	800	6	30	144,000
		Follow up of implementation	sector	100,000	1	1	100,000
		Sub Total					**244,000**
	Increase effort of fighting against the usage of bhang and other illicitly drugs	Procure consultant	Person	10,000	1	1	10,000
		Consultant to study, design and recommend strategies for eliminating the usage of Bang and other illicitly drugs	Person	300	10	14	42,000
		Stakeholders to validate proposed strategies: Conference package	Person day	40	250	5	50,000
		DSA to participants	Person day	60	250	5	75,000
		Domestic transport	Person day	40	250	5	50,000
		Stationeries	Person	3	250	1	750
		Build capacity to officers involved in illicit drugs control	sector	500,0000	1	1	5,000,000
		Awareness raising to public on the negative effect of taking Bang and other illicitly drugs	Size/Programs	800	6	30	144,000
		Follow up on implementations	sector	100,000	1	1	100,000
		Sub Total					**5,471,750**
		Grand Total					**58,523,949**

ECONOMIC GOVERNANCE & MANAGEMENT

Activities by APRM Objectives	Required action	Monitorable indicators	On going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost (USD)	M & E Agency
STANDARDS AND CODES									
Sign, ratify, accede to, domesticate and popularize democratic principles, Acts and standards	Identify and ratify outstanding standard and codes	Outstanding standards and codes are ratified	Ratification is on going.	MFAIC, MoCLA, MHSW, MCDGC, RGoZ, Parliament	MFAIC, MoCLA, Parliament, NSAs, RGoZ, Political Parties, POPSGG	5	Acts standards ratified	28,000	MFAIC, MHSW, MCDGC, MoCLA, RGoZ, Parliament, NGC
	Domesticate and create awareness on standards and codes	Number of standard and codes domesticated and popularized		MFAIC, MoCLA, MHSW, MoH, MCDGC, POPSGG, RGoZ, Parliament	MFAIC, MoCLA, Parliament, NSAs, RGoZ, Political Parties,	5	Acts standards domestic cated and popularized	200,000	MFAIC, MHSW, MoH, MCDGC, MoCLA, RGoZ, Parliament, NGC
	Formalize and Institutionalize a process of Consultation between Zanzibar and Union Government prior to the adoption of Standards and Codes	Formalization mechanism in place	Sectoral Ministries Meetings on Standards and Codes between Mainland and Zanzibar	MoCAJ, MoCLA	MoCAJ, MoCLA, MFAIC	2	Improved consultation process on adoption of standards and codes	128,000	MoCAJ, MoCLA, MFAIC, NGC
Objective One: Promotion of Macroeconomic Policies that Support Sustainable Development									
1. Effectively implement	Strengthen capacity for	Size of National Debt, National	National debt management	MoF, MDAs, LGAs,	MoF, MDAs, LGAs, POFEDP	5	Improved National	356,300	MoF, BOT, NGC,
macroeconomic management which support sustainable macroeconomic development	National debt management	debt strategy	committees (Zanzibar and Mainland)	POFEDP (RGoZ) MFAIC	(RGoZ), MFAIC		Debt Management		POFEDP (RGoZ)
	Institutionalize the use of PETS results	Number of reports using results of PETS		MDAs, LGAs, POFEDP (RGoZ)	MDAs, LGAs, POFEDP (RGoZ)	5	Improved use of PETS	279,300	MoF, BOT, NGC, POFEDP (RGoZ)
	Improve coordination of MTEF among different stakeholders to facilitate implementation (Zanzibar)	Number of coordinated reports on MTEF		MDAs, LGAs, POFEDP (RGoZ)	MDAs, LGAs, POFEDP (RGoZ)		Improved coordination of MTEF	300,000	MDAs, LGAs, POFEDP (RGoZ)
	Implement measures of diversifying the economy of Zanzibar	New productive sectors in the economy, Number of new products	Sea weed (Mwani), Tourism as per Zanzibar Trade policy	MoF, MDAs, LGAs, POFEDP (RGoZ)	MoF, MDAs, LGAs, POFEDP (RGoZ)	5	Economic performance report indicating production of various products	274,000	MoF, BOT, NGC, POFEDP (RGoZ), NGC

Activities by APRM Objectives	Required action	Monitorable indicators	On going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost (USD)	M & E Agency
	Strengthen the private sector in Zanzibar.	Number of new private sector associations, private sectors contribution to GDP	ZIPA, ZAFREZA, ZNCCIA	MoF, MDAs, LGAs, POFEDP (RGoZ)	MoF, MDAs, LGAs, POFEDP (RGoZ)	5	Economic performance report showing increased contribution by Private Sector	233,750	MoF, BOT, NGC, POFEDP (RGoZ), NGC
	Implement quality control for industrial products in Zanzibar	Number of products certified		MoF, MDAs, LGAs, POFEDP (RGoZ)	MoF, MDAs, LGAs, POFEDP (RGoZ)	5	Quality control mechanisms in place	233,900	MoF, BOT, NGC, POFEDP (RGoZ), NGC
	Integrate activities of the informal sector into the mainstream economy to facilitate tax collection from this sector	Number/ categories of informal sector being used		MoF, BOT, TRA, LGAs, POFEDP RGoZ	MoF, BOT, TRA, LGAs, POFEDP (RGoZ), NSAs, SACCOS	5	Improved tax collection from the informal sector	543,600	MoF, BOT, TRA, LGAs, POFEDP RGoZ, NGC
	Strengthen grassroots participation in Private Public dialogue	Number of PPP dialogue at grass root level	TNBC, TPSF, ZNBC	MoF, MDAs, LGAs, POFEDP (RGoZ)	MoF, MDAs, LGAs, POFEDP (RGoZ)	5	Strengthened PPP	128,000	MoF, BOT, NGC, POFEDP (RGoZ), NGC
	Provide adequate facilitation and incentives for LDIs	Increase in rate of local investments	TIC, ZIPA, BEST	MoF, MDAs, LGAs, POFEDP (RGoZ)	MoF, MDAs, LGAs, POFEDP (RGoZ)	5	Economic performance report indicating participation of LDIs	377,750	MoF, BOT, NGC, POFEDP (RGoZ), NGC
	Follow up implementation of reviewed employment policies, Establish funding for micro-projects	Number of people accessing funding for youth		MoLE, NSAs, Private Sector, PMO-RALG, MoIYCS	MoLE, NSAs Private Sector	5	Improved access to information on labour market	492,000	MoLE, NSAs, Private Sector, NGC
	Ensure access to Social Security services particularly to majority Tanzanians	Number of people accessing social security funds		MoF, BOT, Social Security Funds, SSRA, NSAs, MoLE	MoF, BOT, Social Security Funds, MoLE SSRA, NSAs, Citizenry	5	Improved access to Social Security Funds	200,000	MoF, BOT, Social Security Funds, SSRA, NSAs, NGC

Activities by APRM Objectives	Required action	Monitorable indicators	On going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost (USD)	M & E Agency
2. Improve agricultural production and marketing	Improve Agricultural productivity	Yield	ASDP, ADF, ASP	MAFC, MAF RGoZ, LGAs, MTIM	TASO, TCCIA, CTI, TNBC, TCA, Farmers, ASLMs	5	Improved food production and supply.	101,566,300	MAFC, LGAs, NGC, ASLMs
	Improve agricultural market access, infrastructure and trade	Number of new markets accessed and sold produce	ASDP, ADF, ASP	MAFC, MAF RGoZ, LGAs,MITM	TASO, TCCIA, CTI, TNBC, TCA, Farmers, ZNCCIA	5	Increased agricultural sales	1,573,800	MAFC, LGAs, NGC, MITM
	Address the shortcomings in the legal and regulatory framework for agriculture	Reviewed Agricultural sector related laws and regulations, Rural roads and storage facilities	ASDP, ADF, ASP	MAFC, MAF(Znz),, LGAs, ASLMs	TASO, TCCIA, CTI, TNBC, TCA, Farmers, ZNCCIA	5	Laws and regulations reviewed	887,000	MAFC, LGAs, NGC
	Improve agricultural business development services	Diverse Agricultural related businesses	ASDP, ADF, ASP	MAFC, LGAs,	TASO, TCCIA, CTI, TNBC, TCA, Farmers	5	Agricultural related businesses increased	19,007,000	MAFC, LGAs, NGC
	Promote production for exports in both mainland and Zanzibar	Rate of agricultural exports	ASDP, ADF, ASP	MAFC, LGAs, MFAIC	TASO, TCCIA, CTI, TNBC, TCA, Farmers, MFAIC	5	Agricultural export earnings and quality increased	23,485,500	MAFC, LGAs, NGC
3. Improve performance of the industrial sector	Strengthen EPZs and SEZs	EPZ and SEZ exports	TMTP 2020	MITM, EPZA	MITM, EPZA	5	New EPZ and SEZ introduced	346,300	MITM, EPZA, NGC
	Improve local infrastructure for industrialization (energy, water, roads) for both Mainland and Zanzibar	Industrial output	CTI, ZIPA, SIDP	MITM	MITM, Citizenry	5	Infrastructure improved	1,500,316,900	MITM, NGC
	Improve efficiency in production and supply of energy so as to offer competitive price .	Revised energy tariffs, increased access to energy facility	Energy master plan in place	MEM,TANESCO, MITM	MEM,TANESCO, Private sector, citizenry	5	Increased access to energy facility	306,500	MEM, TANESCO, NGC
	Enhance development finance	Long and medium term credits provided to industry and agricultural	TIB	MoF, BOT	MoF, BOT, TIB, MDAs, Private sector, citizenry	5	Growth of development finance	1,501,200,000	MoF, BOT, NGC
Objective Two: Implement Transparent, Predictable and Credible Government Economic Policies									
1. Involvement of stakeholders in the implementation of economic	Enhance participation of non state actors in planning and implementation	Increase in number of stakeholders participating in planning process,	MKUZA,BEST, ZBC, ZNCCIA	MoF, MDAs, LGAs, POFEDP (ZnZ)	MoF, MDAs, LGAs, POFEDP (ZnZ)	5	Periodic report indicating number of non state	551,500	MoF, BOT, NGC, POFEDP
policies	process	Number and level of process in which non state actors participate annually					actors involved in planning process		(ZnZ), NGC

Activities by APRM Objectives	Required action	Monitorable indicators	On going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost (USD)	M & E Agency
2. Strengthen data base for policy implementation	Build capacity for data collection, analysis and management	Divergence between projected and actual	MTEF	MDAs, LGAs	MDAs, LGAs NSAs and community	5	Data and information available for planning and feedback	313,000	MDAs, LGAs, NGC
	Improve data collection, compiling and computing projections statistics for the office of the Chief Government Statistician	convergence between projections and actual		POFEDP (RGoZ), BOT, OCGS	POFEDP (RGoZ), BOT, OCGS, Citizenry	5	Improved projections	170,900	POFEDP (RGoZ), BOT, OCGS,NGC
	Improve capacity of staff, budget, equipment as well as decent working place for the OCAG in Zanzibar	Number of OCAG staff trained		POFEDP (RGoZ), BOT, OCAG	POFEDP (RGoZ), BOT, OCAG, Citizenry	5	Improved efficiency of OCAG in Zanzibar	300,000	POFEDP (RGoZ), BOT, OCAG,NGC
	Increase resources, improve HR capacity, technical	implementation of OCAG reports in Zanzibar,	Implementation of POLGSU, Local	LGM (RGoZ), POLGSU,OCAG	LGM (Zanzibar) Citizenry		Improved implementation of LGSR in Zanzibar	200,000	LGM (Zanzibar), NGC
	expertise institutional building and legal framework to facilitate implementation of LGSR in Zanzibar	Number of staff trained	Government Reforms						
	Streamline donor funded projects disbursements and reporting procedures	Number of donor funded projects streamlined		MoF, POFEDP (RGoZ), MAFC, MITM, MEM, LGAs	MoF, POFEDP (RGoZ), MAFC, MITM, MEM, LGAs	5	Improved reporting	154,300	MoF, POFEDP (RGoZ), MAFC, MITM, MEM, LGAs, NGC
Objective Three: Promotion of sound Public Finance Management									
1. Enhance PPA activities	Raise awareness on reviewed Public Procurement Act	Number of awareness campaigns conducted	Awareness raising is ongoing but need strengthening	MDAs, PPRA	PPRA, MDAs, LGAs, Private sector, NSAs, Media, Citizenry	5	Efficiency of procurement improved, awareness campaigns reports	288,000	MDAs, PPRA, NGC
	Follow up on implementation of Monitoring and Evaluation of MDAs Procurement Plans	Number of evaluation reports	M&E system in place but not effectively implemented	MDAs, PPRA	PPRA, MDAs, LGAs, Private sector, NSAs, Media, Citizenry	5	Efficiency of procurement improved	100,000	MDAs, PPRA, NGC

Activities by APRM Objectives	Required action	Monitorable indicators	On going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost (USD)	M & E Agency
2. Build capacity of	Train staff	Number of staff trained in	PFMRP in place	MoF, PPRA, RSs, MDAs,	MoF, PPRA, RSs, MDAs,	5	Trained staff in planning,	1,553,000	MoF, PPRA, RSs, MDAs,
MDAs and LGAs to manage funds and improve performance		financial management in Mainland Tanzania & Zanzibar		LGAs	LGAs		budgeting and reporting		LGAs ,NGC
	Enable IFMS connectivity between MoFEA and all LGAs	Number of LGAs connected	IFMS currently in operation but limited to Dar es salaam	MoF, MDAs, LGAs, PMO-LARG	MoF, MDAs, LGAs, PMO-LARG	5	Improved performance of financial management	1,008,000	MoF, MDAs, LGAs, NGC
	Enhance capacity of human resources in financial management (for both Mainland and Zanzibar)	Number of employees trained, number of M & E reports	SBAS, IFMS and ZBAS	MoF, MDAs, LGAs, POFEDP (RGoZ)	MoF, MDAs, LGAs, POFEDP (RGoZ)	5	Improved financial management	275,100	MoF, BOT, NGC, POFEDP (RGoZ), NGC
	Improve macro-micro link	Pro-Poor indicators	MKUKUTA, MKUZA, MKURABITA, BEST	MoF, MDAs, LGAs, POFEDP (RGoZ)	MoF, MDAs, LGAs, POFEDP (RGoZ)	5	Effective macro-micro link	590,000	MoF, BOT, NGC, POFEDP (RGoZ), NGC
	Ensure effective use of Government funds (Zanzibar)	Number of cases of clean audit reports	IFMS and ZBAS	MoF, MDAs, LGAs, POFEDP (RGoZ)	MoF, MDAs, LGAs, POFEDP (RGoZ)	5	Performance report indicating improvement of Government expenditure	328,400	MoF, BOT, NGC, POFEDP (RGoZ), NGC
	Improve effectiveness of the pace of MKUKUTA II and MKUZA II	Number of targets met and attained	MKUKUTA II, MKUZA II and MKURABITA have strong M&E system	MoF, MDAs, LGAs, POFEDP (RGoZ)	MoF, MDAs, LGAs, POFEDP (RGoZ)	5	Accelerated economic growth, poverty reduction and good governance	642,500	MoF, BOT, NGC, POFEDP (RGoZ), NGC
3. Enhance tax administration	Rationalize sources of tax for central and local	Proportion of LGAs own funds to total	TRA and ZRB corporate	MoF, TRA,ZRB and LGAs.	MoF, TRA,ZRB and LGAs Citizenry	5	Tax Administration improved	734,900	MoF, ZRB , TRA and NGC
	government	expenditure of LGAs	plan, Tax payers education initiatives						

Activities by APRM Objectives	Required action	Monitorable indicators	On going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost (USD)	M & E Agency
4. Institute effective government expenditure	Strengthen IFMS	Flow of funds, Number of virement	Expenditure Tracking Unit, Public Expenditure	MoF, POFEDP	MDAs, LGAs and RSs & Zanzibar	5	Effective Government Expenditure Control	141,900	MoF, POFEDP MDAs, LGAs, NGC
control mechanism in MDAs and LGAs			Tracking Surveys						
5. Introduce an Effective Control Mechanism for cross boarder financial institutions	Coordinate regulations and oversight of cross boarder financial institutions by BOT with other regional Central Banks	Minutes of Joint meetings of cross boarder financial institutions		MoF, BOT, TBA	MoF, BOT, TBA	5	regulation of cross boarder financial institutions improves	590,900	MoF, BOT, TBA
6. Introduce an Effective national financial management crisis	Establish a national financial crisis management plan	Financial crisis management plan operationalised		MoF, BOT, TBA	MoF, BOT, TBA	5	financial crisis properly managed	590,900	MoF, BOT, NGC
Objective Four: Fight Corruption and Money Laundering									
1. Improve legal and regulatory framework	Review roles and responsibilities of institutions on corruption and money laundering	Reviewed laws and regulations	MoF (Financial Intelligence Unit), Anti-Money Laundering Unit, PCCB, NACSAP	PCCB, MoF, POPSGG (ZnZ), Ethics Dept PO-PSM, Ethics Secretariat	MDAs, LGAs, MoF, PCCB, NSAs, POPSGG (ZnZ),), Ethics Dept Unit PO-PSM, Ethics Secretariat	5	Cases of corruption and money laundering laundering reduced, legal and regulatory framework in place	827,500	PCCB, MoF, NGC
	Strengthen the capacity of institutions dealing with corruption and money laundering through training, ICT and provision of equipment	Number of staff trained in dealing with corruption and money laundering, Number of institutions participating in training	Anti-Money Laundering Unit, PCCB, Corporate Strategic Business Plan	PCCB, MoF	MDAs, LGAs, MoF, PCCB, DPP, CSOs	5	Enhanced capacity of institutions dealing with money laundering	962,900	PCCB, MoF, NGC
	Strengthen the capacity of institutions dealing with international crimes	Number of staff trained in dealing with international crimes, Number of institutions participating in training of International crimes	Anti-Money Laundering Unit, PCCB Corporate Strategic Plan	PCCB, MoF, MoHA, DPP	MDAs, LGAs, MoF, MoHA, PCCB, NSAs, DPP, POPSM	5	Enhanced capacity of institutions dealing with international crimes	573,500	PCCB, MoF, MoHA, NGC
2. Improve public awareness in relation to money laundering and corruption.	Mount awareness raising campaigns on corruption and money laundering	Outreach campaigns	Anti-Money Laundering Unit; PCCB Corporate Strategic Business Plan	PCCB, MoF, MIYCS,DPP, AG, MICTS	MDAs, LGAs, AG, MIYCS, MICTS, NSAs, Citizenry	5	Increased awareness	204,000	PCCB, MoF, NGC

Activities by APRM Objectives	Required action	Monitorable indicators	On going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost (USD)	M & E Agency
3. Address the root causes of corruption in tax administration	Put in place affordable taxes and plug loopholes in tax law	Corruption level	Review of existing tax laws covering customs duty, excise duty and local government financial Act	MoF, TRA	PCCB, TRA, AG, MoF, NSAs, TCCIA, CTI, ZNCCIA, LGAs, ACT, Chamber of Mines, general public	5	Tax law reviewed	930,500	MoF, TRA, POFEDP,NGC
4. Address the problem of corruption in Zanzibar	Establish and operationalize anti-corruption agency and financial intelligence unit in Zanzibar.	An anti-corruption agency established	Anti Corruption awaiting President to accent	POFEDP (RGoZ), POPSGG (RGoZ), NSAs	Citizenry	5	Operationalized anti-corruption and intelligence unit in Zanzibar	269,500	POFEDP, POPSGG, NGC
Objective Five: Accelerating Regional Integration by Participating in Harmonization of Monetary and Trade Policies Amongst the Participating States									
1. Enhance competitive-ness of local commodities	Sustain production of quality products	Number of products certified by ISO	AGOA, EBA, EPA, EDS, Export Guarantee Scheme, EPZ,SEPZ	TNBC, MITM, BOT, BET	MFAIC, MoF, MEAC, TCCIA, CTI	5	Increased production of quality goods and services	784,900	TBS, TFDA, FCC, NGC
2. Increase trade and market opportunities	Build capacity for market search	Volume of trade increased , number of people trained in negotiating skills increased	Training institutions	MITM, MEAC, MoF, MoCLA, UDSM	MITM, MEAC, MoF, MoCLA, UDSM, MDAs, Training institutions, Citizenry	5	Volume of trade increased, people with good negotiation skills	632,900	MITM, MEAC, MoF, MoCLA, UDSM, NGC
	Effective Participation in RECs	Trade balance, Export volume and value	EAC, SADC, NEPAD in place	MoCLA, MoF, MEAC, MFAIC, EAC Secretariat	MOJCA, MoF, MEAC, MFAIC, EAC Secretariat, citizenry	5	Effective participation in economic integration	144,000	MoCLA, MoF, MEAC, MFAIC, EAC Secretariat, NGC
3.Enhance E-Commerce	Integrate ICT application to trade	Volume of trade transacted through E-Commerce	Training institutions	MFAIC, MoF, MoEVT, MST	MFAIC. MoF, MEAC,MST, EAC Secretariat	5	Improved capacity in human resource and technology	395,450	MFAIC, MoF, MoEVT, MST, NGC

APRM Tanzania National Plan of Action
Economic Governance & Management – (Budget)

Activities by APRM Objectives	Required action	Input/sub-activity	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
STANDARDS AND CODES							
Sign, ratify, accede to, domesticate and popularize democratic principles, Acts and standards	Identify and ratify outstanding standard and codes	Task force to identify and make proposal for ratification	Person day	200	10	14	28,000
		Sub Total					**28,000**
	Domesticate and create awareness on standards and codes	Task force to translate convention into Act	Person day	200	10	14	28,000
		Task force to prepare awareness training materials	Person day	200	10	14	28,000
		Print and electronic media	TV/ Radio Programmes	800	6	30	144,000
	Formalize and Institutionalize a process of Consultation between Zanzibar and Union Government prior to the adoption of Standards and Codes	Task force to prepare a formal consultative mechanism	Person day	200	10	14	28,000
		Follow up implementation	sector	100,000	1	1	100,000
		Sub Total					**128,000**
OBJECTIVE 1: Promotion of macroeconomic policies that support sustainable development							
1. Effectively implement macro economic management which support sustainable macroeconomic development	Strengthen National debt management	Task force to review the existing National Debt management system with the view of					
		identifying weaknesses and propose new improved system	Person	200	6	60	72,000
		Stakeholder workshop to validate proposed new debt management system	Person	40	100	1	4,000
		Consultant to prepare training modules on new debt management system	Person	300	5	5	7,500
		Accommodation	Person	120	100	7	84,000
		Consultant to conduct training on new debt management system	Person	300	5	7	10,500
		Conference package	Person	40	100	7	28,000
		DSA to participants	Person day	60	100	5	30,000
		Domestic transport	Person day	40	100	5	20,000
		Stationeries	Person	3	100	1	300
		Follow up of implementation of new improved debt management system	sector	100,000	1	1	100,000
		Sub Total					**356,300**

Activities by APRM Objectives	Required action	Input/sub-activity	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Institutionalize the use of PETS results	Task force to prepare guidelines for the use of PETS	Person	200	5	5	5,000
		Stakeholders meeting to discuss and validate proposed guidelines on use of PETS	Person day	40	100	3	12,000
		Conference package	Person	40	100	7	28,000
		DSA to participants	Person day	60	100	5	30,000
		Domestic transport	Person day	40	100	5	20,000
		Accommodation	Persons	120	100	7	84,000
		Stationeries	Person	3	100	1	300
		Follow up of implementation on the use of PETS for effective planning	sector	100,000	1	1	100,000
		Sub Total					**279,300**
	Harmonise understanding of MTEF among different stakeholders to facilitate implementation	Follow up on implementation	sector	100,000	1	1	300,000
		Sub-total					**300,000**
	Implement measures of diversifying the economy of Zanzibar	Procure consultant	Lump sum	10,000	1	1	10,000
		Consultant to study and prepare a report of the Zanzibar Economy with the view of identifying areas of diversification such as Agriculture, ICT, Manufacturing etc	Person day	300	2	30	18,000
		Stakeholders meeting to discuss and validate proposed areas of diversification: Conference package	Person day	40	250	4	40,000
		DSA to participants	Person	60	250	4	60,000
		Domestic transport	Person day	40	250	4	40,000
		Stationeries	Person	3	250	4	6,000
		Implement recommended areas for diversification	sector	100,000	1	1	100,000
		Sub Total					**274,000**

Activities by APRM Objectives	Required action	Input/sub-activity	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Strengthen the private sector in Zanzibar.	Procure consultant	Lump sum	10,000	1	1	10,000
		Consultant to study existing coverage of the private sector institutions in Zanzibar and recommend areas for improvement such as encouraging formation of new associations	Person day	300	2	30	18,000
		Stakeholders meeting to discuss and validate proposed areas of improvement: Conference package	Person day	40	250	3	22,500
		DSA to participants	Person	60	250	3	45,000
		Domestic transport	Person day	40	250	3	30,000
		Stationeries	Person	3	250	1	750
		Implement recommended areas for strengthening the private sector institutions for Zanzibar	sector	100,000	1	1	100,000
		Sub Total					**233,750**
	Implement quality control for industrial products in Zanzibar	Procure consultant	Lump sum	10,000	1	1	10,000
		Consultant to prepare terms of reference outlining structure and functions of the quality control institution	Person day	300	2	30	18,000
		One day workshop to validate structure and functions of the quality control institution- Conference package	Person day	40	250	3	30,000
		DSA to participants	Person day	60	250	3	45,000
		Domestic transport	Person day	40	250	3	30,000
		Stationeries	Person	3	300	1	900
		Implementation of the structure and functions of the quality control institution	sector	100,000	1	1	100,000
		Sub Total					**233,900**
	Integrate activities of the informal sector into the mainstream economy to facilitate tax collection from this sector	Procure consultant	Lump sum	10,000	1	1	10,000
		Consultant to review the existing structure of the informal sector in the economy with the view to identifying ways and incentives for tax collection	Person	300	2	40	24,000
		Stakeholder workshop to validate proposed tax incentives for the informal sector	Person	40	250	1	10,000
		Conference package	Person	70	250	7	122,500
		DSA to participants	Person day	60	250	5	75,000
		Domestic transport	Person day	40	250	5	50,000
		Stationeries	Person	3	200	1	600

Activities by APRM Objectives	Required action	Input/sub-activity	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
		Consultant to prepare promotional kits on taxation for the informal sector	Person	300	5	5	7,500
		Awareness raising to the public on the new tax incentive to the informal sector	TV/ Radio Programmes	800	6	30	144,000
		Follow up of implementation of the taxation system to the informal sector	sector	100,000	1	1	100,000
		Sub Total					**543,600**
	Strengthen grassroots participation in Private Public dialogue	Procure consultant	Lump sum	10,000	1	1	10,000
		Consultant to identify areas for dialogue between public- private partnership at grassroots level	Person day	300	2	30	18,000
		Initiate regular dialogue meetings of PPPs including preparation of calendar of meetings and ensuring records of meetings are maintained at grassroots level	sector	0	0	0	-
		Ensure regular democratic elections of leaders of PPPs initiatives at grassroots level	sector	0	0	0	-
		Follow up of implementations	sector	100,000	1	1	100,000
		Sub Total					**128,000**
	Provide adequate facilitation and incentives for LDIs	Procure consultant	Lump sum	10,000	1	1	10,000
		Consultant to study existing incentive package for LDIs and recommend appropriate interventions.	Person day	300	2	30	18,000
		Stakeholders meeting to discuss and validate proposed incentive package: Conference package	Person day	40	250	3	30,000
		DSA to participants	Person	60	250	3	45,000
		Domestic transport	Person day	40	250	3	30,000
		Stationeries	Person	3	250	1	750
		Include agreed incentive packages into TIC and ZIPA Acts	sector	0	0	0	-
		Implement recommended approved incentive package of LDIs	sector	100,000	1	1	100,000
		Awareness raising to the public on the new incentive packages to LDIs	TV/ Radio Programmes	800	6	30	144,000
		Sub Total					**377,750**

Activities by APRM Objectives	Required action	Input/sub-activity	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Review employment policies, Establish funding for micro-projects	Task force to propose improvements in dissemination of youth funds	Person day	200	10	30	60,000
		Stakeholders to validate proposed improvements in dissemination of youth funds: Conference package	Person day	40	300	5	60,000
		DSA to participants	Person day	60	250	5	75,000
		Domestic transport	Person day	40	250	5	50,000
		Stationeries	Person	3	1,000	1	3,000
		Create awareness to the public on the available youth funds	TV/ Radio programme	800	6	30	144,000
		Follow up implementation	sector	100,000	1	1	100,000
		Sub Total					**492,000**
	Ensure access to Social Security services particularly to majority Tanzanians	Follow up implementation	sector	100,000	2	1	200,000
		Sub Total					**200,000**
2. Improve agricultural production and marketing.	Improve Agricultural productivity	Task force to identify how and who to be provided with farm implements and extension services.	Person day	200	20	90	360,000
		Stakeholders meeting to discuss proposed modalities : Conference package	Person day	40	500	5	100,000
		DSA to participants	Person	60	500	10	300,000
		Domestic transport	Person day	40	500	5	100,000
		Stationeries	Person	3	500	1	1,500
		Strengthen the implementation of ASDP/ASP to improve agricultural production, processing and marketing: Steering committee to follow up of implementation:	Person day	300	100	10	300,000
		Domestic transport	Person day	40	100	4	16,000
		Stationeries	Person	2	100	4	800
		Support provision of farm implements	sector	10,000,000	1	1	10,000,000
		Support extension services/ farmer training	sector	10,000,000	1	3	30,000,000
		Support contract farming	sector	10,000,000	1	3	30,000,000.00
		Support community based irrigation	sector	10,000,000	1	3	30,000,000.00
		Awareness raising to the farmers on how to increase agriculture production	TV/ Radio Programmes	800	6	60	288,000.00
		Follow up implementation	sector	100,000	1	1	100,000
		Sub Total					**101,566,300**

Activities by APRM Objectives	Required action	Input/sub-activity	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Improve agricultural market access, infrastructure and trade	Procure consultant	Lump sum	10,000	1	1	10,000
		Consultant to prepare market information dissemination strategy to farmers.	Person day	300	20	50	300,000
		Stakeholders meeting to discuss proposed strategy: Conference package	Person day	40	1,000	5	200,000
		DSA to participants	Person	60	1,000	5	300,000
		Domestic transport	Person day	40	1,000	5	200,000
		Stationeries	Person	3	1,000	1	3,000
		Strengthen the implementation of ASDP/ASP to improve agricultural marketing and market access	Person day	300	100	10	300,000
		Domestic transport	Person day	40	100	4	16,000
		Stationeries	Person	100	2	4	800
		Awareness raising to the farmers on how to access market information	TV/ Radio Programmes	800	6	30	144,000
		Follow up implementation	sector	100,000	1	1	100,000
		Sub Total					**1,573,800**
	Address the shortcomings in the legal and regulatory framework for agriculture	Task force to identify shortcomings in the legal and regulatory framework for agriculture with the view to establishing revised laws and regulations	Person day	200	10	20	40,000
		Validate proposed regulatory frame work for agriculture: Conference package	Person day	40	1,000	5	200,000
		DSA to participants	Person day	60	1,000	5	300,000
		Domestic transport	Person day	40	1,000	5	200,000
		Stationeries	Person	3	1,000	1	3,000
		Submit to the IMTC	sector	-	-	-	-
		Submit to the Cabinet	sector	-	-	-	-
		Submit to the National Assembly	sector	-	-	-	-
		Create awareness to public on the Act	Size/ Programs	800	6	30	144,000
		Sub Total					**887,000**

Activities by APRM Objectives	Required action	Input/sub-activity	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Improve agricultural business development services	Task force to identify opportunities for agricultural business development in the agricultural sector such as off farm business, agro processing etc	Person day	200	10	30	60,000
		Stakeholders to validate available business opportunities in the agricultural sector : Conference package	Person day	40	1,000	5	200,000
		DSA to participants	Person day	60	1,000	5	300,000
		Domestic transport	Person day	40	1,000	5	200,000
		Stationeries	Person	3	1,000	1	3,000
		Support fund for off farm business	sector	6,000,000	1	3	18,000,000
		Create awareness to the public on the available business opportunities in the agricultural sector	TV/ Radio programme	800	6	30	144,000
		Follow up implementation	sector	100,000	1	1	100,000
		Sub Total					**19,007,000**
	Promote production for export in both Mainland and Zanzibar.	Task force to conduct a study on agricultural products with potential demand in the export market and recommend incentive packages for promotion of exports	Person day	200	20	30	120,000
		Stakeholders meeting to validate available export opportunities: Conference package	Person	40	1000	3	120,000
		DSA to participants	Person	60	1000	3	180,000
		Domestic transport	Person day	40	1000	3	120,000
		Stationeries	Person	3	500	1	1,500
		Include agreed incentive packages for exporters into TIC and ZIPA Acts	sector	0	0	0	-
		Implement recommended incentive packages for agricultural exports	sector	100,000	1	3	300,000
		Support farmers to meet export standards	sector	7,500,000	1	3	22,500,000
		Awareness raising to the public on the new incentive packages for agricultural exports	TV/ Radio Programmes	800	6	30	144,000
		Sub Total					**23,485,500**

Activities by APRM Objectives	Required action	Input/sub-activity	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
3. Improve performance of the industrial sector	Strengthen EPZs and SEZs	Task force to identify and recommend potential areas for the establishment of new EPZ and SEZ to facilitate manufacturing for export	Person day	300	10	20	60,000
		Workshop to validate recommended potential areas for new EPZ and SEZ: Conference package	Person day	40	100	3	12,000
		DSA to participants	Person day	60	100	3	18,000
		Domestic transport	Person day	40	100	3	12,000
		Stationeries	Person	3	100	1	300
		Create awareness to the public to utilize the available opportunities of new EPZ and SEZ	TV/ Radio Programmes	800	6	30	144,000
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**346,300**
	Improve local infrastructure for industrialization (energy, water, roads) for both Mainland and Zanzibar	Procure consultant	Lump sum	10,000	1	1	10,000
		Task force to study and identify gaps and resource needs in the infrastructure for industrialization	Person day	200	10	40	80,000
		Workshop to validate identified gaps and resource needs of the infrastructure for industrialization: Conference package	Person day	40	300	3	36,000
		DSA to participants	Person day	60	300	3	54,000
		Domestic transport	Person day	40	300	3	36,000
		Stationeries	Person	3	300	1	900
		Prioritization of identified gaps	sector	0	0	0	-
		Cost of infrastructure development	sector	500,000,000	1	3	1,500,000,000
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**1,500,316,900**

Activities by APRM Objectives	Required action	Input/sub-activity	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Improve efficiency in production and supply of energy so as to offer competitive price	Task force to study efficiency cost of production, tariff structure and propose strategy to reduce tariffs	Person day	200	10	50	100,000
		Workshop to validate proposed modalities: Conference package	Person day	40	250	3	30,000
		DSA to participants	Person day	60	250	3	45,000
		Domestic transport	Person day	40	250	3	30,000
		Stationeries	Person	3	500	1	1,500
		Implementation of the new tariff structure	sector	0	0	0	-
		Follow up on implementation	sector	100,000	1	1	100,000.00
		Sub Total					**306,500**
	Enhance development finance	Task force to assess human and physical resources, systems and structures with respect to envisaged capitalization	Person day	200	20	60	240,000
		Consultant to assess the medium and long term needs in the industry and agricultural sector	Person day	300	20	60	360,000
		Set up supervisory department at the Ministry of Finance	sector	0	0	0	-
		Capacity building	sector	500,000	1	1	500,000
		Provide Medium and long term credit	sector	500,000,000	1	3	1,500,000,000
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**1,501,200,000**
OBJECTIVE 2: Implement transparent, predictable and credible government economic policies							
1. Involvement of stakeholders in the implementation of economic policies	Enhance participation of non state actors in planning and implementation process	Task force to prepare training modules and guidelines on participative planning	Person day	200	10	20	40,000
		Consultant to conduct training on participative planning	Person day	300	10	7	21,000
		Conference package	Person day	40	250	7	70,000
		DSA to participants	Person	60	250	7	105,000
		Domestic transport	Person day	40	250	7	70,000
		Stationeries	Person	3	500	1	1,500
		Institutionalize participative planning	sector	0	0	0	-
		Awareness raising to the public on participative planning	TV/ Radio Programmes	800	6	30	144,000
		Follow up of implementation	sector	100,000	1	1	100,000
		Sub Total					**551,500**

Activities by APRM Objectives	Required action	Input/sub-activity	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
2. Strengthening data base for policy implementation	Build capacity for data collection, analysis and management	Task force to study existing system of data collection, analysis and management with a view to recommend improvements	Person day	200	10	30	60,000
		Workshop to validate recommended improvement					
		(recruitment, training): Conference package	Person day	40	80	1	3,200
		DSA to participants	Person day	60	80	1	4,800
		Domestic transport	Person day	40	80	1	3,200
		Stationeries	Person	100	3	1	300
		Recruitment of qualified data base managers	sector	0	0	0	-
		Conduct training based on identified gaps: Conference package	Person day	70	500	2	70,000
		DSA to participants	Person day	60	500	2	60,000
		Domestic transport	Person day	40	500	2	40,000
		Stationeries	Person	3	500	1	1,500
		Implementation of the improved data collection, analysis and management	sector	0	0	0	-
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**313,000**
	Improve data collection, compiling and computing projections statistics for the Office of the Chief Government Statistician (OCGS) in Zanzibar	Procure consultant	Lump sum	10,000	1	1	10,000
		Consultant to prepare training manual on data collection, compiling and computing projections statistics for the office of the Chief Government Statistician (OCGS) in Zanzibar	Person day	300	2	30	18,000
		One day stakeholders workshop to validate training manual: Conference package	Person day	40	100	3	12,000
		DSA to participants	Person day	60	100	3	18,000
		Domestic transport	Person day	40	100	3	12,000
		Stationeries	Person	3	300	1	900
		Follow up on Implementation of the manual and monitor progress	sector	100,000	1	1	100,000
		Sub Total					**170,900**

Activities by APRM Objectives	Required action	Input/sub-activity	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Improve capacity of staff, budget, equipment as well as decent working place for the OCAG in Zanzibar	Procure consultant	Lumpsum	10,000	1	1	10,000
		Consultant to undertake needs assessment and recommend ways of improving capacity of staff, budget, equipment as well as decent working place for the OCAG in Zanzibar	Person day	300	10	30	90,000
		Follow up on Implementation of ways for improving efficiency of OCAG office in Zanzibar	sector	100,000	1	1	100,000
		Follow up on Implementation of the manual and monitor progress	sector	100,000	1	1	100,000
		Sub Total					**300,000**
	Increase resources, improve HR capacity, technical expertise institutional building and legal framework to facilitate implementation of LGSR in Zanzibar	Procure consultant	Lump sum	10,000	1	1	10,000
		Consultant to undertake needs assessment for improved capacity of staff, technical expertise institutional building and legal framework to facilitate implementation of LGSRP in Zanzibar	Person day	300	10	30	90,000
		Follow up on Implementation of the LSRP in Zanzibar	sector	100,000	1	1	100,000
		Sub-total					**200,000**
	Streamline donor funded projects disbursements and reporting procedures	Task force to study existing disbursement and reporting procedures with a view to recommend improvements	Person day	200	10	20	40,000
		Workshop to validate recommended disbursement and reporting procedures: Conference package	Person day	40	100	1	4,000
		DSA to participants	Person day	60	100	1	6,000
		Domestic transport	Person day	40	100	1	4,000
		Stationeries	Person	3	100	1	300
		Follow up on Implementation of the effectiveness of proposed procedures	sector	100,000	1	1	100,000
		Sub Total					**154,300**
		OBJECTIVE 3: Promotion of Sound Public Finance Management					
1. Enhance PPA activities	Awareness Raising to Reviewed Public Procurement Act	Create awareness to public on the reviewed Act and Regulations	Size/ Programs	800	6	60	288,000
		Sub Total					**288,000**
	Follow up on implementation of Monitoring and Evaluation of MDAs Procurement Plans	Follow up implementation		100,000	1	1	100,000
		Sub Total					**100,000**

Activities by APRM Objectives	Required action	Input/sub-activity	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
2. Build capacity of MDAs and LGAs to manage funds and improve performance	Train staff	Procure consultant	Lump sum	10,000	1	1	10,000
		Consultant to conduct training needs assessment and prepare training plan	Person day	300	20	50	300,000
		Consultant to prepare training material on how to manage funds and improve performance	Person day	300	20	60	360,000
		Consultant to conduct training	Person day	300	20	60	360,000
		Conference package	Person day	40	1,000	3	120,000
		DSA to participants	Person day	60	1,000	3	180,000
		Domestic transport	Person day	40	1,000	3	120,000
		Stationeries	Person	3	1,000	1	3,000
		Follow up implementation	sector	100,000	1	1	100,000
		Sub Total					**1,553,000**
	Enable IFMS connectivity between MoF and all LGAs	Procure consultant	Lump sum	10,000	1	1	10,000
		Consultant to determine IFMS connectivity needs	Person day	300	10	90	270,000
		Consultant to install IFMS connectivity	Person day	300	10	90	270,000
		Consultant to conduct training on the of IFMS	Person day	300	10	35	105,000
		DSA to participants	Person day	60	500	5	150,000
		Domestic transport	Person day	40	500	5	100,000
		Stationeries	Person	3	1,000	1	3,000
		Follow up implementation	sector	100,000	1	1	100,000
		Sub Total					**1,008,000**

Activities by APRM Objectives	Required action	Input/sub-activity	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Enhance capacity of human resources in financial management (for both Mainland and Zanzibar)	Procure consultant	Lump sum	10,000	1	1	10,000
		Consultant to review existing financial management system in order to make improvement	Person	300	10	30	90,000
		Stakeholder workshop to validate reviewed new financial management system	Person	40	100	1	
		Conference package	Person	40	100	1	4,000
		DSA to participants	Person day	60	100	1	6,000
		Domestic transport	Person day	40	100	3	12,000
		Stationeries	Person	100	3	1	300
		Consultant to prepare training manuals on the developed new financial management system	Person	300	2	7	4,200
		Consultant to conduct training	Person	300	3	7	6,300
		Conference package	Person	40	100	3	12,000
		DSA to participants	Person day	60	100	3	18,000
		Domestic transport	Person day	40	100	3	12,000
		Stationeries	Person	3	100	1	300
		Follow up implementation of the reviewed financial management system	sector	100,000	1	1	100,000
		Sub Total					**275,100**
	Improve macro-micro link	Procure consultant	Lump sum	10,000	1	1	10,000
		Consultant to review existing macro- micro linkages in terms of flow information, policies to support each other, translate existing policies into realities and recommend for improvement	Person	300	3	30	27,000
		Stakeholder workshop to validate proposed macro- micro linkages: Conference package	Person	40	300	1	12,000
		Conference package	Person	40	300	1	
		DSA to participants	Person day	60	300	1	18,000
		Consultant to conduct training to policy makers on macro- micro linkages	Person	300	10	2	6,000
		Domestic transport	Person day	40	500	3	60,000
		Stationeries	Person	500	3	1	1,500
		Conference package	Person	40	500	3	60,000
		DSA to participants	Person day	60	500	3	90,000
		Domestic transport	Person day	40	500	3	60,000
		Stationeries	Person	3	500	1	1,500

Activities by APRM Objectives	Required action	Input/sub-activity	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
		Create awareness to public on policies and relating it to macro-micro linkages	TV/ Radio Programmes	800	6	30	144,000
		Follow up implementation of the reviewed new financial management system	sector	100,000	1	1	100,000
		Sub Total					**590,000**
	Ensure effective use of Government funds (Zanzibar)	Procure consultant	Lump sum	10,000	1	1	10,000
		Consultant to identify training needs on prioritization of government expenditure	Person	300	10	30	90,000
		Consultant to prepare training modules on identified gaps	Person	300	10	30	90,000
		Consultant to conduct training to stakeholders on proper prioritization of government expenditure	Person	300	3	5	4,500
		Conference package	Person	40	80	3	9,600
		DSA to participants	Person day	60	80	3	14,400
		Domestic transport	Person day	40	80	3	9,600
		Stationeries	Person	3	100	1	300
		Follow up implementation of the reviewed new financial management system	sector	100,000	1	1	100,000
		Sub Total					**328,400**
	Improve effectiveness of the pace of MKUKUTA II and MKUZA II	Improve revenue collection so as to provide adequate funds for the implementation of MKUKUTA II, MKUZA II, MKURABITA (Covered under objective three main activity one of socio-economic development)	sector	0	0	0	-
		Procure consultant to review M&E system of MKUKUTA II, MKUZA II and MKURABITA	Person	10,000	1	1	10,000
		Consultant to review MKUKUTA II, MKUZA II and MKURABITA and propose efficient M&E systems	Person day	300	20	30	180,000
		Stakeholders meeting to discuss and validate proposed M&E system: Conference package	Person day	40	500	5	100,000
		DSA to participants	Person	60	500	5	150,000
		Domestic transport	Person day	40	500	5	100,000
		Stationeries	Person	5	500	1	2,500
		Implementation of the agreed M&E system	sector	100,000	1	1	100,000
		Sub Total					**642,500**

Activities by APRM Objectives	Required action	Input/sub-activity	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
3. Enhance tax administration	Rationalize sources of tax for central and local government	Procure consultant	Lump sum	10,000	1	1	10,000
		Consultant to study existing sources of tax for both Mainland Tanzania and Zanzibar with the view to rationalizing them.	Person day	300	10	90	270,000
		Workshop to validate proposed sources of tax: Conference package	Person day	40	300	5	60,000
		DSA to participants	Person day	60	300	5	90,000
		Domestic transport	Person day	40	300	5	60,000
		Stationeries	Person	3	300	1	900
		Awareness raising to the business community on rationalized sources of tax	TV/ Radio Programmes	800	6	30	144,000
		Implementation of the new sources of tax	sector	0	0	0	0
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**734,900**
4. Institute effective government expenditure control mechanism in MDAs and LGAs	Strengthen IFMS	Implement improved connectivity of IFMS to all MDAs and LGAs	sector	0	0	0	0
		Consultant to identify training needs in expenditure tracking system	Person	300	5	5	7,500
		Consultant to conduct training in expenditure tracking system	Person	300	5	5	7,500
		Conference package	Person	40	300	3	36,000
		DSA to participants	Person day	60	300	3	54,000
		Domestic transport	Person day	40	300	3	36,000
		Stationeries	Person	3	300	1	900
		Sub Total					**141,900**
5. Introduce and operationalise an Effective Control Mechanism for cross boarder financial institutions	Coordinate regulations and oversight of cross boarder financial institutions	Procure consultant	Lump sum	10,000	1	1	10,000
		Consultant to study existing regulations and oversight of cross boarder financial institutions with a view of rationalizing them.	Person day	300	10	90	270,000
		Workshop to validate proposed regulation of cross boarder financial institutions: Conference package	Person day	40	300	5	60,000
		DSA to participants	Person day	60	300	5	90,000
		Domestic transport	Person day	40	300	5	60,000
		Stationeries	Person	3	300	1	900
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**590,900**

Activities by APRM Objectives	Required action	Input/sub-activity	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
6. Introduce and operationlise an Effective national financial management crisis	Establish a national financial crisis management plan	Procure consultant	Lump sum	10,000	1	1	10,000
		Consultant to propose a National Financial Crisis Management Plan	Person day	300	10	90	270,000
		Workshop to validate proposed a National Financial Crisis Management Plan: Conference package	Person day	40	300	5	60,000
		DSA to participants	Person day	60	300	5	90,000
		Domestic transport	Person day	40	300	5	60,000
		Stationeries	Person	3	300	1	900
		Implementation of the a National Financial Crisis Management Plan	sector	0	0	0	0
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**590,900**
OBJECTIVE 4: Fight Corruption and Money Laundering							
1. Improve legal and regulatory framework	Review roles and responsibilities of institutions on corruption and money laundering	Procure consultant	Lump sum	10,000	1	1	10,000
		Consultant to review roles and responsibilities of institutions dealing with corruption and money laundering	Person	300	10	30	90,000
		Consultant to propose new roles and responsibilities of institutions dealing with corruption and money laundering in order to increase efficiency and effectiveness	Person	300	10	14	42,000
		Validate proposed roles and responsibilities: Conference package	Person day	40	500	5	100,000
		DSA to participants	Person day	60	500	5	150,000
		Domestic transport	Person day	40	500	5	100,000
		Stationeries	Person	3	500	1	1,500
		Submit to the IMTC	sector	0	0	0	0
		Submit to the Cabinet	sector	0	0	0	0
		Amend the Act to include identified roles and responsibilities: Consultant to draft amendments to the law	Person	300	10	30	90,000
		Create awareness to the institutions on the new roles and responsibilities	TV/ Radio Programs	800	6	30	144,000
		Follow up on implementation of the amended laws	sector	100,000	1	1	100,000
		Sub Total					**827,500**

Activities by APRM Objectives	Required action	Input/sub-activity	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Strengthen the capacity of institutions dealing with corruption and money laundering through training, ICT and provision of equipment	Procure consultants	Lumpsum	10000	1	1	10,000
		Consultants to conduct SWOT analysis of institutions dealing with corruption and money laundering	Person	300	10	30	90,000
		Consultants to develop training programme and modules on identified areas of weaknesses (e.g.. investigation skills)	Person	300	10	30	90,000
		Consultant to conduct training on identified gaps	Person	300	10	14	42,000
		Conference package	Person day	40	300	14	168,000
		DSA to participants	Person day	60	300	14	252,000
		Domestic transport	Person day	40	300	14	168,000
		Stationeries	Person	3	300	1	900
		Recruitment of new staff to fill identified gaps	sector	0	0	0	0
		Consultant to review and propose revised mandate and scope of institutions dealing with corruption and money laundering such as PCCB and ant-money laundering unit	Person	300	10	14	42,000
		Follow up on implementation of the revised scope and mandate of institutions	sector	100,000	1	1	100,000
		Sub Total					**962,900**
	Strengthen the capacity of institutions dealing with international crimes.	Procure consultants	Lump sum	10,000	1	1	10,000
		Consultants to conduct SWOT analysis of institutions dealing with International crimes	Person	300	10	30	90,000
		Consultants to develop training programme and modules on identified areas of weaknesses (e.g.. investigation skills)	Person	300	10	10	30,000
		Consultant to conduct training on identified gaps	Person	300	10	9	27,000
		Conference package	Person day	40	300	7	84,000
		DSA to participants	Person day	60	300	7	126,000
		Domestic transport	Person day	40	300	7	84,000
		Stationeries	Person	3	500	1	1,500
		Recruitment of new staff to fill identified gaps	sector	0	0	0	0
		Consultant to review and propose revised mandate and scope of institutions dealing with International crimes such as Police	Person	300	10	7	21,000
		Follow up on implementation of the revised scope and mandate of institutions dealing with International crimes	sector	100,000	1	1	100,000
		Sub Total					**573,500**

Activities by APRM Objectives	Required action	Input/sub-activity	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
2. Improve public awareness in relation to money laundering and corruption.	Mount awareness raising campaigns on corruption and money laundering	Task force to prepare awareness raising materials on corruption and money laundering	Person	200	10	30	60,000
		Implement awareness raising on corruption and money laundering	Size/ Programs	800	6	30	144,000
		Sub Total					**204,000**
3. Address the root causes of corruption in tax administration	Put in place affordable taxes and plug loopholes in tax law	Procure consultant	Person	10,000	1	1	10,000
		Consultant to review existing tax laws and levies for LGAs with the view to propose improvements in tax structure and modalities for collection	Person day	300	10	90	270,000
		Stakeholders workshop to validate proposed tax structure and modalities for collection: Conference package	Person day	40	300	7	84,000
		DSA to participants	Person day	40	300	5	60,000
		Domestic transport	Person day	40	300	5	60,000
		Stationeries	Person	3	300	1	900
		Create awareness to the public on proposed tax structure and modalities for collection	Size/ Programs	800	6	72	345,600
		Implementation of the new tax structure and modalities for collection	sector	100,000	1	1	100,000
		Sub Total					**930,500**
4. Address the problem of corruption in Zanzibar	Establish anti-corruption agency and financial intelligence unit in Zanzibar.	Procure consultant	Lump sum	10000	1	1	10,000
		Consultant to establish ICT and office equipment needs for the anti-corruption and money laundering institutions	Person	300	10	30	90,000
		Establish the organ	sector	0	0	0	0
		Validation of structure and functions of the established organ: Conference package	Person day	40	400	3	48,000
		DSA to participants	Person day	60	400	3	72,000
		Domestic transport	Person day	40	400	3	48,000
		Stationeries	Person	3	500	1	1,500
		Sub Total					**269,500**
OBJECTIVE 5: Accelerating regional integration by participating in harmonization of monetary, trade policies amongst the participating states							

Activities by APRM Objectives	Required action	Input/sub-activity	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
1. Enhance competitive-ness of local commodities	Sustain production of quality products	Procure consultant	Lump sum	10000	1	1	10,000
		Consultant to identify training needs and incentive packages for the development of entrepreneurship	Person	300	20	30	180,000
		Consultants to develop training programme and modules on identified areas for the development of entrepreneurship	Person	300	20	30	180,000
		Consultant to conduct training on identified gaps	Person	300	10	10	30,000
		Conference package	Person	40	300	5	60,000
		DSA to participants	Person day	60	300	5	90,000
		Domestic transport	Person day	40	300	5	60,000
		Stationeries	Person	3	300	1	900
		Consultants to prepare guidelines on how to become an entrepreneur	Person	300	10	10	30,000
		Create awareness to public on the importance of entrepreneurship development	Size/ Programs	800	6	30	144,000
		Sub Total					**784,900**
2. Increase trade and market opportunities	Build capacity for market search	Procure consultant	Lump sum	10,000	1	1	10,000
		Consultant to identify training needs for negotiations in international trade and other international agreements	Person	300	20	20	120,000
		Consultants to develop training programme and modules on identified areas for the development of negotiations skills	Person	300	20	20	120,000
		Consultant to conduct training on identified areas	Person	300	10	10	30,000
		Conference package	Person	40	300	5	60,000
		DSA to participants	Person day	60	300	5	90,000
		Domestic transport	Person day	40	300	5	60,000
		Stationeries	Person	3	300	1	900
		Consultants to prepare guidelines for effective negotiations	Person	300	10	14	42,000
		Follow up implementation	sector	100,000	1	1	100,000
		Sub Total					**632,900**
	Effective Participation in RECs	MoF/POFEDP to allocate adequate funds to RECs,	sector	0	0	0	0
		Strengthen the activities of task force to fast tracking implementation of non-controversial aspects/ areas of integration	Person	300	40	12	144,000
		Sub Total					**144,000**

Activities by APRM Objectives	Required action	Input/sub-activity	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
3.Enhance E-Commerce	Integrate ICT application to trade	Procure consultant	Lumpsum	10,000	1	1	10,000
		Consultant to study areas of operations and management with the view to propose a system for integrating ICT application.	Person	300	20	30	180,000
		Task force to validate proposed ICT application system: Conference package	Person	40	150	5	30,500
		DSA to participants	Person day	60	150	5	45,000
		Domestic transport	Person day	40	150	5	30,000
		Stationeries	Person	150	3	1	450
		Follow up implementation	sector	100,000	1	1	100,000
		Sub Total					**395,450**
		Grand Total					**3,166,772,350**

CORPORATE GOVERNANCE

Activities by APRM Objectives	Required Action	Monitorable Indicators	On going initiatives including current Projects in Government POA	Implementing Agency	Key Stakeholders	Time Frame (Years)	Expected Output	Estimated cost (USD)	M & E Agency
STANDARDS AND CODES									
1. Sign, ratify, accede to, domesticate and popularize democratic principles, codes and standards	Ratify outstanding standards and codes	Number of outstanding standards and codes are ratified	Ratification is an ongoing activity. CHRGG in place	MFAIC, MoCLA, MHSW, MCDGC, Parliament, HoR, AG	MFAIC, MoCLA, Parliament, HoR, CSO, Political Parties, AG	5	Codes standards ratified	14,000	MFAIC, MHSW, MCDGC, MoCLA, Parliament, HoR, NGC, AG
	Domesticate and create awareness on standards and codes	Number of standards and codes popularized and domesticated, Number of instruments for enforcement in place		MFAIC, MoCLA, MHSW, MCDGC, Parliament, HoR	MFAIC, MoCLA, MHSW, MCDGC, Parliament, HoR	5	Codes standards domesticated and popularized	158,000	MFAIC, MHSW, MCDGC, MoCLA, Parliament, HoR, VPO (I) NGC
Objective One: Promote an Enabling Environment and Effective Regulatory Framework for Economic Activities									
1. Strengthen legal and regulatory framework in Zanzibar	Promote culture of conforming to legal and Business standards	Number of businesses conforming to legal requirements, Number of businesses conforming to consumer standards	BEST	BEST, ZNCCIA, POFEDP, Registrar General Zanzibar	CSOs, Zanzibar Business Community, HoR, MITT(RGoZ)	5	Legal requirements and standards complied with	308,000	MITM (RGoZ), TIC, ZIPA, POFEDP, NGC
	Formulate policy to enhance participation of private corporations in economic activities.	Number of private corporate businesses engaged in economic activities	BEST,MKUZA II,TASAF	POFEDP, POPSGG, NSAs	Business community, NSAs, Government	5	A policy in place	329,300	POFEDP, POPSGG, NSAs, NGC
	Enact law to guide activities of corporate entities	Number of legal framework	BEST, MKUZA II,TASAF	POFEDP, POPSGG, NSAs,	Business community, NSAs, AG-RGoZ	5	Law enacted	251,600	POFEDP, POPSGG, NSAs, NGC
	Strengthen existing business institutions	Number institutions performing well in business	BEST, MKURABITA, RGoZ has a framework in place	POFEDP, POPSGG, NSAs,	Business community, NSAs Government	5	Strengthened and effective institutions	166,700	POFEDP, POPSGG, NSAs, NGC
	Strengthen M&E framework	Effective M&E		POFEDP, POPSGG, NSAs,	Business community, NSAs, Government	5	Revised M&E in place	159,500	POFEDP, POPSGG, NSAs, NGC
2.Build capacity for effective implementation of International Financial and Accounting Standards (IFAS)	Train personnel to perform as per IFAS	Number of personnel trained, Number of institutions conforming to IFAS	CAG strengthened	NBAA, MoF,CAG	Corporations, NSAs, regulatory bodies	5	Trained personnel and regulatory institutions strengthened, adherence of the standards	155,500	NBAA, MoF, CAG, NGC

Activities by APRM Objectives	Required Action	Monitorable Indicators	On going initiatives including current Projects in Government POA	Implementing Agency	Key Stakeholders	Time Frame (Years)	Expected Output	Estimated cost (USD)	M & E Agency
Objective Two: Ensure that Corporations Act as Good Corporate Citizens with Regards to Human Rights, Social Responsibility and Environmental Sustainability									
1.Strengthen organs of tripartite dialogue (government, employers and trade unions) in Mainland and Zanzibar	Train tripartite organs on effective use of data to improve quality of negotiations.	Number of personnel trained, Number of disputes handled	Strengthen Labour Relations in East Africa (SLREA II), ZATUC	MoLE, ATE, TUCTA, ZATUC, NSAs,	ILO, MoLE,Trade unions, employers associations	5	Training programme in place	179,500	MoLE, NSAs, NGC
2. Ensure compliance with Labour Laws (Employment Act,	Establish organs of mediation and arbitration in Zanzibar and strengthen	Organs in place, performance of labour tribunal		MoLE, ATE, TUCTA, ZATUC, NSAs, CMA,	MoLE, ATE, TUCTA, ZATUC, NSAs, CMA,	5	Decline in labour conflicts, speedy resolution of labour	118,900	MoLE, CSOs, CMA, NGC
Workmen's Compensation, Labour Relations and Safety at work)	labour tribunal CMA in mainland Tanzania						related conflict, organs of mediation in place, labour inspection reports		
3. Create enabling environment which will encourage corporations to provide community development services	Review tax laws and create awareness to corporations to encourage participation in community development	Quantity of community services provided	MACEMP, RECOMAC	MoF, AG	MoF, NSAs, AG	5	Corporations participate in corporate social responsibility activities	258,900	MoF, NSAs, NGC
	Establish public policy to guide corporations on corporate social responsibilities	Policy in place	Corporations provide corporate social responsibilities on ad hoc basis	MIT, PMO, MCIM-RGoZ	MIT, PMO, MCIM-RGoZ, Non State Actors, Citizenry	2	Improved governance and provision of corporate social responsibility	267,450	MIT, PMO, MCIM-RGoZ, NGC
4. Ensure implementation of rightful compensation of land and property in mining areas	Fast track the pending cases in court to dispense justice	Number of cases decided	Legal Sector Reform Programme, Employment of Judges	MoCLA, Judiciary	MoCLA, Judiciary, Mining companies and citizenry	2	Improved legal dispensation	1,014,000	MoF, Judiciary, NGC
5. Ensure compliance with existing Environmental policies and laws	Create awareness on environmental laws and regulations	Corporations meet their obligations, Level of awareness and compliance with environmental laws,	NEMC continues to enforce compliance, review and monitor the EIA; 13 regulations prepared; Establishment of the Environmental Officers Scheme of Service	NEMC, DoE-(VPO), LGAs	NEMC, DoE-(VPO), LGA, MNRT, Media, Industries, General public	5	Increased awareness and compliance with environmental laws, Reduced level of environmental degradation	256,000	Media,NEMC, DoE-(VPO), MNRT, LGAs, Industries, general public, NGC

Activities by APRM Objectives	Required Action	Monitorable Indicators	On going initiatives including current Projects in Government POA	Implementing Agency	Key Stakeholders	Time Frame (Years)	Expected Output	Estimated cost (USD)	M & E Agency
	Ratify and domesticate conventions on environment	Number of conventions ratified and domesticated	Ratification and domestication of conventions e.g. CBD, UNFCCC	NEMC, DoE-(VPO)	NEMC, DoE--(VPO), LGA, MNRT, Media, Industries, Environment Lines Sector Ministries, General public	5	Reduced level of environmental degradation	452,000	NEMC, DoE--(VPO), MNRT, NGC
	Develop implementation strategy on domesticated conventions	Strategies in place	National Climate Change strategy is on final stages; A reviewed NEAP, 2007 is on final stage	NEMC, DoE (VPO), NMRT	NEMC, DoE--(VPO), LGA, MNRT, Media, Industries, Environmental Line Sector Ministries, General public	5	Convention domesticated and implemented	255,000	NEMC, DoE (VPO), MNRT
	Increase and strengthen institutional capacity for the enforcement of EMA 2004	Number of environmental offenses	Implementation of EMA 2004; Establishment of SES (Sector Environment Section);	NEMC, DoE (VPO), LGAs	NEMC, DoE (VPO), LGAs, MDAs, MNRT, Sector Ministries	5	Reduced number of environmental offences	584,000	NEMC, DoE (VPO), LGAs, MDAs, MNRT, Sector Ministries

Activities by APRM Objectives	Required Action	Monitorable Indicators	On going initiatives including current Projects in Government POA	Implementing Agency	Key Stakeholders	Time Frame (Years)	Expected Output	Estimated cost (USD)	M & E Agency
6. Enhance the implementation of environmental conservation	Review the strategy for urgent actions to address land degradation and water catchment	Percentage of chemicals in ground water sources and rivers	Introduction of presidential award on tree planting and water catchment	NEMC, DoE (VPO), LGAs, MoWI, MNRT	NEMC, DoE (VPO), LGAs, MDAs, MNRT, MoWI, citizenry	5	Clean and sustainable water sources	618,000	NEMC, DoE (VPO), LGAs, MoWI, MNRT, NGC
	Reinstate land to alternative uses and supervise the operations in the regeneration of the land in the already mined areas such as Mara	Reclaimed land area		NEMC, DoE (VPO), LGAs, MoWI, MNRT, MLHSD(Mainland and Zanzibar)	NEMC, DoE (VPO), LGAs, MDAs, MNRT, MoWI, MLHSD, citizenry	5	Increased level of economic activities in the reclaimed areas	7,900,000	NEMC, DoE (VPO), LGAs, MoWI, MNRT, MLHSD(Mainland and Zanzibar), NGC
	Ecosystem restoration	Ecosystem restored	MACEMP; Introduction of presidential award on tree planting and water catchment	NEMC, DoE (VPO), LGAs, MoWI, MNRT	NEMC, DoE (VPO), LGAs, MoWI, MNRT	5	Ecosystem in place	1,637,000	NEMC, DoE (VPO), LGAs, MoWI, MNRT, NGC
	Integrating/ Mainstream Climate Change Adaptation and Mitigation into MDAs and LGAs policies, plans, programmes and strategies	Number of policies, plans, programmes and strategies	National Climate Change Adaptation guidelines; A draft of Climate Change Strategy.	NEMC, DoE (VPO), LGAs, MAFC, MCDGC, MoEVT	NEMC, DoE (VPO), LGAs, MAFC, MCDGC, MoEVT	5	Climatic change resilient policies, plans, programmes and strategies implemented	544,700	NEMC, DoE (VPO), LGAs, MoW, MNRT, NGC
	Provide compensations /medical care and treatments to people	Number of people compensated or received medical care		NEMC, DoE (VPO), LGAs, MoWI, MNRT, MHSW, MLHSD (Mainland and Zanzibar)	NEMC, DoE (VPO), LGAs, MDAs, MNRT, MoWI,MLHSD, citizenry	5	Improved relationship between mining company and	6,118,000	NEMC, DoE (VPO), LGAs, MoWI, MNRT
	affected by pollution in mining areas	and treatment					local people surrounding mining area		MHSW, MLHSD (Mainland and Zanzibar), NGC
Objective Three: Promote adoption of Codes of Good Business Ethics in Achieving the Objectives of the Corporation									
1. Promote a culture of good business ethics	Sensitize business community on good business ethics	Number of sensitized business corporations	BEST,NACSAP 2	TPSF,TCCIA, ZNCCIA, MITM, MTIM, PCCB (POGG), CTI	CSOs, TPSF, TCCIA, ZNCCIA	5	Integrity in business increased	292,900	TPSF, TCCIA, ZNICCA, MITM, MTIM, PCCB, CTI, NGC
	Create corporate sanctions for defaulters	Number of defaulters		TPSF,TCCIA, ZNCCIA, MITM, MTIM, PCCB (POPSGG], CTI	NSAs, TSF, TCCIA, ZNCCIA	5	Increased compliance in business ethics	-	TPSF, TCCIA, ZNICCA, MITM, MTIM, PCCB, CTI, NGC

Activities by APRM Objectives	Required Action	Monitorable Indicators	On going initiatives including current Projects in Government POA	Implementing Agency	Key Stakeholders	Time Frame (Years)	Expected Output	Estimated cost (USD)	M & E Agency
4. Enhance transparency in collection of royalities	Enforce Reviewed Mining Act	Level of compliance, reduced number of grievances	New Mining Act in place	MoF, MDAs, LGAs, TIC, TMA, MEM, MNRT, MoCLA, AG, MAA	MoF, MDAs, LGAs, TIC, TMA, TWMA, MEM, MNRT, MoCLA, Union Parliament, citizenry	5	Improved contract management	100,000	MoF, MDAs, LGAs, TIC, TMA, MEM, MNRT, MoCLA, NGC
Objective Four: Ensure that Corporations Treat all their Stakeholders (Shareholders, Employees, Communities, Suppliers and Customers) in a Fair and Just Manner									
1.Enforce Companies Act	Develop a code of conduct to	Level of compliance,	BRELA	MITM, BRELA, Zanzibar Registrar	BRELA, Small Shareholders		Enhanced compliance of	306,900	MITM, BRELA,
of 2002 and sensitize shareholders on their rights	streamline the behaviour of corporations towards their stakeholders	reduced number of grievances		General	Associations		companies Act 2002		NGC
2. Facilitate formation of consumer protection associations	Form independent consumer protection associations	Number of associations and membership	TBS, Tanzania Food and Drugs, Capital market and security Authority, Tanzania tenants associations, TCRA-CCC, EWURA-CCC, Tanzania Consumers Association and other regulatory authority	Registrar General (ZNZ), BRELA, Registrar Genera (ZNZ), TCRA-CCC	TCCIA,ZNCCIA, Ministry of Trade and Industry, TTA, TFDA, TBS	5	Associations in place	384,700	Registrar General, BRELA, Registrar of company, EWURA-TCC, TCRA-CCC, NGC
3. Create awareness on the rights of shareholders	Sensitize shareholders on their rights	Increased number of enlightened shareholders	CMSA	Non State Actors, CMSA, DSE	BRELA, NSAs	5	Decline in number of complains	594,000	CMSA, DSE, BRELA, NSAs, NGC
4. Facilitate the establishment of associations of small shareholders (Mainland & Zanzibar)	Form associations of shareholders	Number of associations and membership	Banking and Financial Institutions Act 2006, BRELA,TBS	TCCIA, ZNCCIA, TPSF	NSAs, BRELA	5	Associations in place	288,300	TCCIA,ZNCCIA, TPSF, NGC
5. Facilitate Implementation of Good Governance Policy of 2012 for Zanzibar	Monitor and evaluate the implementation of good governance in Zanzibar	Periodic Progress Reports, Survey Reports on Good Governance, Stakeholders Meetings	Good Governance Policy in Place, Good Governance Working Group in Place	POPSGG, CSOs,	POPSGG, CSOs, Citizenry	5	Improved governance	80,255	POPSGG, CSOs,NGC
Objective Five: Provide for accountability of Corporations, Directors and Officers									

Activities by APRM Objectives	Required Action	Monitorable Indicators	On going initiatives including current Projects in Government POA	Implementing Agency	Key Stakeholders	Time Frame (Years)	Expected Output	Estimated cost (USD)	M & E Agency
1. Develop and Operationalize a National	Put in place appropriate codes governing	Percentage of compliance with codes of	Banking & Financial Institutions Act 2006,	BRELA, Registrar General in Zanzibar, Capital Markets and Securities Authority	Corporations, NBAA, BoT, TBS, Judiciary, TWMA	5	Code in place	348,800	BRELA, Registrar General in Zanzibar, CMSA
Code of Conduct for Corporations, Directors and Officers	accountability of Corporations, Directors and Officers	conduct by corporation, directors and officers	Capital Markets & Securities Act 1994, Company's Act 2002						

APRM Tanzania National Plan of Action
Corporate Governance– (Budget)

Activities by APRM Objectives	Required Action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
STANDARDS AND CODES							
Sign, ratify, accede to, domesticate and popularize democratic principles, codes and standards	Ratify outstanding standards and codes	Task force to develop empowerment strategy	Person day	200	5	14	14,000
		Implement empowerment strategy	sector	0	0	0	-
		Sub Total					**14,000**
	Domesticate and create awareness on standards and codes	Task force to translate convention into Act	Person day	100	10	14	14,000
		Task force to prepare awareness training materials, print and electronic media	Person day	800	6	30	144,000
		Sub Total					**158,000**
Objective One: Promote an Enabling Environment and Effective Regulatory Framework for Economic Activities							

Activities by APRM Objectives	Required Action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
1. Put in place legal and regulatory framework in Zanzibar	Harmonize legal and regulatory frameworks	Procure consultant	lump sum	10,000	1	1	10,000
		Consultant to identify and itemized areas for legal and business standards compliance.	Person	300	5	15	22,500
		Validate proposed areas of legal and business standards compliance: Conference package	Person	40	100	5	20,000
		DSA to participants	Person	60	100	5	30,000
		Domestic transport	Person	40	100	5	20,000
		Stationeries	Person	3	100	5	1,500
		Awareness raising to the public on identified areas for legal and business standards compliance	TV/Radio Programs	800	3	60	144,000
		Follow up implementation	sector	60,000	1	1	60,000
		Sub Total					**308,000**
	Formulate policy to enhance participation of private corporations in economic activities.	Procure consultant	Person	10,000	1	1	10,000
		Consultant to formulate policy to enhance participation of private corporations in economic activities	Person	300	5	30	45,000
		Validate proposed policy: Conference package	Person	40	100	5	20,000
		DSA to participants	Person	60	100	5	30,000
		Domestic transport	Person	40	100	5	20,000
		Stationeries	Person	3	100	1	300
		Submit to the IMTC	sector	0	0	0	-
		Submit to the Cabinet	sector	0	0	0	-
		Create awareness to public on policy for participation of private corporations in economic activities	TV/Radio Programs	800	3	60	144,000
		Follow up of implementations	sector	60,000	1	1	60,000
		Sub Total					**329,300**

Activities by APRM Objectives	Required Action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Enact law to guide activities of corporate entities	Procure consultant	lump sum	10,000	1	1	10,000
		Consultant to formulate Law guiding activities of corporate entities	Person	300	1	30	9,000
		Validate proposed Law	Person	40	100	2	8,000
		DSA to participants	Person	60	100	2	12,000
		Domestic transport	Person	40	100	2	8,000
		Stationeries	Person	3	100	2	600
		Submit to the IMTC	sector	0	0	0	-
		Submit to the Cabinet	sector	0	0	0	-
		Submit to the House of Representatives	sector	0	0	0	-
		Create awareness to public of the Act for guiding activities of corporate entities	TV/Radio Programs	800	6	30	144,000
		Follow up of implementation	sector	60,000	1	1	60,000
		Sub Total					**251,600**
	Strengthen existing business institutions	Procure consultant	lump sum	10,000	1	1	10,000
		Consultant to conduct needs assessment to identify areas for capacity building	Person	300	1	28	8,400
		Consultant to prepare training modules on identified areas for capacity building	Person	300	1	28	8,400
		Consultant to conduct training on identified areas for capacity building	Person	300	1	28	8,400
		Conference packages	Person	40	100	5	20,000
		DSA to participants	Person day	60	100	5	30,000
		Domestic transport	Person day	40	100	5	20,000
		Stationeries	Person	3	100	5	1,500
		Follow up implementation	sector	60,000	1	1	60,000
		Sub Total					**166,700**

Activities by APRM Objectives	Required Action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Strengthen M&E framework	Procure consultant to establish M&E system	Lump sum	10,000	1	1	10,000
		Consultant to establish M&E Framework, prepare guidelines and reporting format	Person	300	2	30	18,000
		Stakeholders meeting to discuss and validate proposed M&E system: Conference package	Person	40	100	5	20,000
		DSA to participants	Person	60	100	5	30,000
		Domestic transport	Person	40	100	5	20,000
		Stationeries	Person	3	100	5	1,500
		Follow up implementation of the agreed M&E system	sector	60,000	1	1	60,000
		Sub Total					**159,500**
2.Build capacity for effective implementation of International Financial and Accounting Standards (IFAS)	Train personnel to perform as per IFAS	Task force to conduct needs assessment to identify areas for capacity building in implementation of IFAS	Person	200	2	15	6,000
		Consultant to prepare training modules on identified areas for capacity building	Person	300	2	15	9,000
		Consultant to conduct training on identified areas for capacity building	Person	300	2	15	9,000
		Conference packages	Person	40	100	5	20,000
		DSA to participants	Person day	60	100	5	30,000
		Domestic transport	Person day	40	100	5	20,000
		Stationeries	Person	3	100	5	1,500
		Follow up implementation	sector	60,000	1	1	60,000
		Sub Total					155,500
Objective Two: Ensure that Corporations Act as Good Corporate Citizens with regards to Human Rights, Social Responsibility and Environmental Sustainability							

Activities by APRM Objectives	Required Action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
1.Strengthen organs of tripartite dialogue (government, employers and trade unions) in Mainland and Zanzibar	Train tripartite organs on effective use of data to improve quality of negotiations.	Task force to conduct needs assessment to identify areas for capacity building on dialogue for tripartite organs	Person	200	2	30	12,000
		Consultant to prepare training modules on identified areas for capacity building on dialogue for tripartite organs	Person	300	2	30	18,000
		Consultant to conduct training on identified areas for capacity building	Person	300	2	30	18,000
		Conference packages	Person	40	100	5	20,000
		DSA to participants	Person	60	100	5	30,000
		Domestic transport	Person	40	100	5	20,000
		Stationeries	Person	3	100	5	1,500
		Follow up implementation	sector	60,000	1	1	60,000
		Sub Total					**179,500**
2. Ensure compliance with Labour Laws (Employment Act, Workmen's Compensation, Labour Relations and Safety at work)	Establish organs of mediation and arbitration, strengthen labour tribunal	Procure consultant	Lump sum	10,000	1	1	10,000
		Consultant to prepare terms of reference outlining structure and functions of the organs of mediation and arbitrational	Person	300	2	10	6,000
		One day workshop to validate structure and functions of the organs of mediation and arbitrational- Conference package	Person	40	100	3	12,000
		DSA to participants	Person	60	100	3	18,000
		Domestic transport	Person	40	100	3	12,000
		Stationeries	Person	3	100	3	900
		Implementation of the structure and functions of the organs of mediation and arbitrational	sector	60,000	1	1	60,000
		Sub Total					**118,900**

Activities by APRM Objectives	Required Action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
3. Create enabling environment which will encourage corporations to provide community development services	Review tax laws to encourage participation in community development and create awareness to corporations	Task force to review existing tax structure with the view to propose tax incentives for corporations to participate in social responsibilities	Person	200	2	30	12,000
		Stakeholders workshop to validate proposed tax incentives for participation in corporate responsibilities: Conference package	Person	40	100	3	12,000
		DSA to participants	Person	60	100	3	18,000
		Domestic transport	Person	40	100	3	12,000
		Stationeries	Person	3	100	3	900
		Awareness raising to public	TV/ Radio Programs	800	6	30	144,000
		Follow up implementation of the new tax structure	sector	60,000	1	1	60,000
		Sub Total					**258,900**
	Establish public policy to guide corporations on corporate social responsibilities	Task force to prepare policy on corporate social responsibilities (CSR)	Person	200	10	30	60,000
		Validate policy on CSR	Person day	40	150	3	18,000
		DSA to participants	Person day	60	150	3	27,000
		Domestic transport	Person day	40	150	3	18,000
		Stationeries	Person	3	150	1	450
		Submit to the IMTC	sector	0	0	0	-
		Submit to the Cabinet	sector	0	0	0	-
		Create awareness to public on CSR policy	Size/ Programs	800	6	30	144,000
		Sub Total					**267,450**
4. Ensure implementation of rightful compensation of land and property in mining areas	Fast track the pending cases to dispense justice	Establish number of pending cases	Person day	100	10	14	14,000
		Assign cases to individual Judges/Magistrates to work on overtime	Person	0	0	0	-
		Overtime payment to Judges/Magistrates	Person	400	150	15	900,000
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**1,014,000**

Activities by APRM Objectives	Required Action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
5. Ensure compliance with existing Environmental policies and laws	Create awareness on environmental laws and regulations	Task force to prepare awareness raising programmes on environmental laws and regulations	Person	200	2	30	12,000
		Implement awareness raising programmes on environmental laws and regulations	TV/Radio Programmes	800	6	30	144,000
		Follow up on implementation	sector	100000	1	1	100000
		Sub Total					**256,000**
	Ratify and domesticate conventions on environment	Task force to identify and make proposal for ratification	Person	200	10	30	60,000
		Task force to translate convention into Act	Person	200	20	30	120,000
		Task force to prepare awareness training materials	Person	200	10	14	28,000
		Print and electronic media	TV/Radio Programs	800	6	30	144,000
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**452,000**
	Develop implementation strategy on domesticated conventions	Task force to develop implementation strategies on domesticated conventions	Person	200	2	30	12,000
		Stakeholders workshop to validate proposed strategies: Conference package	Person	40	200	5	40,000
		DSA to participants	Person	60	200	5	60,000
		Domestic transport	Person	40	200	5	40,000
		Stationeries	Person	3	200	5	3,000
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**255,000**

Activities by APRM Objectives	Required Action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Increase and strengthen institutional capacity for the enforcement of EMA 2004	Task force to prepare guidelines for enforcement of EMA 2004	Person	200	2	30	12,000
		Consultant to conduct training on the enforcement of EMA 2004	Person	300	2	30	18,000
		Conference package	Person	40	400	5	80,000
		DSA to participants	Person	60	400	5	120,000
		Domestic transport	Person	40	400	5	80,000
		Stationeries	Person	3	400	5	6,000
		Create awareness to public on the enforcement of EMA 2004	TV/ Radio Programs	800	3	60	144,000
		Validate proposed guidelines: Conference package	Person	40	200	3	24,000
		Follow up of implementation	sector	100,000	1	1	100,000
		Sub Total					**584,000**
6. Enhance the implementation of environmental conservation	Review the strategy for urgent actions to address land degradation and water catchment	Task force to conduct study to identify mining companies involved in pollution of ground water sources and rivers and recommend action to be taken	Person	200	3	30	18,000
		Implement proposed actions	sector	500,000	1	1	500,000
		Follow up of implementation	sector	100,000	1	1	100,000
		Sub Total					**618,000**
	Reinstate land to alternative uses and supervise the operations in the regeneration of the land in the already mined areas such as Mara	Procure consultant	Person	100,00	1	1	10,000
		Consultant to conduct study and propose process of land reinstatement	Person	300	10	30	90,000
		Implement proposed land reinstatement	sector	2,500,000	1	3	7,500,000
		Follow up on implementation	sector	100,000	1	3	300,000
		Sub Total					**7,900,000**
	Ecosystem restoration	Procure consultant	Lump sum	10,000	1	1	10,000
		Consultant to conduct study and propose process of land reinstatement	Person	300	3	30	27,000
		Implement proposed land reinstatement	sector	500,000	1	3	1,500,000
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**1,637,000**

Activities by APRM Objectives	Required Action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Integrating/ Mainstream Climate Change Adaptation and Mitigation into MDAs and LGAs policies, plans, programmes and strategies	Procure consultant	Lumpsum	10,000	1	1	10,000
		Consultant to prepare guidelines for enforcement of Climate Change Adaptation and Mitigation	Person	300	3	30	27,000
		Awareness raising programmes on climate change issues	TV/ Radio Programs	800	6	30	144,000
		Consultant to conduct training on the enforcement of Climate Change Adaptation and Mitigation	Person	300	7	3	6,300
		Conference package	Person	40	300	6	72,000
		DSA to participants	Person	60	300	6	108,000
		Domestic transport	Person	40	300	6	72,000
		Stationeries	Person	3	300	6	5,400
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**544,700**
	Provide compensations / medical care and treatments to people affected by pollution in mining areas	Task force to conduct study to identify individuals affected by pollution and propose actions	Person	200	3	30	18,000
		Carryout compensation and medical care to affected individuals	sector	2,000,000	1	3	6,000,000
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**6,118,000**
Objective Three:: Promote Adoption of Codes of Good Business Ethics in Achieving the Objectives of the Corporation							

Activities by APRM Objectives	Required Action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
1. Promote a culture of good business ethics	Sensitize business community on good business ethics including corporate sanction for defaulters	Task force to prepare guidelines for good business ethics	Person	200	2	15	6,000
		Stakeholders workshop to validate proposed guideline for good business ethics: Conference package	Person	40	100	3	12,000
		DSA to participants	Person	60	100	3	18,000
		Domestic transport	Person	40	100	3	12,000
		Stationeries	Person	3	100	3	900
		Awareness to public on proposed guideline for good business ethics	TV/ Radio Programs	800	6	30	144,000
		Implementation of the new guidelines for good business ethics	sector	100,000	1	1	100,000
		Sub Total					**292,900**
	Creation of corporate sanctions for defaulters	**Sub Total**		**0**	**0**	**0**	**-**
2.Amend mining contract to ensure transparency in the collection of royalties	Enforce Reviewed Mining Act	Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**100,000**
Objective Four: Ensure that Corporations treat all their Stakeholders (Shareholders, Employees, Communities, Suppliers And Customers) in a fair and just manner							
1.Enforce Companies Act of 2002 and sensitize shareholders on their rights	Develop a code of conduct to streamline the behaviour of corporations towards their stakeholders	Task force to prepare guidelines for the enforcement of Companies Act 2002	Person	200	2	30	12,000
		Stakeholders workshop to validate proposed guidelines for enforcement of Companies Act 2002: Conference package	Person	40	100	5	20,000
		DSA to participants	Person	60	100	3	18,000
		Domestic transport	Person	40	100	3	12,000
		Stationeries	Person	3	100	3	900
		Create awareness to the public on proposed guidelines for enforcement of Companies Act 2002	TV/ Radio Programs	800	6	30	144,000
		Follow up of implementation of the new proposed guidelines for enforcement of Companies Act 2002	sector	100,000	1	1	100,000
		Sub Total					**306,900**

Activities by APRM Objectives	Required Action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
2. Facilitate formation of consumer protection associations	Form independent consumer protection associations	Task force to prepare terms of reference outlining structure and functions of the independent consumer protection associations	Person	200	2	30	12,000
		One day workshop to validate structure and functions of the independent consumer protection associations: Conference package	Person	40	300	3	36,000
		DSA to participants	Person	60	300	3	54,000
		Domestic transport	Person	40	300	3	36,000
		Stationeries	Person	3	300	3	2,700
		Establishment of independent consumer protection associations	sector	0	0	0	-
		Create awareness to the public on proposed guidelines for enforcement of Companies Act 2002	TV/ Radio Programs	800	6	30	144,000
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**384,700**
3. Create awareness on the rights of shareholders	Sensitize shareholders on their rights	Task force to conduct desk research to identify shareholders rights in existing companies	Person	200	2	30	12,000
		One day workshop to validate shareholders rights: Conference package	Person	40	1000	3	120,000
		DSA to participants	Person	60	1000	3	180,000
		Domestic transport	Person	40	1000	3	120,000
		Stationeries	Person	3	1000	3	9,000
		Consultant to prepare awareness raising materials on identified shareholders rights	Person	300	1	30	9,000
		Create awareness to the public on shareholders rights	TV/Radio Programs	800	6	30	144,000
		Sub Total					**594,000**

Activities by APRM Objectives	Required Action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
4. Facilitate the establishment of associations of small shareholders (Mainland & Zanzibar)	Form associations of shareholders	Task force to prepare terms of reference outlining structure and functions of small shareholders' associations	Person	200	1	7	1,400
		One day workshop to validate structure and functions of small shareholders' associations: Conference package	Person	40	100	3	12,000
		DSA to participants	Person	60	100	3	18,000
		Domestic transport	Person	40	100	3	12,000
		Stationeries	Person	3	100	3	900
		Establishment of small shareholders' associations	sector	0	0	0	-
		Create awareness to the public on the existence and mandate of small shareholders' associations	TV/ Radio Programs	800	6	30	144,000
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**288,300**
	Facilitate Implementation of Good Governance Policy of 2012 for Zanzibar	i.To conduct quarterly meetings for members of good governance working group:					
		DSA to participants	Person	60	30	4	7,200
		Domestic transport	Person	40	30	4	4,800
		Conference package	Person	40	30	3	3,600
		Stationery	Person	3	30	1	90
		Travel ticket	Person	135	3	1	405
		Facilitation fee	Person	300	2	4	2,400
		Sub Total					18,495
		ii. To conduct a survey on good governance practices in Zanzibar:					
		Procure consultant	Person	10,000	1	1	10,000
		Consultancy fee	Person	300	3	15	13,500
		Stationery	units	10	6	1	60
		Sub Total					**23,560**
		iii.Conduct two Stakeholders Workshops (state& non state actors):					
		DSA to participants	Person	60	200	1	12,000
		Domestic transport	Person	40	200	1	8,000
		Conference package	Person	40	200	1	8,000
		Stationery	Person	3	200	1	600
		Travel ticket	Person	135	60	1	8,100
		Facilitation fee	Person	300	2	1	600
		Printing and dissemination of the report	Units	300	3	1	900
		Sub Total					**38,200**
		Total					**80,255**
Objective Five: Provide for Accountability of Corporations, Directors and Officers							

Activities by APRM Objectives	Required Action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
1. Develop and Operationalize a National Code of Conduct for Corporations, Directors and Officers	Put in place appropriate codes governing accountability of Corporations, Directors and Officers	Procure consultant	Lumpsum	10000	1	1	10,000
		Consultant to prepare guidelines for codes of conduct governing accountability of Directors and Senior Officers	Person	300	1	30	9,000
		Stakeholders workshop to validate proposed codes of conduct governing accountability of Directors and Senior Officers: Conference package	Person	40	200	3	24,000
		DSA to participants	Person	60	200	3	36,000
		Domestic transport	Person	40	200	3	24,000
		Stationeries	Person	3	200	3	1,800
		Create awareness to the public on proposed codes of conduct governing accountability of Directors and Senior Officers	TV/ Radio Programs	800	3	60	144,000
		Follow up of implementation of the new proposed codes of governing accountability of Directors and Senior Officers	sector	100,000	1	1	100,000
		Sub Total					**348,800**
		Grand Total					**24,141,905**

SOCIO-ECONOMIC DEVELOPMENT

Activities by APRM Objectives	Required action	Monitorable indicators	On going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost (USD)	M&E Agency
STANDARDS AND CODES									
Sign, ratify, accede to, domesticate and popularize democratic principles, codes and standards	Ratify outstanding standards and codes	Number of standards and codes ratified	Ratification is an ongoing activity. CHRAGG in place	MFAIC, MoCLA, MoHSW, MoH (RGoZ), MCDGC, MLDF MAFC, MEAC, HoR, Parliament	MFAIC, MoF, MoCLA, MoHSW, MoH (RGoZ), , MoFS MLFD MCDGC, Parliament, HoR, Political parties	5	Increased use of standards and codes	28,000	MoHSW, MFAIC, MoH (RGoZ), MCDGC, MoCLA, Parliament, HoR, POPSGG, NGC
	Domesticate, translate and create awareness on standards and codes	Number of standards and codes domesticated, Extent of people aware of standards and codes	Domestication is an ongoing activity	MoFAIC, MoCLA, MoHSW, MoH (RGoZ), MCDGC, POPSGG, AG (RGoZ), HoR, Parliament	MoFAIC, MoCLA, MoH (RGoZ), MCDGC, HoR, Parliament	5	Increased awareness of standards and codes	186,000	MoHSW, MoFAIC, MoH (RGoZ), MCDGC, MoCLA, Parliament, HoR, NGC
Objective One: Promote self reliance in development and build capacity for sustaining development									

Activities by APRM Objectives	Required action	Monitorable indicators	On going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost (USD)	M&E Agency
1. Enhancing capacities for mobilizing domestic resources for development	Review and implement existing policies targeting improved production in key sectors (Agriculture, Tourism,	Increase in level of domestic resources, Increase in domestic and foreign earnings, Increase in level of domestic saving,	Sectoral policies in place which include among others; ASDP, Trade policy , SID, SMEs	MAFC, MIT, MoF, MLDF,MNRT, POFEDP, MITT , MANR, MEM	MAFC, Private sectors, NSAs, MHSW, MCDGC , MLDF, POFEDP, MLF (RGoZ) MITT, MANR	5	Improved internal capacity in terms of resource mobilization	1,084,000	MAFC, LGAs, NSAs, MITT, MANR, and NGC
	Fisheries, Manufacturing, Trade, Mining and Service trade)	Implemen-tation plan	but needs fast tracking in implementation (remain dormant)		and Citizenry				
	Expand the tax base by including the informal sector in the economy	Increase in level of domestic tax revenue, number of tax payers from the informal sector	MKURABITA	MAFC, MIT, MoME, MoF, MNRT, POFEDP (RGoZ), MITT , MANR	MDAs, Private sector, NSAs MLYWCD, MAFS, POFEDP (RGoZ), MITT, MANR, MoF, MLDF, LGAs and Citizenry	5	Improved generation of internal revenues	437,000	MDAs, LGAs, NSAs, MITT, MANR and NGC
	Reduce tax exemptions, particularly discretionary exemptions	Increase in level of domestic tax revenue, increase in number of tax payers	Proposal in the FYDP 1	MoF, MLDF,POFEDP (RGoZ)	Private sector, Non State Actors, MoLE, MAFC, POFEDP (RGoZ), MITT (RGoZ), MTI, TRA, MANR, MoF, MLDF, LGAs and Citizenry	5	Increased government revenue	490,000	MDAs, LGAs, Non State Actors, MTI, MITT (RGoZ) , MANR and NGC
	Improve tax revenue collection by	Increase in level of domestic non tax revenue	Proposal in the FYDP 1	MoF, POFEDP (RGoZ),	Private sector, NSAs, MOLYD,	5	Increased government revenue	580,000	MDAs, LGAs, NSAs, MITT (RGoZ), MANR
	maximization of resource rent collected by government from exploitation of natural resources such as minerals and forest products			MOEMR, MNRT, MITI-(RGoZ), MIT, TRA, MLHHD	MAFS, POFEDP, MITT, MANR, MoF, MLHHD, LGAs and Citizenry				and NGC

Activities by APRM Objectives	Required action	Monitorable indicators	On going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost (USD)	M&E Agency
2. Strengthening local stakeholder involvement in development process	Mainstream planning and budgeting at all levels (all segment of the society)	Number of participatory planning meetings, number of decisions/plans made, minutes of meeting, and implementation reports	On going in central, sector ministries such as MoF, PMO-RALG, MAFC, MSDGC, and LGAs but needs strengthening	MDAs & LGAs	MDAs, LGAs ,Citizens	5	Improved capacity to plan and implement programs	100,000	MDAs, LGAs, DPs, NSAs, and NGC
	Build capacity to communities for development planning	Number of training sessions on participative planning, Number of people trained and training	On going in LGAs e.g.. Opportunities and Obstacles to Development (O&OD)	MDAs, PMO-RALG & LGAs	MDAs, PMO-RALG, LGAs and Communities	5	Capacity of community improved to identify and solve their	1,684,500	MDAs, PMO-RALG LGAs, NSAs, and NGC
		reports	but needs strengthening				problems/ needs		
	Follow up of community contributions for financing development initiatives	Follow up meetings		PMO-RALG&LGAs, MDAs	PMO-RALG, LGAs, MDAs& Citizenry	5	Improved sources of finance and material for development initiatives	100,000	PMO-RALG, MDAs, LGAs and NGC
Objective Two: Accelerate Socio-economic Objectives to achieve Sustainable Development and Poverty Eradication									
1. Improve performance at all levels to achieve sustainable development	Recruit and train staff	Number of people recruited, Number of employees trained, increase	PSRP and LGRP but implementation needs strengthening	CRA, LGAs, Private sectors , NSAs,	CRA, LGAs, Private sectors , NSAs, Communities etc	5	Improved capacity and performance at all levels	726,560	MoF, PMO-RALG,MDAs, LGAs and NGC
		in allocation of resources in capital and recurrent expenditure, increase in attainment in planned targets							
	Re-enforce coordination mechanism in	Number of policies in place, Inclusiveness in	Initiatives On going but needs	MoF, POPC, LGAs	MoF, POPC, LGAs, other MDAs, NSAs,	5	Coordination plan and	54,000	MoF, POPC, LGAs, Cabinet Secretariat, NGC
	policy formulation and implementation	participation	strengthening		CBOs, Cabinet Secretariat		strategy, Coordination meeting reports		
	Strengthen the M&E system and statistical data collection to ascertain the extent to which the country is progressing towards targets set in MKUKUTA II, MKUZA II and the MDGs	Timely and quality M&E periodic reports	MKUKUTA II and MKUZA II M&E system in place, Tanzania Statistical Master Plan in place	MoF, POFEP-RGoZ, POPC	MoF, POFEP-RGoZ, POPC, NBS	5	Improved M&E system, improved data collection	430,500	MoF, POFEP-RGoZ, POPC, NGC

Activities by APRM Objectives	Required action	Monitorable indicators	On going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost (USD)	M&E Agency
2. Enhance pro-poor focus of policies and programmes	Improve access to credit to enhance production of goods and services	Number of individuals and groups accessing micro-credit, Number of microfinance institutions	Commercial banks and other microfinance instructions provide credits but high interest rates and cumbersome procedures hinder progress	BOT, Commercial Banks and Other microfinance institutions	BOT, Commercial Banks, microfinance institutions and communities, TAMFI	5	Increase credits to all levels	149,000	BOT, MoF, NSAs, NGC
	Strengthen the implementation of	Change in agricultural	Implementation has	MAFC, MLFD, MANR, MoF,	MAFC, MoF, PMO-RALG,	5	Increased agricultural	72,600	MAFC,MLFD, MLF (RGoZ),
	ASDP/ASP	productivity , Number of agro-processing industry, Increase access to markets	started but needs strengthening	MLF (RGoZ), PMO-RALG, MoWI, MIT	MoWI, MIT, MoLE, Private sectors, NSAs, Farmers for both mainland and Zanzibar		production		MoF, MoLE, PMO-RALG, MoWI, MIT and NGC
	Review and update Acts to reflect significant social and economic changes	Number of legislation reviewed and enacted	BEST, LSRP, LRC but need strengthening	MoCLA, Parliament, MoF, HoR	Private sector, Non State Actors, Citizenry, MoCLA, AG (RGoZ) Parliament, HoR	5	Reviewed acts in Place	195,000	MoCLA, MAFC, MLFD Parliament, HoR, MoF and NGC
	Review and up date strategies to fight unemployment among the youth in Mainland Tanzania and Zanzibar	Number of strategies reviewed	Labour exchange centre	MoLE, MoLE (RGoZ), MIYCS, NSAs	MoLE, MoLE (RGoZ), MIYCS, Private Sector	5	Reduced unemploy-ment among the youth	166,000	MoLE, MoLE (RGoZ), MIYCS and NGC
Objective Three: Strengthen policies, delivery mechanism and output in key social development areas including education for all, combating HIV/ AIDS and other communicable diseases									

Activities by APRM Objectives	Required action	Monitorable indicators	On going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost (USD)	M&E Agency
1. Review policies for improved social	Develop human resource capacities for	Number of policies designed and	Implementation going on under	MoHSW, MoH (RGoZ), POPSM,	MoHSW, MoH (RGoZ), POPSM,	5	Improved Capacity in Policy	983,579	MoHSW, POPSM, LGAs, MoF,, MLHHSD,
	developing and reviewing policies	implemented, Inclusiveness in participation	MKUKUTA II and MKUZA II but needs strengthening	LGAs, MoF,, MLHHSD, MAFC, MOW, MEM, MDAs and LGAs	MoHSW, MoH (RGoZ), POPSM, LGAs, MoF,, MLHHSD, MAFC, MOW, MEM, MDAs LGAs, Private Sector, NSAs, Citizenry		development and reviews		MAFC, MOWI, MEM, MDAs and LGAs and NGC
	Build capacity on POPC on planning, policy analysis, coordinating, monitoring and evaluating the implementation of development plans	Number of evidence based policies and plans developed	In-house training on going but needs strengthening	POPC, MoF, POFEDP (RGoZ)	POPC, MoF, POFEDP (RGoZ)	5	Improved planni and policy analysis	60,720	POPC, MoF, POFEDP (RGoZ), NGC
2. Enhance mechanisms for delivery of improved social services	Enhance the use of ICT in teaching and learning at primary, secondary and higher learning institutions	Number of training institutions using ICT, number of students using ICT	On going but need strengthening	MoEVT, MCST, MoEVT (RGoZ), MoF, MCST, LGAs	MoEVT, MoF, MCST, POFEDP (RGoZ), MCST, LGAs, Private sector and Citizenry	5	Improved use of ICT and quality of education	11,600,000	MoEVT, MoEVT (RGoZ), MoF, MCST, POFEDP (RGoZ), LGAs, Private sector, Citizenry and NGC
	Follow up of implementation of reviewed and aligned curriculum of vocational education	Implementation Reports	On going but need strengthening	MoEVTand MoEVT (RGoZ)	MoEVT, MoEVT (RGoZ), MoF, POFEDP (RGoZ), Private sector and Citizenry	5	Improved quality of vocational education	100,000	MoEVT, MoEVT(RGoZ), MoF, POFEDP (RGoZ), LGAs, Private sector, Citizenry and NGC
	Follow up of implementation of remuneration package of teachers and health workers working in remote areas with the view of attracting and retaining them	Revised remuneration package	On going but need strengthening	MoEVT, MoEVT (RGoZ), MoHSW, MoH (RGoZ), MoF, POFEDP (RGoZ), LGAs,	MoEVT, MoEVT(RGoZ), MoHSW, MoH (RGoZ), MoF, POFEDP (RGoZ), and LGAs, Private Sector and FBOs	5	Improved teachers and health workers welfare	100,000	MoEVT, MoEVT (RGoZ), MoHSW, MoH (RGoZ), MoF, POFEDP (RGoZ), LGAs and NGC
	Review and up date the Act on regulation of private universities in Zanzibar	Number of legislation reviewed and enacted	On going but need strengthening	MoEVT (RGoZ)	MoEVT (RGoZ), NSAs and Citizenry	5	Improved university education	338,000	MoEVT (RGoZ), NSAs and NGC

Activities by APRM Objectives	Required action	Monitorable indicators	On going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost (USD)	M&E Agency
	Follow up on implementation of customer service charters in MDAs and LGAs	Reduction of service delivery complaints, Increased service delivery satisfaction	Customers service charters in place in Ministries but its implementation needs strengthening	MDAs, LGAs and Executive agencies	MDAs, LGAs Executive agencies, NSAs, and Citizenry	5	Improved service delivery	100,000	MDAs, LGAs, Executive agencies and NGC
	Follow up on implementation on revenue generation	Implementation Reports	On going but need improvements	PMO-RALG, LGAs, Non State Actors,	PMO-RALG, LGAs, CSOs, Private sector	5	Improved revenue generation	100,000	PMO-RALG, LGAs and NGC
3. Allocate adequate funds in priority social sectors	Follow up of implementation of MDAs Strategic Plans	Implementation Reports	MDAs Strategic plans in place but needs costing to enable forecasting	MDAs	MDAs, NSAs and Citizenry	5	Improved MDAs & LGAs performance	100,000	MDAs and NGC
4. HIV/AIDS prevention and control	Continued Awareness Raising to the public on the existence of HIV/ AIDS Law	Level of awareness on HIV/AIDS Law	Implementation of HIV/AIDS Law	MoHSW, TACAIDS,NACP, ZAC (RGoZ), NSAs, MDAs and TACAIDS	MoHSW, TACAIDS, NACP, Non State Actors, MDAs and TACAIDS, general public, media, VPO2 (RGoZ), Aids Commission (ZAC – RGoZ)	5	Decline in rate of new infection	144,000	MoHSW, TACAIDS, NACP, Non State Actors, MDAs, LGAs, ZAC (RGoZ), and NGC
	Follow up Implementation on HIV	Curriculum manuals and programmes	PEPFAR, Global fund on AIDS	MoHSW, TACAIDS, MIYCS,	MoHSW, TACAIDS, NACP,NSAs,	5	Decline in rate of new	100,000	MoHSW, TACAIDS, NACP,
	prevention to in and out of school youth			NACP, ZAC (RGoZ), NSAs, MIYCS	MDAs, MIYCS, LGAs and General public, Media, VPO 2 (RGoZ), AIDS Commission (ZAC RGoZ),		infection among youth		ZAC(RGoZ), NSAs,
	Follow up on awareness raising on HIV and AIDS and encouragement of voluntary testing	Reports	on going initiatives through MDAs, NSAs,	MoHSW, MoH (RGoZ), MoCLA, TACAIDS, ZAC (RGoZ), NACP, NSAs, MDAs, LGAs and General public	MoHSW, MoH (RGoZ), MoLCA, TACAIDS, NACP, NSAs, MDAs, LGAs and General public	5	Decline in rate of infection	144,000	MoHSW, MoH (RGoZ), MoLCA, TACAIDS, ZAC (RGoZ), NACP, NSAs,, MDAs, LGAs and NGC
	Follow up on PMTC coverage	PMTC services available	MHSW, TACAIDS, NSAs,	MoHSW, MoH(RGoZ), MoCLA, TACAIDS, ZAC (RGoZ), NACP, NSAs, MDAs, LGAs and General public	MoHSW, MoH(RGoZ), MoCLA, TACAIDS, NACP, NSAs, MDAs, LGAs and General public	5	Reduced transmition from mother to child	300,000	MoHSW, MoCLA, TACAIDS, ZAC (RGoZ), NACP, NSAs, MDAs, MoH(RGoZ), LGAs and NGC
	Distribute anti-Retroviral drugs to 1,000,000	Number of people receiving ARVs	ongoing initiatives through	MoHSW, MoH (RGoZ), MSD, MDAs	MoHSW,MoH (RGoZ), MSD, MDAs	5	Decline in death caused by	15,100,000	MoHSW,MoH (RGoZ), MSD, MDAs and LGAs

Activities by APRM Objectives	Required action	Monitorable indicators	On going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost (USD)	M&E Agency
	people infected and ensure sustenance		MHSW, MSD, MDAs and LGAs	and LGAs	and LGAs and Communities		AIDS		and NGC
	Identify financial resources to fight against HIV and AIDS	Percentage of domestic resources allocated to HIV and AIDS programme	On going but needs strengthening	MoF, POFEDP (RGoZ), ZACAIDS, MoHSW, TCAIDS, NACP	MoF, POFEDP (RGoZ), MoHSW, TCAIDS, NACP, citizenry	5	Increased domestic resouces to fight agaist HIV	290,300	MoF, POFEDP (RGoZ), MoHSW, TCAIDS, NACP, NGC
	Follow up on proper importation and distribution of Government recommended quality ARV	Implementation Reports	On going but needs strengthening	MoHSW, MoH (RGoZ), MSD, TFDA, TACAIDS, NACP, MoF, POFEDP, private sector	MHSW, MoH (RGoZ), MSD, TFDA, TACAIDS, NACP, MoF, POFEDP (RGoZ), private sector, citizenry	5	Quality ARVs available	100,000	MoHSW, MoH (RGoZ), MSD, TFDA, TACAIDS, NACP, MoF, POFEDP (RGoZ), private sector, NGC
	Provide supportive medicine freely to people using ARVs	Number of HIV and AIDS infected people receiving supportive medicine		MoHSW, MoH (RGoZ), MSD, TFDA, TACAIDS, NACP, MoF POFEDP (RGoZ), private sector	MoHSW, MoH (RGoZ, MSD, TFDA, TACAIDS, NACP, MoF, POFEDP (RGoZ) , private sector, citizenry	5	Increased access to Medicine and Improved longivity	10,600,000	MHSW, MoH (RGoZ), MSD, TFDA, TACAIDS, NACP, MoF, PO-FEDP (RGoZ), private sector
	Review HIV/ AIDs policy to allow children under 18 years to know their status of HIV and AIDS	Reviewed policy in place		MHSW,MoH (RGoZ), MSD, TFDA, TACAIDS, NACP, MoF, POFEDP (RGoZ), private sector	MoHSW, MoH (RGoZ), TACAIDS, NACP, MoF (Mainland and Zanzibar), private sector, citizenry	5	Improved child rights to those infected with HIV and AIDS	679,500	MoHSW, MoH (RGoZ), TACAIDS, NACP, MoF, POFEDP (RGoZ), private sector, NGC
	Follow up on procurement of CD4/ T-cells Test to ensure people affected start using ARVs at appropriate time	Number of modern machines provided and in use.	On going but needs strengthening	MoHSW, MoH(RGoZ), MoH, TACAIDS, NACP, MoF, POFEDP (RGoZ), private sector	MoHSW, MoH (RGoZ), TACAIDS, NACP, MoF, PO-FEDP, private sector, citizenry	5	Improved accurate diagnosis	100,000	MoHSW, MoH, (RGoZ) TACAIDS, NACP, MoF, POFEDP (RGoZ), private sector, NGC

Activities by APRM Objectives	Required action	Monitorable indicators	On going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost (USD)	M&E Agency
5. Control of Tuberculosis and Leprosy	Re-evaluate the magnitude and deaths due to Tuberculosis	Survey report	On going but need strengthening	MoHSW, MoH (RGoZ), National Tuberculosis and Leprosy Control Program, MoF, POFEDP (RGoZ), , Citizenry	MoHSW, MoH (RGoZ), National Tuberculosis and Leprosy Control Program, MoF, POFEDP (RGoZ)	5	Up to date data on the problem	164,500	MoHSW, MoH (RGoZ), National Tuberculosis and Leprosy Control Program, MoF, POFEDP (RGoZ) and NGC
	Continued awareness raising to the public on the existence of Tuberculosis	Awareness raising report, number of people aware on tuberculosis	On going but need strengthening	MoHSW, MoH (RGoZ), National Tuberculosis and Leprosy Control Program,	MoHSW, MoH (RGoZ), National Tuberculosis and Leprosy Control Program, MoF, POFEDP (RGoZ), Citizenry	5	Improved awareness on existence of Tuberculosis	144,000	MoHSW, MoH (RGoZ), National Tuberculosis and Leprosy Control Program, LGAs, MoF, POFEDP (RGoZ) and NGC
	Increase coverage of TB diagnostic services nation- wide with particular emphasis on the rural areas	Number of modern diagnosis machines provided and in use	On going but need strengthening	MoHSW, MoH (RGoZ), SUA National Tuberculosis and Leprosy Control Program,	MoHSW, MoH (RGoZ), SUA National Tuberculosis and Leprosy Control Program, MoF, POFEDP (RGoZ), Citizenry	5	Improved accurate diagnosis and increased coverage	2,380,000	MoHSW, MoH (RGoZ), National Tuberculosis and Leprosy Control Program, MoF, POFEDP (RGOZ), and NGC
	Strengthen the implementation of the National Tuberculosis and Leprosy Control Program	Decline in tuberculosis and leprosy cases	Implementation is on going but needs strengthening	MoHSW, MoH (RGoZ), SUA, National Tuberculosis and Leprosy Control Program	MoHSW, MoH (RGOZ), National Tuberculosis and Leprosy Control Program, MoF, POFEDP (RGoZ), SUA Citizenry	5	Improved health care	181,680	MoHSW, MoH (RGoZ), National Tuberculosis and Leprosy Control Program, MoF SUA, POFEDP (RGoZ), and NGC

Activities by APRM Objectives	Required action	Monitorable indicators	On going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost (USD)	M&E Agency
6. Control of malaria	Continued awareness raising on the causes of malaria, how to prevent it and treatment methods	Awareness raising report, number of people aware on malaria	Ongoing but need strengthening	MoHSW, MoH (RGoZ), National Malaria Control Program	MoHSW, MoH (RGoZ), MIYCS, National Malaria Control Program, MoF, POFEDP (RGoZ) and Citizenry	5	Improved awareness on existence of malaria	244,000	MoHSW, MoH (RGoZ), National Malaria Control Program, MoFEA, POFEDP (RGoZ) and NGC
	Introduce indoor residual spraying (IRS) in all epidemic prone districts and endemic districts	Number of houses sprayed	On going but need strengthening	MoHSW, MoH (RGoZ), National Malaria Control Program and LGAs	MoHSW, MoH (RGoZ), National Malaria Control Program, LGAs, MoF, POFEDP (RGoZ), Citizenry	5	Improved health care	13,330,000	MoHSW, MoH (RGoZ), National Malaria Control Program, LGAs, MoF, POFEDP (RGoZ), and NGC
	Follow up on distribution of Insecticide-treated nets (ITNs) to all households in the country, including	Number of Insecticide-treated nets distributed	Keep up Strategies - school base net distribution program in parallel with	MoHSW, MoH (RGoZ), National Malaria Control Program and LGAs	MoHSW, MoH (RGoZ), National Malaria Control Program, LGAs, MoF,	5	Reduced malaria cases	100,000	MoHSW, MoH (RGoZ), National Malaria Control Program, LGAs, MoF, POFEDP (RGoZ), and NGC
	those without children under five		pregnant women and children under one year		POFEDP (RGoZ), Citizenry				
	Strengthen the implementation of the National Malaria Control Strategy	Decline in malaria cases	National Malaria Control Program in place but need strengthening	MoHSW, MoH (RGoZ), National Malaria Control Program	MoHSW, MoH (RGoZ), National Malaria Control Program, LGAs, MoF, POFEDP (RGoZ), Citizenry	5	Imroved health care	181,680	MoHSW, MoH(RGoZ), National Malaria Control Program, LGAs, MoF, POFEDP (RGoZ), and NGC
Objective Four: Ensuring affordable access to Water, Sanitation, Energy, Finance, Markets, ICT , Shelter and Land to all Citizens Especially the Poor									

Activities by APRM Objectives	Required action	Monitorable indicators	On going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost (USD)	M&E Agency
1. Strengthening service delivery mechanisms	Review laws and regulations to enhance service delivery including involvement of the private sector	Number of reviewed laws and regulations, Increased speed of service delivery, Increased customer satisfaction	On going eg. through Local government by-laws but needs serious strengthening	LGAs, MoCLA, Executive Agencies such as EWURA, SUMATRA, POPSGG (RGoZ)	LGAs, MoCLA, POPSGG (RGoZ), Executive Agencies	5	Improve service delivery	848,800	LGAs, MoCLA, POPSGG (RGoZ), Executive Agencies and NGC
	Review and implement efficient SACCOS regulatory mechanisms to improve provision of Micro credit	Review of regulatory mechanisms	SACCOS regulatory mechanism in place but needs strengthening	BOT, MoF, MAFC , SACCOS, Private sector	BOT, MoF, MAFC , SACCOS, SCULT, Private sector	5	Improved SACCOS regulatory mechanism	200,000	BOT,MoF, MAFC , SACCOS, Private sector, NGC
	Train staff in computer use and procurement of computers and accessories	Number of staff trained, computers and accessories procured	On going but need strengthening	MST, MST (RGoZ), MOIYCS, MDAs-Mainland and Zanzibar and Private Sector	MST, MST (RGoZ), MIYCS, MDAs-Mainland and Zanzibar and Private Sector	5	Improved use of ICT	385,415	MST, MST (RGoZ), MIYCS, MDAs-Mainland and Zanzibar and NGC
	Strengthen Farmers Cooperatives and SACCOS capacity to effectively manage resources for their members by conducting financial education programs	Training report, number of trainees	On going but need strengthening	MIT, MAFC, Farmers Cooperatives and SACCOS, LGAs	MIT, MAFC, Farmers Cooperatives and SACCOS, LGAs, Private sector and Citizenry	5	Improved member services	164,415	MIT, MAFC, PMO-RALG, LGAs and NGC
	Review institutional structures over land allocation, administration and dispute adjudication in Mainland Tanzania and Zanzibar	Number of reviewed laws and regulations, Increased speed of dispute resolution, Increased customer satisfaction	On going but need strengthening	MLHHSD, MLHSD (RGoZ), POGG, POPSGG (RGoZ) MoF, POFEDP (RGoZ), MoCLA, LGAs,	MLHHSD, MLHSD (RGoZ), POGG, POPSGG (RGoZ), MoF, POFEDP (RGoZ), MoCLA, LGAs, Private sector	5	Improved land allocation	446,900	MLHHSD, MLHSD (RGoZ), POGG, POPSGG (RGoZ), MoF, POFEDP (RGoZ), MoCLA, LGAs and NGC

Activities by APRM Objectives	Required action	Monitorable indicators	On going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost (USD)	M&E Agency
	Follow up of implementation on fast tracking resolution of cases involving land grabbing and land disputes in mainland Tanzania and Zanzibar	Number of cases resolved	On going but need strengthening	MLHHSD, MLHSD (RGoZ), MoF, POFEDP (RGoZ), MoCLA, POPSGG (RGoZ), LGAs, Private sector	MLHHSD, MLHSD (RGoZ), MoF, POFEDP (RGoZ), MoCLA, POPSGG (RGoZ), LGAs, Private sector	5	Improved land allocation	1,410,000	MLHSD, MLHHSD (RGoZ), MoF, POFEDP (RGoZ), MoCLA, POPSGG (RGOz), and NGC
	Recruit and train 400 physical planners, surveyors and land officers	Number of new employees, Number of people trained	On going but need strengthening	MLHHSD, MLHHSD (RGoZ), MoF, POFEDP (RGoZ), LGAs	MLHHSD, MLHSD (RGoZ), MoF, POFEDP (RGoZ), LGAs	5	Improved capacity for planning, Survey and land allocation	100,100,000	MLHHSD, MLHHSD (RGoZ), MoF, POFEDP (RGoZ), and NGC
2. Availability of adequate resources for financing delivery of social services	Improve private sector investment in social service delivery	Report on the increase of private sector investment in social service delivery	Ongoing but needs strengthening	Private sector, central government, LGAs	Private sector, central government, LGAs	5	Increase of private sector investments in social service delivery	144,000	MDAs, Executive agencies and NGC

Activities by APRM Objectives	Required action	Monitorable indicators	On going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost (USD)	M&E Agency
3. Enhance access to credit, land, shelter, ICT knowledge, energy, water, sanitation, and markets by the poor	Provide information on land, utilities and market information to users	Number of people accessing services, available mechanisms for information dissemination	On going but needs strengthening	MIT,MITT (RGoZ), Private Sector Institutions	MIT, MITT (RGoZ), Private Sector Institutions, Citizenry	5	Market information and dissemination report	299,200	MIT, MITT (RGoZ), Private Sector Institutions and NGC
	Review pertinent laws to enhance property and small business formalization.	Reviewed Laws	On going but need strengthening	MOF, MIT, MITM (RGoz), MLHHSD, MLHHSD (RGoZ), MKURABITA, POFEDP (RGoZ), Private sector	MOF, MIT, MITM (RGoZ), MLHHSD, MLHHSD (RGoZ), MKURABITA, POFEDP (RGoZ), Private sector	5	Improved business environment	430,900	MOF, MIT, MTIM (RGoZ), MLHSD, MLHSD (RGoZ), MKURABITA, POFEDP (RGoZ) and NGC
	Promote and support formation of SACCOS, SACCAS and VICCOBA	Number of new SACCOS, SACCAS and VICOBA formed	On going but need strengthening	MAFC, MAFS (RGoZ), LGAs, Private Sector	MAFC, MAFS (RGoZ), LGAs, Private Sector and Citizenry	5	Improved savings and credits	100,000	MAFC, MAFC (RGoZ), LGAs, Private Sector and Citizenry
	Build capacity of SACCAS and VICOBA on agricultural financing	Number of trainees, increase in agricultural loans	On going but need strengthening	MAFC, MANR (RGoZ), LGAs, SACCAS and VICOBA	MAFC, MAN (RGoZ), , MIT, LGAs, SACCAS and VICOBA and Private sector	5	Improved agricultural financing	400,900	MAFC, MAFS (RGoZ), LGAs and NGC
	Strengthen the implementation of the National sanitation campaign and school WASH	Number of trainees, reports	On going but need strengthening	MOWI, MOWI (RGoZ), LGAs,	MOWI, MOWI (RGoZ), LGAs, Private sector	5	Improved sanitation	181,680	MOWI, MOWI (RGoZ), LGAs and NGC

Activities by APRM Objectives	Required action	Monitorable indicators	On going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost (USD)	M&E Agency
	Facilitate land surveying, and issuance of title deeds in Mainland Tanzania and Zanzibar	Number of surveyed plots, number of title deeds issued	BEST	MLHHSD, MLHHSD (RGoZ), MoF, POFEDP (RGoZ) LGAs, Private sector	MLHSD, MLHHSD (RGoZ), MoF, POFEDP (RGoZ), LGAs, Private sector	5	Improved land allocation	700,640,000	MLHHSD, MLHHSD (RGoZ), MoF, POFEDP (RGoZ) and NGC
	Establish potential land parcel compensation-Revolving Fund in Mainland Tanzania and Zanzibar	Study report, revolving fund in place and operational	Section of revolving fund in place MLHHSD	MLHHSD, MLHSD (RGoZ), MOF, POFEDP (RGoZ), LGAs, Private sector	MLHHSD, MLHHSD (RGoZ), MoF, POFEDP (RGoZ), LGAs, Private sector	5	Improved land parcel compensation	428,900	MLHHSD, MLHHSD (RGoZ), MoF, POFEDP (RGoZ) and NGC
	Strengthen decentralized national land offices in all 7 zones	Number of zonal offices equipped with requisite Facilities		MLHHSD, MoF, LGAs	MLHHSD, MoF, LGAs, Private sector	5	Improved land use management	328,900	MLHHSD, MoF, LGAs and NGC
	Review tariff rates of electricity to encourage private sector participation in electricity distribution	Study report, reviewed tariff structure	On going but need strengthening	MEM, MoF, TANESCO, EWURA, Private sector	MEM, MoF, TANESCO, EWURA, Private sector	5	Improved electricity distribution	100,000	MEM, MoF, TANESCO, EWURA and NGC
	Follow up on implementation of the policy of opening private banks in up country	Reports on implementation	On going but need strengthening	BOT, MoF, ATBA, POFEDP (RGoZ), Private sector	BOT, MoF, TBA, POFEDP (RGoZ) Private sector	5	Improved financial services	100,000	BOT, MoF, TBA, POFEDP (RGoZ) and NGC
	Review the costs of building materials with the objective of facilitating the communities to build more decent houses	Study report, revised prices of building materials	On going but need strengthening	MoF, POFEDP (RGoZ), MITM, MOID, MLHHSD, TBA, Private sector	MoF, POFEDP (RGoZ), MITM, MoW, MLHHSD, TBA, Private sector	5	Improved housing	680,000	MoF, POFEDP (RGoZ), MITM, MOID, MLHHSD, TBA and NGC
Objective Five: Progress towards gender equality, particularly equal access to education for girls at all levels									

Activities by APRM Objectives	Required action	Monitorable indicators	On going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost (USD)	M&E Agency
1.Promote gender mainstreaming at all level	Re-enforce gender affirmative action in various sectors including employment and education	Number of women in decision making positions, Number of girls enrolled in schools	East African Community secretariat has started to prepare gender mainstreaming framework	MCDGC, TGNP, MDAs, LGAs, CSOs NSAs	MCDGC, TGNP, MDAs, LGAs, NSAs	5	Institution Gender main-streamed at all levels	1,422,000	MCDGC, TGNP, MDAs, LGAs , NGC
	Women empowerment through education, training income generation and health	Number women trained in income generating activities and Health	Gender budgeting and gender strategy at all MDAs, East Africa Gender Development strategy	MCDGC, TGNP, NSAs , MDAs, LGAs	MCDGC, TGNP, NSAs , MDAs, LGAs	5	Women capacity to engage and improve their health	1,098,000	MCDGC, TGNP, NSAs , MDAs, LGAs, NGC
	Gender awareness and training	Reports and number of programmes aired	Gender budgeting and gender strategy at all MDAs, East Africa Gender Development strategy	MCDGC, MDAs, LGAs, NSAs, TGNP, Non State Actors	MCDGC, TGNP, MDAs, LGAs, NSAs	5	Improved gender awareness	1,242,000	MCDGC, TGNP, NSAs , MDAs, LGAs, NGC
	Strengthen the implementation of a National Plan of Action to end Gender Based Violence (GBV) and Female Genital Mutilations (FGMs)	Number of trainees, reports	Gender budgeting and gender strategy at all MDAs, East Africa Gender Development strategy	MCDGC, TGNP, NSAs	MCDGC, TGNP, MDAs, LGAs, NSAs	5	Reduced number of gender based violence	181,260	MCDGC, TGNP, MDAs, LGAs, NSAs and NGC
	Review the Marriage Act of 1971 to enhance women rights	Review Act	Gender budgeting and gender strategy at all MDAs, East Africa Gender Development strategy	MLHHSD, MCDGC, MLHHSD (RGoZ), POPSGG (RGoZ), , MOF, MoCLA, Religious Based Organizations, NSAs	MLHHSD, MLHHSD (RGoZ), POPSGG (RGoZ), MCDGC, MoF, MoCLA, Religious Based Organizations, NSAs	5	Improved women rights	440,000	MLHHSD, MLHHSD (RGoZ), POPSGG (RGoZ), , MOF, MoCLA, Religious Based Organizations, NSAs and NGC
OBJECTIVE 6:Encourage broad based participation in development by all stakeholders at all levels									

Activities by APRM Objectives	Required action	Monitorable indicators	On going initiatives including current Projects in Government POA	Implementing agency	Key stakeholders	Time frame (yrs)	Expected output	Estimated cost (USD)	M&E Agency
1. Ensuring effective participation of stakeholders in planning, implementation and oversight function of development programmes	Improve stakeholders Follow up on stakeholders	Number of stakeholders trained in planning and	Under implementation by LGAs while	LGAs, MDAs,MoF	LGAs, MoF, MDAs, Citizenry	5	improved planning and implementation	3,733,750	LGAs, MoF, MDAs, Citizenry and NGC
	understanding of planning techniques at various levels	implementation of development process	undertaking O& OD but needs strengthening						
	Ensure participation in planning process by stakeholders at all levels by providing civic education	Number of stakeholders participating in planning and implementation of development process	On going but need strengthening	LGAs, MoF, PMO-RALG, MDAs	LGAs, MDAs, MoF, PMO-RALG and Citizenry	5	Improved participation in planning	152,400	MDAs, LGAs, MoF, PMO-RALG, Citizenry and NGC
	Streamline reporting to have a single consolidated report catering for needs of various users	Consolidated report	MTEF and JAST	MoF, PMO-RALG, MDAs	MoF, PMO-RALG, LGAs MDAsand other MDAs	5	Improved reporting mechanism	272,250	MoF, PMO-RALG, LGAs, other MDAs and NGC
	Follow up on enforcement of accountability in order to have checks and balances at all levels	Reports	Ratification is an ongoing activity. CHRAGG in place	MoF, PMO-RALG, LGAs and other MDAs	MoF, PMO-RALG, LGAs and other MDAs	5	Improve funds diisbursment and accountability	100,000	MoF, PMO-RALG, LGAs, other MDAs and NGC
	Follow up on implementation of disbursement procedures and adherence to disbursement plan	Simplified disbursement procedures, Disbursement report	MTEF, JAST	MoF MDAs, LGAs	MoF, PMO-RALG, LGAs and other MDAs	5	Improved funds disbursement	100,000	MoF, PMO-RALG, LGAs, other MDAs and NGC
	Decentralize the CSOs registration process in Zanzibar to enhance their participation in development endeavors	Study report, decentralized system in place and being used	On going but need strenghthening	MOHA, MOCAJ (RGoZ), ANGOZA	MOHA, POPSGG (RGOz), ANGOZA, NSAs	5	Improved NGO registration	410,000	MOHA, MOCAJ (RGoZ), ANGOZA, NSAs, and NGC
	Ensure all Districts adopt O&OD participatory planning methodology	O&OD adoption report, methodology being used	On going but needs strengthening	PMO-RALG, LGAs, NSAs,	PMO-RALG, LGAs, NSAs	5	Improved participatory planning	100,000	PMO-RALG, LGAs, NSAs and NGC

APRM Tanzania National Plan of Action
Socio-economic Development – (Budget)

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
STANDARDS AND CODES							
Sign, ratify, accede to, domesticate and popularize democratic principles, codes and standards	Ratify outstanding standards and codes	Task force to identify and make proposal for ratification	Person day	200	10	14	28,000
		Sub Total					**28,000**
	Domesticate, translate and create awareness on standards and codes	Task force to translate convention into Act	Person day	200	10	14	28,000
		Task force to prepare awareness training materials	Person day	200	5	14	14,000
		Print and electronic media	Size/ Programs	800	6	30	144,000
		Sub Total					**186,000**
OBJECTIVE 1: Promote self reliance in development and build capacity for sustaining development							

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
1. Enhancing capacitates for mobilizing domestic resources for development	Review and implement existing policies targeting improved production and service in key sectors sectors (Agriculture, Tourism, Livestock and Fisheries, Manufacturing, Trade, Mining and Service trade)	Task force to review policies	Person day	200	30	14	84,000
		Printing and production of reviewed policies	page	3	300	1000	900,000
		Follow up of implementation	sector	100,000	1	1	100,000
		Sub Total					**1,084,000**
	Expand the tax base by including the informal sector in the economy	Procure consultant	Person day	10,000	1	1	10,000
		Consultant to study and make proposal on taxation informal sector	Person day	300	3	30	27,000
		Printing and production of reviewed strategies	Page	3	100	1000	300,000
		Follow up of implementation	Sector	100,000	1	1	100,000
		Sub Total					**437,000**
	Reduce tax exemptions, particularly discretionary exemptions	Task force to propose areas where tax exemptions can be reduced	Person day	200	15	30	90,000
		Printing and production of reviewed report	Page	3	100	1000	300,000
		Follow up of implementation	Sector	100,000	1	1	100,000
		Sub Total					**490,000**
	Improve tax revenue collection by maximization of resource rent collected by government from exploitation of natural resources such as minerals and forest products	Task force to study on how to improve tax collection using resource rents	Person day	200	30	30	180,000
		Printing and Production of report	Page	3	100	1000	300,000
		Follow up on implementation	Sector	100,000	1	1	100,000
		Sub Total					**580,000**

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
2. Strengthening local stakeholder involvement in development process	Mainstream planning and budgeting at all levels (all segment of the society)	Follow up of implementation	Person	100,000	1	1	100,000
		Sub Total					**100,000**
	Build capacity to communities for development planning	Facilitator	Person day	300	150	7	315,000
		Conference package	Person day	30	1500	7	315,000
		DSA to participants	Person day	60	1500	7	630,000
		Domestic transport	Person day	40	1500	7	420,000
		Stationeries	Person	3	1500	1	4,500
		Sub Total					**1,684,500**
	Follow up on implementation of community contributions for financing local development initiatives	Follow up implementation	person day	100,000	1	1	100,000
		Sub Total					**100,000**
Objective Two: Accelerate socio-economic objectives to achieve sustainable development and poverty eradication							
1. Improve performance at all levels to achieve sustainable development	Recruit and train staff	DSA to participants	Person day	60	320	14	268,800
		Facilitator conference package	Person day	300	24	3	21,600
		Conference package	Person day	40	320	17	217,600
		Domestic transport	Person day	40	320	17	217,600
		Stationeries	Person	3	320	1	960
		Sub Total					**726,560**
	Re-enforce coordination mechanism in policy formulation and implementation	Task force to prepare coordination plan	Person day	200	30	5	30,000
		Conduct coordination meetings	Person day	200	30	4	24,000
		Sub Total					**54,000**
	Strengthen the M&E system and statistical data collection to ascertain the extent to which the country is progressing towards targets set in MKUKUTA II, MKUZA II and the MDGs	Procure consultant to review the MKUKUTA II and MKUZA II M&E systems	Lump sum	10,000	1	2	20,000
		Consultant to review M&E Framework, revise guidelines and reporting format	Person	300	4	30	36,000
		Stakeholders meeting to discuss and validate revised M&E system: Conference package	Person	40	300	5	60,000
		DSA to participants	Person	60	300	5	90,000
		Domestic transport	Person	40	300	5	60,000
		Stationeries	Person	3	300	5	4,500
		Follow up implementation of the agreed M&E system	sector	160,000	1	1	160,000
		Sub Total					**430,500**

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
2. Enhance pro-poor focus of policies and programmes.	Improve access to credit to enhance production of goods and services	Task force to prepare awareness training materials	Person day	200	5	5	5,000
		Print and electronic media	Size/ Programs	800	6	30	144,000
		Sub Total					**149,000**
	Strengthen the implementation of ASDP\ASP	Steering committee meetings to follow up of implementation	Person day	200	30	10	60,000
		Domestic transport	Person day	40	30	10	12,000
		Stationeries	Person	2	30	10	600
		Sub Total					**72,600**
	Review and update Acts to reflect significant social and economic changes	Task force to review and draft Act	Person day	200	20	30	120,000
		Printing and production of reviewed Act	Page	3	1,000	25	75,000
		Sub Total					**195,000**
	Review and up date strategies to fight unemployment among the youth in Mainland Tanzania and Zanzibar	Procure consultant	Person day	10,000	1	1	10,000
		Consultant to review strategies	Person day	300	90	3	81,000
		Printing and production of reviewed strategies	Page	3	1,000	25	75,000
		Sub Total					**166,000**
Objective Three: Strengthen policies, delivery mechanism and output in key social development areas including education for all, combating HIV/ AIDS and other communicable diseases							
1. Review policies for improved social service delivery	Develop human resource capacities for developing and reviewing policies.	Facilitators to identify capacity gaps	Person day	300	5	30	45,000
		Conference package	Person day	40	30	14	16,800
		Training workshop on policy formulation - DSA	Person day	60	30	14	25,200
		Task force to review policies	Person day	200	10	14	28,000
		Printing and production of reviewed policies	Page	3	1,000	250	750,000
		Domestic transport	Person day	40	33	14	18,480
		Stationeries	Person	3	33	1	99
		Follow up implementation	Sector	100,000	1	1	100,000
		Sub Total					**983,579**
	Build capacity on POPC on planning, policy analysis and development	Facilitator to identify training needs and conduct training to address identified gaps	Person day	300	3	14	12,600
		Conference package	Person day	40	40	14	22,400
		Domestic transport	Person day	40	40	16	25,600
		Stationeries	Person	3	40	1	120
		Sub Total					**60,720**

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
2. Enhance mechanisms for delivery of improved social services	Enhance the use of ICT in teaching and learning at primary, secondary and higher learning institutions	Training teachers in ICT	Person day	10,000	50	1	500,000
		Procure computers	Units	350	30,000	1	10,500,000
		Follow up on implementation	Sector	100,000	2	3	600,000
		Sub Total					**11,600,000**
	Follow up of reviewed and aligned curriculum of vocational education centres to meet labour market demands by providing various courses and skills for self employment and competition	Follow up on implementation	Sector	100,000	1	1	100,000
		Sub Total					**100,000**
	Follow up on reviewed remuneration package of teachers and health workers working in remote areas with the view of attracting and retaining them	Follow up on implementation health workers	Sector	100,000	1	1	100,000
		Sub Total					**100,000**
	Review and up date the Act on regulation of private universities in Zanzibar	Procure consultant	Person day	10,000	1	1	10,000
		Consultant to the Act on regulation of private universities and propose new Act	Person day	300	30	2	18,000
		Printing and production of report	Page	3	100	1000	300,000
		Follow up on implementation	Sector	10,000	1	1	10,000
		Sub Total					**338,000**
	Establish and implement customer service charters in MDAs and LGAs	Follow up implementation	Sector	100,000	1	1	100,000
		Sub Total					**100,000**
	Follow up on implementation of training to local government officers on how to generate own source revenues in the LGAs	Follow up on implementation	Person	100,000	1	1	100,000
		Sub Total					**100,000**
3. Allocate adequate funds in priority social sectors	Follow up on implementation of develop prioritized and costed strategic plans for MDAs and LGAs.	Follow up on implementation	Person day	100,000	1	1	100,000
		Sub Total					**100,000**

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
4. HIV/AIDS prevention and control	Continued awareness raising on the existence of HIV/AIDS Law	Continue implementation of awareness raising programmes on the existence of HIV/AIDS Law	TV/Radio Programmes	800	6	30	144,000
		Sub Total					**144,000**
	Follow up on awareness raising on HIV prevention to in and out of school youth	Follow up of implementation	Sector	100,000	1	1	100,000
		Sub Total					**100,000**

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Follow up on awareness raising on HIV and AIDS and encouragement on voluntary testing	Continue implement awareness raising programmes on the importance of testing HIV/ AIDS infections	TV/Radio Programmes	800	6	30	144,000
		Sub Total					**144,000**
	Follow up on PMTC coverage	Follow up on implementation	Sector	100,000	1	3	300,000
		Sub Total					**300,000**
	Distribute anti-Retroviral drugs to those infected	Distribute ARVs to 1000,000 people infected	Sector	5,000,000	1	3	15,000,000
		Follow up on implementation	Sector	100,000	1	1	100,000
		Sub Total					**15,100,000**
	Increase allocation of domestic financial resources to fight against HIV and AIDS	Task force to establish requirement of funds for HIV and AIDS control	Person day	200	20	30	120,000
		Stakeholders workshop to discuss proposed requirement of funds and modalities for disbursement: Conference packages	Person day	40	100	5	20,000
		DSA to participants	Person day	60	100	5	30,000
		Domestic transport	Person day	40	100	5	20,000
		Stationeries	Person	3	100	1	300
		Government to allocate funds as per agreement with stakeholders	sector	0	0	0	-
		Follow up of implementation	sector	100,000	1	1	100,000
		Sub Total					**290,300**
	Follow up on importation and distribution of Government recommended quality ARV	Follow up implementation	Sector	100,000	1	1	100,000
		Sub Total					**100,000**
	Provide supportive medicine freely to people using ARVs	Distribute supportive medicine to people infected with HIV and AIDS	sector	3,500,000	1	3	10,500,000
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**10,600,000**

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Review HIV\AIDS policy to allow child under 18 years to know their status of HIV and AIDs	Task force to review existing ARVs Policy and recommend possibility of allowing child under 18 years to know their status on HIV and AIDs	Person day	200	30	14	84,000
		Stakeholders workshop to discuss proposed policy: Conference package	Person day	40	500	5	100,000
		DSA to participants	Person day	60	500	5	150,000
		Domestic transport	Person day	40	500	5	100,000
		Stationeries	Person	3	500	1	1,500
		Awareness raising to the public on the new policy	Size/ Programs	800	6	30	144,000
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**679,500**
	Follow up on procurement of CD4/ T-cells Test machines to ensure people affected start using ARVs at appropriate time	Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**100,000**
5. Control of Tuberculosis	Re-evaluate the magnitude and deaths due to Tuberculosis	Task force to assess the magnitude of Tuberculosis	Person day	200	30	7	42,000
		Printing and production of report	page	3	300	25	22,500
		Follow up on implementation	Person day	100,000	1	1	100,000
		Sub Total					**164,500**
	Raise public awareness on the existence of Tuberculosis	Continue implementation of awareness raising programmes on the existence of Tuberculosis	TV/Radio Programmes	800	6	30	144,000
		Sub Total					**144,000**
	Increase coverage of TB diagnostic services nation-wide with particular emphasis on the rural areas	Task force to study various machines for testing tuberculosis and recommend accurate machine for procurement and distribution	Person day	200	5	30	30,000
		Procure recommended Tuberculosis testing machines and distribute to all regional and district hospitals	Hospitals	15,000	150	1	2,250,000
		Follow up implementation	Sector	1	100,000	1	100,000
		Sub Total					**2,380,000**

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Strengthen the implementation of the National Tuberculosis and Leprosy Control Programme	Steering committee to follow up of implementation	Person day	200	10	90	180,000
		Domestic transport	Person day	40	10	4	1,600
		Stationeries	Person	2	10	4	80
		Sub Total					**181,680**
6. Control of Malaria	Raise public awareness on the causes of malaria, how to prevent it and treatment methods	Continue awareness raising to the public on the causes of malaria	Size/ Programs	800	6	30	144,000
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**244,000**
	Introduce indoor residual spraying (IRS) in all epidemic prone districts and endemic districts	Health officers to establish number of houses occupied	Person day	300	70	30	630,000
		Carry out indoor spraying	Person	3	4,200,000	1	12,600,000
		Follow up on implementation	Sector	100,000	1	1	100,000
		Sub Total					**13,330,000**
	Follow up on distribution of Insecticide-treated nets (ITNs) to all households in the country, including those without children under five	Follow up on implementation	Sector	100,000	1	1	100,000
		Sub Total					**100,000**
	Strengthen the implementation of the National Malaria Control Strategy	Steering committee to follow up of implementation	Person day	200	10	90	180,000
		Domestic transport	Person day	40	10	4	1,600
		Stationeries	Person	2	10	4	80
		Sub Total					**181,680**
Objective Four: Ensuring affordable access to Water, Sanitation, Energy, Finance, Markets, ICT , Shelter and Land to all Citizens Especially the Poor							
Strengthen service delivery mechanisms	1. Review laws and regulations to enhance service delivery including involvement of the private sector	Consultant to review laws and regulations	Person day	300	30	14	126,000
		Printing and production of reviewed laws and regulations	page	3	150	1,000	450,000
		Create awareness on stakeholders involvement in production and supply of services	Size/ Programs	800	3	72	172,800
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**848,800**

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Review and implement efficient SACCOS regulatory mechanisms to improve provision of Micro credit	Task force to review laws and regulation governing SACCOS	Person day	200	10	30	60,000
		Follow up of implementation of SACCOS operations	sector	100000	1	1	100,000
		Sub Total					**200,000**
	Train staff in computer use and procure computers and accessories.	Procure Consultant	Person day	10,000	1	1	10,000
		Consultant to prepare training material	Person day	300	10	7	21,000
		Training on computer use -DSA	Person day	60	105	3	18,900
		Training workshop on strategic plan - Conference package	Person day	40	105	3	12,600
		Domestic transport	Person day	40	105	3	12,600
		Procure computers and accessories	Units	2,000	105	1	210,000
		Stationeries	Person	3	105	1	315
		Follow up on implementation	Sector	100,000	1	1	100,000
		Sub Total					**385,415**
	Strengthen Farmers Cooperatives and SACCOS capacity to effectively manage resources for their members by conducting financial education programs	Task force to prepare training material	Person day	200	10	10	20,000
		Training on financial education to SACCOS management -DSA	Person day	60	105	3	18,900
		Training workshop on financial education - Conference package	Person day	40	105	3	12,600
		Domestic transport	Person day	40	105	3	12,600
		Stationeries	Person	3	105	1	315
		Follow up on implementation	Sector	100,000	1	1	100,000
		Sub Total					**164,415**
	Review institutional structures over land allocation, administration and dispute adjudication in Mainland Tanzania and Zanzibar	Procure consultant	Person day	10,000	1	1	10,000
		Consultant to review institutional structures	Person day	300	2	60	36,000
		Printing and production of report	Page	3	100	1,000	300,000
		Stationeries	Person	3	300	1	900
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**446,900**

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Follow up of implementation of resolution of cases involving land grabbing and land disputes in Mainland Tanzania and Zanzibar	Steering team to establish backlog of cases	Number of cases	40	50	60	120,000
		Facilitation allowances to judges and magistrates	Persons	40	50	90	180,000
		Facilitation allowances to court administration	Persons	40	100	90	360,000
		Stationeries	Cost/case	3	50	1,000	150,000
		Follow up on implementation	Sector	100,000	2	3	600,000
		Sub Total					**1,410,000**
	Increase the number of physical planners, surveyors and land officers	Train physical planners, surveyors and land officers	Person	250,000	400	1	100,000,000
		Follow up on implementation	Sector	100,000	1	1	100,000
		Sub Total					**100,100,000**
2. Availability of adequate resources for financing delivery of social services	Improve private sector investment in social service delivery	Create enabling environment for private sector investment in social services delivery	Size/ Programs	800	6	30	144,000
		Sub Total					**144,000**
3. Enhance access to credit, land, knowledge, energy and markets to the poor	Provide information on land, utilities and market information to users	Facilitator to identify market information needs and establish modality for dissemination	Person day	300	2	7	4,200
		Disseminate identified land utilities market information	Size/ Programs	800	6	30	144,000
		Feedback mechanism from sellers and buyers on market information provided (create hot line, website)	Air time	800	6	30	144,000
		Task force to review flow of information with a view to determine its effectiveness	Person day	200	5	7	7,000
		Sub Total					**299,200**
	Review pertinent laws to enhance property and small business formalization.	Task force to review pertinent Acts	Person day	200	20	30	120,000
		Stakeholder workshop to validate reviewed Act: Conference package	Person	40	300	5	60,000
		DSA to participants	Person day	60	300	5	90,000
		Domestic transport	Person day	40	300	5	60,000
		Stationeries	Person	3	300	1	900
		Follow up of implementation	sector	100,000	1	1	100,000
		Sub Total					**430,900**
	Promote and support formation of SACCOS, SACCAS and VICCOBA	Follow up on implementation	Sector	100,000	1	1	100,000
		Sub Total					**100,000**

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Build capacity of SACCAS and VICOBA on agricultural financing	Facilitator to study and propose capacity building for agricultural financing	Person day	300	10	30	90,000
		Stakeholder workshop to validate report:					
		Conference package	Person	40	300	5	60,000
		DSA to participants	Person day	60	300	5	90,000
		Domestic transport	Person day	40	300	5	60,000
		Stationeries	Person	3	300	1	900
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**400,900**
	Strengthen the implementation of the National sanitation campaign and school WASH	Steering committee to follow up on implementation	Person day	200	10	90	180,000
		Domestic transport	Person day	40	10	4	1,600
		Stationeries	Person	2	10	4	80
		Sub Total					**181,680**
	Facilitate land surveying, and issuance of title deeds in Mainland Tanzania and Zanzibar	Procure consultant	Person day	10,000	1	1	10,000
		Land compensation	Shs/plot	1,000	700,000	1	700,000,000
		Consultant to carry out land survey on plots	Plots	300	20	90	540,000
		Follow up on implementation	Sector	100,000	1	1	100,000
		Sub Total					**700,640,000**
	Establish potential land parcel compensation-Revolving Fund in Mainland Tanzania and Zanzibar	Procure consultant	Person day	10,000	1	1	10,000
		Consultant to study and propose establishment and management of the Fund	Person day	300	2	30	18,000
		Printing and production of report	Page	3	100	1,000	300,000
		Stationeries	Person	3	300	1	900
		Follow up on implementations	sector	100,000	1	1	100,000
		Sub Total					**428,900**
	Decentralize the national land use commission to all seven zones	Procure consultant	Person day	10,000	1	1	10,000
		Consultant to propose operating systems of decentralized zones	Person day	300	2	15	9,000
		Printing and production of report	Page	3	100	1,000	300,000
		Follow up on implementation	Sector	100,000	1	1	100,000
		Sub Total					**328,900**

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Review tariff rates of electricity to encourage private sector participation in electricity distribution	Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					428,900
	Follow up on implementation of the policy opening up branches in the up country by private banks	Follow up on implementation	Sector	100,000	1	1	100,000
		Sub Total					**100,000**
	Review the costs of building materials with the objective of facilitating the communities to build more decent houses	Procure consultant	Person day	10,000	1	1	10,000
		Consultant to review and the cost of building materials all over the country and propose subsidization	Person day	300	10	90	270,000
		Printing and production of report	Page	3	100	1,000	300,000
		Follow up on implementation	Sector	100,000	1	1	100,000
		Sub Total					**680,000**
OBJECTIVE 5: Progress towards gender equality, particularly equal access to education for girls at all levels							
1.Promote gender mainstreaming at all level	Re-enforce gender affirmative action in various sectors including employment and education	Procure consultant	Person	10,000	1	1	10,000
		Consultant to identify areas of training on gender mainstreaming	Person	300	10	30	90,000
		Consultant to prepare training modules on gender mainstreaming	Person	300	10	30	90,000
		Consultant to conduct training on gender mainstreaming	Person	300	10	35	105,000
		Implement training programme: Conference package	Person day	40	1,000	5	200,000
		DSA to participants	Person day	60	1,000	5	300,000
		Domestic transport	Person day	40	1,000	5	200,000
		Stationeries	Person	3	1,000	1	3,000
		Consultant to identify areas of campaign on gender mainstreaming	Person	300	10	30	90,000
		Consultant to prepare awareness raising materials on gender mainstreaming	Person	300	10	30	90,000
		Implement awareness raising programme	Size/ Programs	800	6	30	144,000
		Follow up implementation	sector	100,000	1	1	100,000
		Sub Total					**1,422,000**

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Women empowerment through education, training income generation and health	Procure consultant	Person	10,000	1	1	10,000
		Consultant to identify training needs on women empowerment	Person	300	10	30	90,000
		Consultant to prepare training modules on women empowerment	Person	300	10	30	90,000
		Consultant to conduct training on women empowerment	Person	300	10	35	105,000
		Implement training programme: Conference package	Person day	40	1000	5	200,000
		DSA to participants	Person day	60	1000	5	300,000
		Domestic transport	Person day	40	1000	5	200,000
		Stationeries	Person	3	1000	1	3,000
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**1,098,000**
	Gender awareness and training	Procure consultant	Person	10,000	1	1	10,000
		Consultant to identify training needs on gender issues	Person	300	10	30	90,000
		Consultant to prepare training modules on gender issues	Person	300	10	30	90,000
		Consultant to conduct training on gender issues	Person	300	10	35	105,000
		Implement training programme: Conference package	Person day	40	1,000	5	200,000
		DSA to participants	Person day	60	1,000	5	300,000
		Domestic transport	Person day	40	1,000	5	200,000
		Stationeries	Person	3	1,000	1	3,000
		Awareness raising on gender issues	TV/Radio Programmes	800	6	30	144,000
		Follow up on implementation	sector	100,000	1	1	100,000
		Sub Total					**1,242,000**
	Strengthen the implementation of a National Plan of Action to end Gender Based Violence (GBV) and Female Genital Mutilations (FGMs)	Steering committee to follow up on implementation	Person day	200	10	90	180,000
		Domestic transport	Person day	40	10	3	1,200
		Stationeries	Person	2	10	3	60
		Sub Total					**181,260**
	Review the Marriage Act of 1971 to enhance women rights	Procure consultant	Person day	10,000	1	1	10,000
		Consultant to review marriage Act of 1971	Person day	300	10	60	180,000
		Printing and production of report	Page	3	50	1,000	150,000
		Follow up on implementation	Sector	100,000	1	1	100,000
		Sub Total					**440,000**
Objective Six: Encourage broad based participation in development by all stakeholders at all levels							

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
1. Ensuring effective participation of stakeholders in planning, implementation and oversight function of development programmes	Improve stakeholders understanding on planning techniques at various levels	Task force to conduct training on participative planning	Person day	200	150	7	210,000
		Conference package	Person day	30	3750	7	787,500
		DSA to participants	Person	60	3750	7	1,575,000
		Domestic transport	Person day	40	3750	7	1,050,000
		Stationeries	Person	3	3750	1	11,250
		Follow up on implementation	Sector	100,000	1	1	100,000
		Sub Total					**3,733,750**
	Ensure participation in planning process by stakeholders at all levels by providing civic education	Consultant to prepare civic education materials	Person day	300	2	14	8,400
		Provide civic education through print and electronic media (e.g.. Radio, Television, Newspapers) on the importance of participating in planning	Size/ Programs	800	6	30	144,000
		Sub Total					**152,400**
	Streamline reporting to have a single consolidated report catering for needs of various users	Task force to prepare consolidated report format and validated by stakeholders	Person day	200	20	30	120,000
		Validation workshop - DSA to participants	Person	60	750	2	90,000
		Domestic transport	Person day	40	750	2	60,000
		Stationeries	Person	3	750	1	2,250
		MDAs and LGAs to prepare consolidated reports using agreed format	Person day	0	0	0	-
		Sub Total					**272,250**
	Follow up on enforcement of accountability mechanism in order to have checks and balances at all levels	Follow up of implementation	Sector	100,000	1	1	100,000
		Sub Total					**100,000**

Activities by APRM Objectives	Required action	Input	Unit of measure	Unit cost (USD)	Number of units	Frequency	Total cost (USD)
	Follow up on implementation of disbursement procedures and adherence to disbursement plan	Follow up implementation	Sector	100,000	1	1	100,000
		Sub Total					**100,000**
	Decentralize the CSOs registration process in Zanzibar to enhance their participation in development endeavors	Procure consultant	Person day	10,000	1	1	10000
		Consultant to study CSOs registration in Zanzibar and make proposals	Person day	300	14	2	
		Printing and production of report	Page	3	100	1000	300,000
		Follow up on implementation	Sector	100,000	1	1	100,000
		Sub Total					**410,000.00**
	Ensure all Districts adopt O&OD participatory planning methodology	Follow up on implementation	Sector	100,000	1	1	100,000.00
		Sub Total					**100,000.00**
		Grand Total					**880,890,789**

AFRICAN PEER REVIEW MECHANISM

AFRICAN UNION

ANNEXURE III

THE PEER REVIEW OF THE UNITED REPUBLIC OF TANZANIA AT THE 18th SUMMIT OF THE APR FORUM ON 26 JANUARY 2013, ADDIS ABABA ETHIOPIA

ANNEXURE III

I. INTRODUCTION

1. The 18th Summit of the Committee of Heads of State and Government Participating in the African Peer Review Mechanism [APR Forum] was held on 26 January 2013 at the African Union Commission Headquarters in Addis Ababa, Ethiopia. The Summit marked the official launch of the commemoration of the 10th APRM Anniversary. The APR Forum also peer-reviewed the reports of the United Republic of Tanzania and the Republic of Zambia.

2. The Summit was chaired by H.E. Hailemariam Desalegn, Prime Minister of the Federal Democratic Republic of Ethiopia and Chairperson of the APR Forum.

II. ATTENDANCE

The following Heads of State and Government attended the 18th Summit:

(i) H.E. Hailemariam Desalegn, Prime Minister of the Federal Democratic Republic of Ethiopia and Chairperson of the APR Forum;

(ii) H.E. Abdelmalek Sellal, Prime Minister of the People's Democratic Republic of Algeria;

(iii) H.E. Dr. Boni Yayi, President of the Republic of Benin;

(iv) H.E. Idriss Déby, President of the Republic of Chad;

(v) H.E. Ismail Omar Guelleh, President of the Republic of Djibouti;

(vi) H.E. Thomas Thabane, Prime Minister of the Kingdom of Lesotho;

(vii) H.E. Paul Kagame, President of the Republic of Rwanda;

(viii) H.E. Macky Sall, President of the Republic of Senegal;

(ix) H.E. Jacob Zuma, President of the Republic of South Africa;

(x) H.E. Jakaya Kikwete, President of the United Republic of Tanzania;

(xi) H.E. Moncef Marzouki, President of the Republic Tunisia; and

(xii) H.E. Michael Sata, President of the Republic of Zambia.

3. Angola, Burkina Faso, Cameroon, Republic of Congo, Djibouti, Egypt, Ethiopia, Gabon, Ghana, Kenya, Mauritius, Mali, Mozambique, Nigeria, Rwanda, Sudan, Togo, and Uganda were represented at the Summit by National Focal Points of the APRM, Ministers, Officials and Heads of Delegations.

4. All the members of the Panel of Eminent Persons (APR Panel) were present: Professor Amos Sawyer (Chairperson), Barrister Julienne Ondziel Gnelenga, Barrister Akere Tabeng Muna, Ambassador Mohamed Ashraf Rashed, Madam Baleka Mbete, Dr. Mustapha Mekideche, Ambassador Fatuma Ndangiza and Ambassador Professor Okon Edet Uya.

5. The Summit was opened with welcome remarks by His Excellency Hailemariam Desalegn, Prime Minister of the Federal Democratic Republic of Ethiopia and Chairperson of the APR Forum, His Excellency Dr. Boni Yayi, President of the Republic of Benin and Chairperson of the Assembly of the African Union, Her Excellency Dr. Nkosazana Dlamini-Zuma, Chairperson of the African Union Commission, and His Excellency Professor Amos Sawyer, Chairperson of the APR Panel of Eminent Persons.

III. PEER REVIEW OF THE UNITED REPUBLIC OF TANZANIA

6. The peer review of Tanzania began with a PowerPoint presentation by Barrister Akere Tabeng Muna, Lead Panel

Member in charge of Tanzania, who briefly elaborated on the key findings of the Review Report. His presentation was followed by a response from H.E. Jakaya Mrisho Kikwete, President of the United Republic of Tanzania, prior to the Forum discussions.

Presentation of the Highlights of the Country Review Report

7. Barrister Akere Muna started off by thanking the Government and the People of the United Republic of Tanzania for the warm welcome and hospitality accorded to him and the 21-member Country Review Team he led on the review mission from 2 to 23 March 2012. He commended the citizens of Tanzania for their active participation in the public forums held throughout the country and for the frankness with which they discussed governance issues facing Tanzania.

8. Barrister Muna observed that Tanzania is a large, stable and peaceful country, which has successfully built a strong national identity in the midst of great ethnic, regional, and religious diversity. Since the formation of the Union in 1964, the country has, enviably, remained unscathed by the ethnic rivalries and political upheavals that have plagued many countries on the African continent, and the neighbouring countries, in particular. He noted that this political stability has largely been attributed to the legacy of the visionary leader, Mwalimu Julius Nyerere, and to the Tanzanian political leadership committed to peace and stability.

9. Barrister Muna commended the steady progress that Tanzania continues to make in the area of democratic governance. He recalled that, since the return of multiparty politics in 1985, Tanzania has held four peaceful and credible presidential and parliamentary elections. Presidents have upheld the constitutional provision for two presidential term limits without attempting to amend the Constitution, as witnessed in some African countries. This practice has helped to consolidate and deepen the democratisation process in the country.

10. Barrister Muna pointed out issues that were raised by stakeholders during the public hearings: the perceived limited independence of the National Electoral Commission (NEC); funding of political parties; constitutional provision prohibiting the court to adjudicate against NEC results; human rights violations especially towards people with albinism; issues of corruption; and the role of civil society in governance and professionalism and impartiality of the Media.

11. He noted the enthusiasm and great expectations that Tanzanians have about the ongoing Constitutional Review Process under the Constitutional Review Act 2011.

12. The Lead Panel Member commended the URT for the impressive growth rates recorded over the past decade, with an annual GDP averaging 6.8 per cent, which constituted an indication of sound macro-economic policies. He added that these high economic growth rates have not yet engendered broad-based inclusive development as expected, given the marginal reduction in poverty levels and the rising income inequality. The URT was cautioned about its investment policies, particularly in the mining sector, the major income earner for the country, and urged to ensure that the entire population benefits from investments in the country's resources.

Response by H.E. President Jakaya Mrisho Kikwete

13. His Excellency Jakaya Mrisho Kikwete, President of the United Republic of Tanzania, started his response by thanking the APR Panel and the Review Team led by Barrister Akere Muna for completing the review of Tanzania in good time and coming up with a candid report on the state of governance in Tanzania.

14. President Kikwete welcomed what he termed "objective and candid observations" of the Country Review Report and reaffirmed the commitment of the Government of the United Republic of Tanzania to the APR process, which he viewed as a value addition to the country's existing governance architecture.

15. President Kikwete expressed his appreciation of the recognition of the long-standing Union between Tanganyika and Zanzibar, which he described as a testimony to the fact that Africa's dream for a United States of Africa is possible. He informed the Forum that, in 2014, the United Republic of Tanzania will be celebrating 50 years of

the Union, which has withstood the test of time and endured, in spite of the inherent challenges. He expressed his gratitude, and that of Tanzanians, to Mwalimu Julius Kambarage Nyerere and Sheikh Abeid Amani Karume, founders of the Union.

16. Elaborating on issues concerning the Union, President Kikwete spoke of the Constitutional Review process launched in 2011, which has provided Tanzanians from both sides of the Union an opportunity to express their views. He also expressed the hope that constructive opinions will be gathered at the end of the constitutional review process and used to consolidate the Union.

17. President Kikwete deplored the practice of killing of people with albinism, reportedly based on superstition and witchcraft, as some people believe that albino parts will make them rich. He assured his peers that the Government of Tanzania has taken stern measures to apprehend and jail albino killers and the result has been a sharp decline in that practice.

18. With regard to freedom of expression and the right to information, President Kikwete observed that the URT is one of the countries in Africa with a strong record of respect for freedom of expression, the right to information for its people and maximum tolerance of criticism. In addition to the fact that these rights are enshrined in the Union's Constitution 1977 and Zanzibar Constitution 1984, there was also a tremendous increase in press and media outlets. By June 2012, Tanzania had about 763 registered newspapers, newsletters and periodicals, one of the largest in Africa, and they operate with much freedom. Tanzania has 85 and 26 registered TV and Radio stations respectively. More than 90 per cent of these media outlets are privately owned. The President reiterated, however, that the URT will not allow any media to pose a threat to national peace and stability.

19. President Kikwete further welcomed the findings of the Report on anti-corruption efforts deployed in Tanzania. He indicated that corruption-related offences have been broadened to include embezzlement and misuse of public office. He reaffirmed the Government's commitment to continue with its policy of zero tolerance on corruption and the consolidation of the achievements made so far.

20. President Kikwete reminded his Peers that religious tensions are among the challenges that African countries should join efforts to contain. He noted that Tanzania has been enjoying religious tolerance for a long time but conceded that religious tensions are a possible threat to peace in Tanzania. In this regard, he emphasized that his Government will act severely against any plan to destroy peace in the country.

21. Commenting on the emerging disputes over natural resources, including land disputes, President Kikwete indicated that the Government has implemented the recommendations of the Bomani Commission. Mining laws have been amended by scaling up royalty and other taxes to benefit Tanzanians. He expressed the URT Government's commitment to remain firm to ensure that all Tanzanians, including those in areas where resources have been identified, do benefit from such resources.

22. President Kikwete acknowledged the growing income inequality between the rich and the poor in the country and indicated that this situation has been of great concern to the URT Government. He added that his Government is committed to implementing measures aimed at ensuring inclusive growth and reducing poverty.

23. In his concluding remarks, President Kikwete expressed appreciation to the APR Forum for the peer review exercise and reiterated Tanzania's readiness to receive more advice from the Peers on how to address the challenges identified. He further welcomed all African countries to consult with the Government of Tanzania on areas of common interest and share the best practices outlined in the Review Report. The President finally expressed Tanzania's commitment to meet the identified challenges by funding the National Programme of Action appended to the Review Report.

Forum Discussions

24. The APR Forum held extensive discussions on the issues raised in the Report for clarity, peer sharing and learning, as elaborated hereafter.

25. His Excellency Jacob Zuma, President of the Republic of South Africa, congratulated the Government and People of the United Republic of Tanzania on their participation in the peer review process. He also thanked the APR Panel of Eminent Persons for providing oversight and ensuring the objectivity of the review process.

26. President Zuma elaborated on the findings of the Report across the four thematic areas. He highlighted, in particular, the progress made towards promoting constitutionalism, the rule of law and human rights. He commended achievements made in the area of women empowerment at all levels.

27. He acknowledged the topicality of the land governance issues, which are similar to those identified in a number of Country Reviews, including that of South Africa. He noted, with satisfaction, the response provided by H.E. President Kikwete in this regard.

28. In the area of Economic Governance, President Zuma commended the high economic growth rates averaging 6.8 per cent for the last decade and encouraged Tanzania to carry on with its economic policies while ensuring that economic growth translates into poverty reduction.

29. President Zuma expressed the South African Government's interest to learn from Tanzania's experiment with the Public Procurement and Regulatory Authority and Ethics Secretariat established to curb corruption and enhance transparency in public affairs. He reiterated South Africa's readiness to assist with the development of Corporate Governance in Tanzania.

30. Finally, President Zuma paid tribute to Tanzania for the role it played in supporting the liberation struggle in Southern Africa and for the high cost it paid in the process.

31. His Excellency Macky Sall, President of the Republic of Senegal, also joined the Peers to congratulate President Kikwete and the People of Tanzania on their peer review process. He observed that Tanzania was a beautiful country spoiled by nature through its mind-blowing parks and sceneries. He recalled that Tanzania is the only country on earth where one can find the rare gem called "Tanzanite".

32. President Sall stressed the need for prudent management of natural resources on the African continent as a whole. He indicated that while African Governments should create enabling environments for investors but that should be done in ways that benefit the citizens as well.

33. He called on the African Union and the APRM to promote policies that would help the member countries to preserve their national interests in the process of developing their natural resources.

34. President Macky Sall commended the efforts and measures that are being implemented to fight corruption in Tanzania. He informed his peers that Senegal too has set up a structure similar to Tanzania's Public Procurement and Regulatory Authority and Ethics Secretariat as part of the Government's efforts to promote transparency and good governance in all sectors and intensify the fight against corruption in the country.

35. H.E. Hailemariam Desalegn, Prime Minister of Ethiopia and the Chairperson of the APR Forum, recalled the best practices highlighted in the Tanzania Review Report and particularly commended the Government of Tanzania for the efforts made to reduce maternal and infant mortality in the country.

36. Commenting on the problem of albinism and ritual killings, H.E. Desalegn noted that the issue is not limited to Tanzania. He called for collective institutional efforts in the fight against superstition and the related obnoxious cultural practices at the continental level. He shared the Panel's observations in the Report and emphasized the need to educate citizens thereon.

37. H.E. Desalegn congratulated the Government and People of Tanzania on the initiatives taken to develop the country's agricultural sector through "Kilimo Kwanza" programme and urged them to intensify the efforts aimed at narrowing the gap between the rich and the poor segments of the country's population.

38. He finally applauded Tanzania for the work done in the framework of the Review Process and indicated that the Forum awaits Tanzania's Progress Report on the implementation of the National Programme of Action emanating from the Country Review.