THE UNITED REPUBLIC OF TANZANIA

THE NATIONAL FRAMEWORK ON GOOD GOVERNANCE

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GOOD GOVERNANCE

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FOREWORD

The Government of Tanzania has given governance issues the highest priority in recent years as it is aware that the continuing development problems in the country could be associated with difficulties of management in the public sector that are reflected in financial mismanagement, corruption, low level service provision, tax evasion and unnecessarily bureaucratic procedures.

To face these problems, the Government of Tanzania has embarked upon several comprehensive reforms addressing various aspects of the governance system in the country through a series of changes. The reforms have a fundamental impact on the relations between citizens and the government, between the private and public sector, between central and local levels of government and on the performance of the public sector regarding the provision of basic services to the people.

Good Governance institutions in Tanzania are based on explicit constitutional provisions. Chapter One, Part III of the Constitution of the United Republic of Tanzania of 1977 defines all the fundamental rights of the citizens, and the subsequent sections describe the democratic institutions and the rule of law. The Constitution is currently under a process of amendment to reflect the ongoing government reforms, and introduce new and more participatory governance arrangements at all levels, including the local levels of society.

The Government of Tanzania has decided to issue a Framework on Good Governance that provides an overview of governance related reforms in the country and points out the focus areas for continued attention. Each of the ongoing reforms supports one or several of the goals and objectives of Good Governance, but not necessarily with the same meaning and poorly co-ordinated manner. The main objective of the framework is to help facilitate improved co-ordination of the various governance reforms and to identify specific areas for a targeted approach in supporting good governance initiatives.

The Governance reforms in Tanzania cut across all sectors of society and affect all relations between different levels of Government. The comprehensiveness of the reforms would, in itself, be a challenge for any society, and to accomplish the intended results requires support and determination from all parties concerned and from all levels of society. The various reforms can be summarised into the following main categories:

- *the shifting of management responsibilities and production functions from the state sector to the private sector and the increasing role of market forces;*
- *devolution of powers, finances and a decentralisation of local authority personnel from central ministries to local councils (urban and district) through a Local Government Reform Programme in order to strengthen public participation and political accountability at the lower levels of government;*
- *streamlining ministries and other government agencies to make them cost effective and improving the management of Government through a Public Service Reform Programme;*
- *attacking financial malpractice in the public sector, such as corruption and bribery, by identifying their root causes and through a targeted approach to strengthening overall accountability and transparency; and*
- *sector ministry reorganisation and reform programmes aimed at increased effectiveness and efficiency in service delivery.*

Taking the position of the ongoing reforms as the basis for future actions, this framework provides a bird's eye view of the critical focus areas of action if the country is to achieve its objective of Good Governance in a sustainable manner. Banking on the positive commitment of Tanzanians, Public Institutions, Civil Society Organisations, the private sector and our partners in development and following the resolve of the 3rd Phase Government of the United Republic of Tanzania under H. E. President Benjamin W. Mkapa, I am confident we will achieve our stated vision of building a Tanzanian Society that observes the rule of law, protects human rights and which is peaceful and dynamic socially and economically. We only need to take the appropriate actions:

INTRODUCTION

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1.1 Background:

The Government of Tanzania recognizes that Good Governance in its broad sense is important for the development of the country and because of this, it initially resolved to formulate a National Programme on Governance as an instrument of promoting and underpinning governance principles and activities in the nation. However, after the first stages of formulating the governance programme, it became clear that a better approach would be to establish a framework for reform programmes pertaining to governance issues. A framework could embrace major on-going reforms and activities, point out focus areas and could serve the purpose of co-ordinating more effectively the wide spectre of actions and initiatives. As governance is a very wide subject encompassing almost all on-going reforms, it would be difficult to produce a comprehensive and detailed programme for Good Governance in its entirety in a single document.

The process of formulating the National Framework on Good Governance was spearheaded by a Task Force of members from the Planning Commission, Civil Service Department, Prime Minister's Office, Ministry of Home Affairs, Ministry of Justice and Constitutional Affairs, Ministry of Foreign Affairs and International Co-operation, Ministry of Community Development and Women Affairs, the Clerk of the National Assembly, the Registrar of Court of Appeal, Private Sector, NGOs and observers from UNDP, The Royal Netherlands Embassy and Embassy of Sweden.

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The Task Force which worked under the direction of a Steering Committee of the respective Permanent Secretaries, the Registrar of Court of Appeal and the Clerk of the National Assembly, was guided by the Terms of Reference approved by the Steering Committee, which mainly required it to:

- prepare background information that will provide a clear definition of Good Governance and explicate the dimensions to be addressed;

- provide a comprehensive review of ongoing systems, structures and activities for Good Governance; and

- recommend a framework of initiatives with high impact on Good Governance in line with Tanzania's priorities for the period 1999 to 2005.

The formulation of the framework was done in a consultative and participatory approach which involved local and international consultants, a consultative forum for top executives of government, private sector, civil society and donor community as well as workshops for experts and stakeholders.

1.2 Definition and Concept of Governance

Governance, and especially **good governance,** is the exercise of official powers in the management of a country's resources in an effort to increase and utilise such resources for the betterment of life. The exercise of power spells out the conditions and environments for participation by the various stakeholders. Good Governance calls for a system of public management which is transparent, responsive to popular interests, responsible and accountable and where officials in the exercise of public management are capable, efficient, ethical and professional in the interest of the served public. The benchmarks for Good Governance include:

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- a Constitution that is adhered to and which ensures both separation of powers and political stability;
- an efficient and effective legislature;
- security of persons and property;
- accountability, transparency and integrity in the management of public affairs;
- the rule of law;
- electoral democracy;
- protection of human rights and freedom;
- efficiency in the delivery of services by public officials;
- participation of citizens in political, economic, and social decision making;
- an informed and skilled society that is aware of and ready to legitimately defend its rights and freedoms and to hold its governors accountable;
- decentralisation of government and bringing public services closer to the end user;
- empowerment of local councils and communities through devolution of powers and functions, public participation and financial decentralisation; and
- promotion of gender equity and equality.

Taking these benchmarks together, Good Governance is seen to have three major dimensions: political, economic, and administrative/managerial governance. There is a very close correlation between development and Good Governance as governance is no longer seen to concern only the government but other development players as well: the private sector and the civil society.

Key players in the Governance System
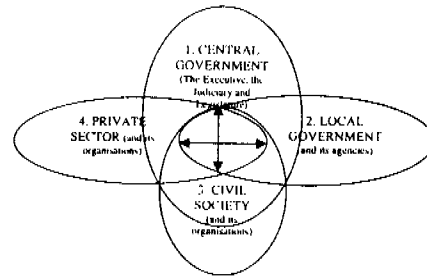
It is important to recognize and appreciate the relationship between the key players in governance and that there is not a single thing that one player does that does not concern the other players. Each of the players should exhibit the virtues of good governance. Thus, efforts to strengthen governance in the country should consider the central government, the local government, the civil society as well as the private sector and specify the role of each and the intervention mechanisms that will enable them to play their roles effectively.

1.3   Goals, Objectives and Priorities for Good Governance

The first step towards Good Governance is the political will to put it into effect. The President of the United Republic of Tanzania, H. E. President Benjamin Mkapa, has stated categorically that Good Governance is the central theme of his presidency. The vision in governance area is to create Tanzania that observes the rule of law, protects human rights and which is politically, economically, and socially peaceful, stable and dynamic. As set out in the Government's policy paper *Vision 2025:* "Tanzania cherishes Good Governance and the rule of law 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

leaders and public servants accountable. By 2025, good governance should have permeated the national socio-economic structure thereby ensuring a culture of accountability, rewarding good performance and effectively curbing corruption and other vices in society". In order to realize this vision the framework elaborates the priority areas for which deliberate interventions need to be focussed on in a continuous but stage by stage approach.

The main objective of the framework is to help facilitate improved co-ordination of the various governance reforms and to identify specific areas for a targeted approach for supporting Good Governance initiatives. Thus, given the political will and commitment, as well as the vision of the country as it relates to governance, what remains now is to identify the priority issues, institutions and reforms required to achieve the stated goals. The priority issues are:

(i)   to foster the participation of the people of Tanzania in social, political and economic decision making and instil in them a sense of responsibility and empowerment for shaping their own destiny and holding their leaders accountable;

(ii)   to create an environment that encourages people to form, join and engage in civil society organisations voluntarily in pursuit of their development and service delivery needs;

(iii)   to strengthen the practice of constitutionalism and the rule of law which instils confidence in the population, and ensures predictability in the protection of human rights and property;

(iv)   to promote gender equity and equality so as to ensure fair availability of opportunities for women and men;

(v)   to strengthen the systems and institutions of accountability, ethics, and transparency as well as the behavioural integrity of public officials and citizens at all levels of society;

(vi)   to provide opportunities for the people of Tanzania to be well informed, knowledgeable and skilled so that they are empowered, not only to participate in the democratisation process and decision making, but also be able to hold their governments accountable and defend their human rights and freedom;

(vii)   to strengthen the capacity of the public service to make and implement policies that ensure people-oriented socio-economic development and support the growth of a wealth creating private sector; and

(viii) to ensure that each able body is effectively and gainfully engaged.

In order to elaborate on the requirements for each area of priority, to identify the obstructing factors and to recommend the required future course of action the framework identifies seven focus areas for deliberate intervention by the Government, the Civil Society, Private Sector and the Co-operating Partners in development in order to achieve the desired levels of Good Governance in Tanzania. The focus areas are quite interlinked but are identified separately to facilitate formulation of specific strategies or action programmes and for purposes of ensuring comprehensiveness in the framework. The focus areas are:-

(a)   participation of the people in decision making for social, political and economic development;

(b)   private sector and regulatory framework;

(c)   constitutionalism, rule of law and administration of justice and protection of human rights;

(d)   promotion of gender equity;

(e) accountability, transparency and integrity in the management of public affairs;

(f) electoral democracy; and

(g) capacity of the public service to deliver public services efficiently and effectively.

All of the above mentioned focus areas are elaborated in the following section.

2. ELABORATIONS ON THE PRIORITY FOCUS AREAS OF THE NATIONAL FRAMEWORK ON GOOD GOVERNANCE

2.1 Participation of the People in Decision Making for Social, Political and Economic Development

People's participation and the Government's responsiveness towards serving the people are inseparable features of governance. Opportunities for people's participation for social, economic and political development depend on the prevailing governance system and the kind of access to the political process that is in place.

In Tanzania, participation through local government, civil society organizations and the private sector have been singled out as three areas of critical importance. As a matter of priority, special attention is accorded to the need for a comprehensive devolution of powers and strengthening of local government institutions to provide the people with opportunities for influencing their own development.

Local Government:

The current Local Government Reform was introduced in 1996 with the objectives of making Local Governments transparent, democratic and accountable to the people, with more financial resources and managed by skilled personnel.

These reform objectives are in line with the constitutional provisions which stipulate that, "Local Government Authorities exist for the purpose of consolidating and giving more power to the people to competently participate in the planning and the implementation of development programmes within their respective areas of authority and generally throughout the country".

The Local Government Reform Programme has five main components, namely:
● Institutional and Legal Reform;
● restructuring of Local Authorities;
● governance;
● Financial Reform; and
● Human Resources Development and Management.

The Governance component of the reforms is aimed at empowering the local authorities in shaping and running the reformed Local Government System, enhancing transparency and accountability in the management of the local government councils and strengthening the influence of citizens through their elected leaders and civil society (civic groups) in their areas of authority.

In the end, the Local Government system will be characterised by the following main features:
● improved public service;.
● political decentralisation, giving democratically elected local councils powers over local decision making and service provision;
● financial decentralisation which will enable councils to elaborate and pass their own comprehensive budgets and development plans; and

- administrative decentralisation, subordinating local government personnel to local councils and de-linking the local government staff from their former parent ministries. Local councils will be the highest political authority within their own jurisdiction, while remaining within the legal framework of a unitary state.

In May 1998, the Government approved a Policy Paper which includes the above principles and indicates a time table for the execution of the reform. To strengthen the implementation process a new Ministry of Regional Administration and Local Government (MRALG) has been created. However, in order to strengthen participation of the people in decision making, constraints facing the Local Government have to be addressed by the following approaches:

(i)   the legal framework of Local Governments need to be reviewed continuously and comprehensively to provide the autonomy required of Local Governments;

(ii)   devolution of powers from the Central Government have to be carried out fully and comprehensively;

(iii)   ministerial/sector reforms have to be integrated into Local Government reforms;

(iv)   assessment of resource endowment be carried out for each Local Government;

(v)   levels of service delivery in each Local Government and standard of service to be enjoyed by each Local Government be established;

(vi)   powers of Local Governments be stipulated, and mechanisms for enforcement of law and order be elaborated following good governance principles;

(vii)   training of local councillors be carried out continuously;

(viii) civic education for the people be ensured;

(ix)   involving local people in the reforms and supporting village/grassroot participation;

(x)   establishment of a formula for transfer of grants from Central to Local Governments;

(xi)   establishment of a formula for equalisation of grants;

(xii)   capacities of Local NGOs and Community Based Organisations (CBOs) be assessed and needs identified; and

(xiii) programme of support to local NGOs and Community Based Organisations (CBOs) be designed. This is to assist them strengthen their capacity to interact with Local Government in the development process.

(ii)   Civil Society Organisations:

Civil society organisations constitute a strong instrument for the effective participation and involvement of people in decision-making and social, political and economic development activities. Civil society organisations also have a crucial role in informing and sensitising the people.

The term civil society organisations is used in a broad term to involve: trade unions, NGOs, CBOs, religious entities, charities, clubs, cooperatives, cultural groups, sports associations, special interest groups (e.g. disabled), professional associations, academic and research institutions and media organisations.

The rolling back of the frontiers of the state in Tanzania, as expressed in the drive for privatisation and the public service reforms, has left more space for participation and decision making for actors such as the civil society organisations. The stronger the civil society organisations are, the greater the participation of citizens in decision making, in socio-political and economic activities and in service delivery. Accountability of leaders will also be strengthened correspondingly.

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Civil society organisations are characterised by the following qualities:

- they are creations of society to facilitate political and social interactions and to mobilise various groups in society to participate in economic, social and political development activities;
- they provide important checks and balances on powers of Central Government, Local Government and the private sector;
- they help to monitor the environment, resource depletion, pollution and social abuses including corruption and injustice;
- they offer opportunities for individuals to improve their standards of living;
- they play an important role in mitigating the potentially adverse effects of economic instability and create mechanisms for allocating social benefits;
- they are important instruments for information and sensitisation of people about governance issues;
- they provide a voice for power groups in political and government decision making;
- they serve as a means for protecting and strengthening cultural and religious beliefs and values; and
- they can help people to overcome market failures and weaknesses.

The civil society organisations have considerable capacity weakness in areas of problem analysis, advocacy, outreach, networking, management, revenue raising, accountability and responsiveness. The legal and regulatory environment in which they operate need also to be assessed and adjusted with the view to ensure the existence of CBO friendly policy environment.

To promote and improve civil society organisation's effectiveness for Good Governance the following should be aimed at:

- civil society organisations should play more active role in developing policies and in executing various programmes;
- the National Policy on NGOs be finalized, making sure that participation of civil society organisations is assured in the drafting of the policy. A Good Governance sensitive NGO policy would guarantee NGOs autonomy in operations with minimal government interference, and would streamline regulations and reporting requirements accordingly;
- civil society organisations be involved deliberately in carrying out activities of civic education, as well as sensitisation on issues of law, health, agriculture, environment, gender, accountability, transparency, integrity and human rights;
- sensitisation of leadership at all levels, including parliamentarians and Local Government leaders on the role of civil society organisations in socio-political and economic development; and
- active participation of civil society organisations in the further development and execution of strategies to promote Good Governance.

2.2   Private Sector and Regulatory Framework

(i) Private Sector:

The private sector is, in most cases, associated with economic ventures for private profit though it is increasingly involved in social services that facilitate the promotion of economic enterprises.   In Tanzania the state, which was previously heavily involved in the provision of goods and services is receding and the private sector is now recognized as a partner in

development and as the key to the provision of goods and services to the society.

There are a number of important considerations that demand that a governance programme pay attention to private sector promotion. Among the key considerations are:-

- the private sector provides essential goods and services to society;
- the private sector is a key actor in the governance system on matters of accountability, responsiveness and participation; and
- the private sector is key to employment opportunities.

In almost all activities of the private sector, the various enterprises, groups and individuals find themselves interacting with the government. Among the key areas of the interaction is on matters regarding taxation, licensing and procurement.

In order for the private sector to get its due consideration and contribute effectively in efforts for Good Governance, the following actions need to be addressed:

- a creation of an efficient and open framework in matters such as public sector tendering, contractual engagements, taxation and licensing;
- equal opportunity for private sector operations between the various groups of society in matters such as credit facilities and markets; and
- the existence of an efficient and effective regulatory framework answering to the basic demands of the private sector and those of consumers of goods and services. This aspect is elaborated further in the following section.

(ii) Regulatory Framework:

Regulation is a systematic oversight on socio-economic operators through a set of legal, technical and economic instruments aimed at preventing negative monopolistic behaviour and protecting consumer/public interest. Having effective regulatory mechanism does not only attract investors into the economy but also ensures Good Governance and fair interplay of economic agencies in a competitive market.

Effective regulation, on the other hand, is an important driver for successful economic growth as it ensures that producers and providers of goods and service are technically and managerially competent, and that their operations are sustainable, compatible where required and adhere to acceptable standards. Usually, quality of goods, services and safety standards (especially of utilities) protect the public and consumers from potential unfair and corrupt practices by the operators/companies.

Since independence, there have been several initiatives by the Government to regulate and prevent monopolistic business mal-practices that exploit consumers, to ensure the supply of quality goods and services in the market and to enhance the protection of the environment. These were envisaged to be achieved through the compliance with the provisions of the Regulation Act, 1973, the Bureau of Standards Act, 1975 and the Fair Trade Practices Act of 1994. In addition to these, some regulatory powers have been scattered in different authorities (institutions) subjecting the process to potential conflicts, duplication of efforts and, in some cases, ineffective regulation. In most sectors, regulation is done by the relevant Government Ministry or Minister but in a few cases, separate Government institutions were established by Acts of Parliament to regulate specific sub-sectors such as the Tanzania

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Communications Commission Act and the Tanzania Broadcasting Commission Act. Also Tanzania has ratified various international conventions which are regulatory in nature.

Increased privatisation and liberalisation of specialized products/services such as the importation of petroleum products that were hitherto under state control, calls for the need to strengthen the institutional capacities for effective regulation in the country. This requires a strategic approach to regulation which will streamline current practice, review existing regulatory legislations to ensure harmony and complementarity in their enforcement and credibility of management of the regulatory process.

Despite the existence of these regulatory legislations and institutions, complaints from consumers over poor quality of services and unfair pricing of agricultural products and inputs are still on the increase. On the other hand, operators and would-be investors are not happy with the strength of the regulatory regime. The regulatory framework is constrained by the following factors:

- the absence of a clear national regulatory policy/framework that provides guidance in the establishment of a regulatory mechanism appropriate for the Tanzanian situation;
- the proliferation of uncoordinated regulatory legislation and institutions or organs.
- limited regulatory capacity in terms of expertise and institutional strengths (i.e. staffing, financing, autonomy, etc);
- the absence of organised consumer/community representations/interests in the regulatory process; and
- weak mechanisms for the enforcement of compliance.

In order to improve the regulatory framework in Tanzania, focus needs to be directed to the development of a suitable Regulatory Framework and institutions drawing on international best practices models. Support is required for the development of comprehensive regulatory policies, legislations and structures, the development of consumer associations and for facilitation of private sector operators participation in regulatory issues. Specifically, focus needs to be directed to:

(a)   *Support for the development of a comprehensive regulatory framework:*

Following the on-going restructuring and privatisation initiatives in the provision of goods and services, sector ministries are at various stages in the design of industry specific regulatory mechanisms. To avoid duplication of efforts and undue conflicts the following strategic actions should be carried out:

●   formulation of an umbrella National Regulation Policy/Framework including the enabling legislation and structures;

●   supporting development of the regulatory organs through capacity building; and

●   establishment of effective consultative mechanism amongst stakeholders (i.e. government, consumers, operators, etc.).

(b)   *Support for the Development of Consumer/Community representations/organisations in regulation process:*

In establishing regulatory arrangements, the reactions of consumers/community through consumers organisations must be integrated in the process. Participation of consumer associations offer effective checks and balances on the powers of the regulator and assist in monitoring the true behaviour of the operators in the regulated industry. This is an important attribute of Good

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Governance. The absence of recognized consumer associations weakens the effectiveness of the regulatory process in Tanzania and calls for the need to promote and support the development of well-organised consumer associations. To achieve this, the main strategic activities would involve:

- undertaking a study to identify options for the formations of effective consumer associations;
- supporting the establishment of the associations at all levels; and
- supporting the development of institutional capacity through training and technical backstopping in the articulation and presentation of consumer interests (e.g. tariff setting, pollution control standards, etc.).

(c) *Promote and facilitate private sector operator's participation in the regulation process:*

The private sector operators, being the providers of goods and services of regulated industries, have an important stake in the regulatory process. Apart from being investors they are the targets of regulatory rules, standards and procedures.

To safeguard their interests, the private sector operators in Tanzania have formed associations such as, the Confederation of Tanzania Trade and Industries (CTI) as well as the Tanzania Chamber of Commerce, Industry and Agriculture (TCCIA). However, these associations are weak and are constrained by:

- lack of a general framework for the articulation of common interests/issues to the regulators;
- limited capacity (e.g. negotiation skills, price analysis, etc.);
- lack of support from many operators in the respective industries; and

- general lack of private sector's appreciation of their role in the promotion of regulatory arrangements.

There is, therefore, need to support the private sector operators to strengthen their association, broaden their membership and develop requisite capacity for effective participation in the regulatory process.

2.3 Constitutionalism, the Rule of Law, Administration of Justice and Protection of Human Rights

For effective constitutionalism, rule of law, administration of justice and protection of human rights in Tanzania the following need to be in place and well functioning:

- a strong and efficient Parliament whose representatives of the people are highly motivated, uphold high moral standards and approach their job of making laws and controlling the executive with concern for the development of the country;
- an efficient and effective Ministry of Justice and Constitutional Affairs and the Attorney General's Chambers that can promote policies to guide the rule of law and the management of the judicial system;
- a strong and efficient judiciary to administer law and justice fairly and efficiently;
- an effective, efficient, educated and law abiding police force that ensures the security of persons and property as well as respect for human rights; and
- a strong and efficient prisons' service that can rehabilitate prisoners and turn them into productive citizens and ensure respect for their Human Rights.

- a population well informed about their rights and obligation to the Government.

To achieve these attributes, this component examines initiatives at reforms that contribute to the realisation of Good Governance by looking at six institutions: the Parliament, Attorney General's Chambers and Ministry of Justice and Constitutional Affairs, Police, Prisons Department, Judiciary and Private Legal Practitioners.

(i) Strengthening the Capacity of the Tanzanian Parliament to Make Effective Laws and Control the Executive:

The effectiveness of the Parliament is constrained by the following factors:-

- poor quality of members of Parliament in terms of motivation and mastery of the basic knowledge for Parliamentarians;
- inadequate working facilities, equipment and working space;
- poor working systems; and
- weak personnel servicing the Parliament.

In order to improve the capacity of Parliament the following aspects are required:
- the quality of Members of Parliament needs to be improved. Providing training to Parliamentarians can enhance this capacity;
- the quality of the environment in which Parliamentarians work (space, buildings including chamber of Parliament, facilities, logistics, etc.) needs improvement. Programmes of expansion of facilities, tooling, and retooling can enhance this capacity.

- the quality of the systems through which the Parliament works, e.g. committees needs re-examining and redesigning to enhance capacity; and
- the quality of personnel serving the Parliament can be enhanced by recruitment and training of the personnel of the Clerk to the National Assembly.

(ii) Strengthening the Capacity of the Attorney General's Chambers and the Ministry of Justice and Constitutional Affairs:

Reform of the Ministry of Justice and Constitutional Affairs is very important in order to enhance fairness and efficiency in the administration of law in the country. It has been suggested by the Financial and Legal Management Upgrading Project (FILMUP) that the roles of the Ministry and the Attorney General's Chambers (AG Chambers) be spelt out more clearly. It is suggested that the Ministry should deal with political and policy issues while the Attorney General should deal with the professional aspects of law application.

Major constraints identified concerning the Ministry of Justice and Constitutional Affairs include the lack of clear delineation of its roles and clear policies and planning.

The Attorney General's Chambers have a more professional role to play. Constraints here include the unfair and partial administration of justice often as a result of mishandling of cases by State Attorneys, weak negotiation skills and defective drafting of laws by the legislative draughtsmen.

The proposed reform programme calls for the training of highly placed AG Chambers officials and other legal specialists in such areas as legislative drafting, statute law revision,

civil litigation, problems of international and white-collar crime, human rights and negotiations of international business transactions. Such training would allow the AG Chambers to take into stock the challenges unleashed by political and economic liberalisation. It is also proposed that, due to special nature of responsibilities of AG Chambers officials, they need to be provided with updated working tools, and a motivating working environment covering issues of remuneration, accommodation and transport.

(iii) Strengthening the Capacity of the Judiciary to Administer Law and Justice with Fairness and Efficiency both at Local and Central Government Level and to Protect Human Rights:

In addition to the Ministry of Justice and Constitutional Affairs and the Attorney General's Chambers, the Judiciary is an important institution in the promotion of the rule of law, which is one critical component of Good Governance. The viability of the emerging liberal constitutional system and the efficacy of private economic interests in a market economy are contingent on a sound, efficient and honest administration of justice by judges and magistrates who are well equipped with both intellectual and material resources to deal with challenges of the changing environment.

It is recognised that, the administration of justice needs extensive reforms particularly in enhancing the capacity of the courts and even more importantly, the lower courts where a majority of the Tanzanians go to seek justice. Besides, the Warioba Commission report on Corruption devotes an extensive section to examine the system of administration of justice and how it is related to corruption.

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By and large, since the Judiciary is seriously constrained by weak capacity and skills of magistrates, poor working tools and buildings, its effectiveness can be improved significantly by:

- enhancing the capacity of magistrates throughout the judiciary hierarchy, especially in the lower courts;
- the provision of essential working tools and skills, etc., and
- the provision and improvement of court buildings.

(iv) Strengthening the Capacity of the Police to lawfully Ensure the Security of Persons and Property as well as Respect for Human Rights:

The Role of the Police Force is to enforce law and order thereby promoting constitutionalism and the rule of law; and, in so doing to ensure security of persons and property and the respect of human rights for the populace. However, apparently the services offered by the Police Force fall far short of this desire. There is widespread insecurity of persons and properties in the whole country, human rights are ignored or glossed over even by the force itself and the Police Force has lost the confidence and support of the people considerably.

If Good Governance is to be promoted in the country, the inability of the Police Force has to be addressed as a matter of priority and urgency. The main problems faced by the Police Force in executing their role are:

- low level of education in the force in general;
- lack of knowledge and application of human rights standards;
- poor leadership and supervision;
- lack of seriousness and commitment to their duties;
- inadequate quality and quantity of equipment;
- inadequate houses for Police;
- small size of the police force; and
- poor information management system.

In order for the Police Force to effectively carry out its role, it is recommended that:

- the Force be transformed into a well trained, scientific and human rights observing by rationalising the recruitment and training systems;
- all ranks of the police be trained on international human rights standards and institutional arrangements be put in place to enforce their observance;
- the Police Force be provided with sufficient equipment which correspond with the demands of their role;
- houses for Police Force be increased accordingly;
- the size be increased proportionally with the area they manage, growing size of population and complexities of law enforcement; and
- the Police Force be provided with modern ways of collecting and using information.

(v) Strengthening the Capacity of Prisons Department to Re-socialise and Rehabilitate Prisoners:

The role of the Prisons Department is to reform and rehabilitate prisoners so that they become productive citizens. However, in the course of the rehabilitation process, prisoners are entitled to respect befitting human beings. The Prisons Department faces the following challenges in its roles:

- to ensure that prisons meet basic preconditions of human habitation;
- to ensure that punishment is meted to inmates in accordance with the law;
- to engage inmates in productive and skilful activities that they can use after their term of service in the prisons; and to
- to ensure that prisoners are treated according to International human rights standards.

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The Prisons Department is facing a number of problems in the execution of its role. The most critical problems include:

- inadequate or complete lack of training on matters of human rights;
- inadequate facilities for prisoners rehabilitation programmes, especially those involving imparting work skills; and
- poor living conditions for prisoners.

For the Prisons Department to meet its obligations it is recommended:

- to enhance training in new skills on the rehabilitation of offenders;
- to promote human rights training programmes among prisons officers;
- to rehabilitate and expand prisons in order to meet standards of decency; and
- to provide separate requirements for different categories of prisoners.

(vi) Strengthening the Capacity of the Immigration Department:

Immigration Systems are important in the control of movements of people. In order to operate under the auspices of Good Governance, the overall mission and vision of the immigration department is to ensure that there is freedom of movement of people as a basic component of human rights. However, there are a number of constraints which impinge on efficiency and effectiveness of service delivery in the immigration department. These include:

- weak training and international exposure to immigration staff;
- budgetary constraints;

- poor information and record keeping facilities as well as poor flow of information between offices of the department due to lack of modern equipment and appropriate knowledge; and
- lack of transport facilities.

To address the problems, future plans should include:
- training of immigration officers;
- enhancement of resource allocations;
- computerisation of immigration information systems; and
- the provision of adequate means of transport.

(vii) Supporting Private Legal Practitioners to Ensure an Effective and Fair Legal System:

The legal profession is crucial for any system of administering justice. However, although the Bar was marginalised under the one-party regime, with the political changes and liberalisation the Bar is being rejuvenated. There are, however, a number of problems and constraints:
- the number of advocates is limited, with only around 200 practising advocates on the Mainland;
- specialisation is rare and most advocates deal with any aspect of the law;
- professional training is inadequate as there is no satisfactory system of postgraduate vocational training; and
- enforcement of discipline is vested in the Advocates Committee under a High Court Judge with a minimal role of the Tanganyika Law Society (TLS).

The changes recommended include:
- support of legal aid to poor Tanzanians who cannot afford to engage advocates. A number of NGOs have been formed to assist marginalised groups such as women. They

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however, need continued support. It has also been recommended that the government should consider the establishment of a limited form of public defender system using para-legal personnel;

● encouragement of specialist training, especially in such new challenge areas as constitutional reforms, privatisation, company law, bankruptcy law, debt equity swaps, money-laundering, credit card fraud, acquisition and mergers;

● the establishment of a post graduate vocational training programme; and

● the TLS should play a more prominent role when it comes to disciplining of advocates.

(viii) To Enhance and Institutionalise the Respect for Human Rights:

Good Governance is enhanced when the basic human rights of citizens are respected and by the voluntary participation of citizens in public affairs. To promote and guarantee basic human rights in the country, the Tanzanian Government has signed the Charters on Human Rights of both the United Nations and the Organisation of African Unity. In addition, Bill of Rights in the Constitution proclaims the basic human rights for Tanzanians.

The basic legal constraints to human rights in Tanzania emanates from the inadequacies of the laws which are supposed to translate into practice rights of Tanzanians as indicated in the Constitution. Constraints in the application of human rights include:

● disparity between the Bill of Rights in the Constitution and the laws which sometimes prescribe basic human rights, such as the freedom of association, the freedom of movement, etc. Some of the laws to be reviewed are given in the Nyalali Report.

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- widespread ignorance of basic human rights among the citizenry; and

- ignorance of human rights requirements or lack appreciation of the importance of such rights in the society by most of the law enforcement personnel (Police, Judiciary, Immigration, etc.) and key government executives.

To address the problems, it is important that:

- laws of the country be realigned with the provisions of the Bills of Rights in the constitution;

- observance and respect for human rights be promoted. Complaints about injustice, corruption and abuse of power be effectively investigated;

- violation of human rights be investigated and appropriate remedial action taken. The public be educated on their constitutional and human rights. NGOs/human rights organisations be supported and strengthened to promote human rights and to raise awareness among the members of the general public; and

- the Government should explicitly recognize and implement the international obligations on human rights instruments.

2.4 Gender Equity:

TheThis focus area is concerned with inter-generation equity. It raises the issue of equal opportunities for all citizens in this generation, but also that of creating opportunities for the next generation through sustainable management of natural and other resources. Gender and development is given more attention because this is an area which had been overlooked in earlier equity efforts in Tanzania. There are, however, other areas where social and economic equity need to be given due attention. These would include, among others, the youths, the

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disabled and the elderly. The main elements of the focus areas are:

- equity in terms of income distribution: The more benefits of economic growth are distributed equitably, the more growth will translate itself into sustainable human development;
- equity in job opportunities: Unequal opportunities in accessing to jobs deny the poor the chances for participating in production which, in turn, makes them poorer and expose them to exclusion;
- equity in access to productive assets: Many people will find their economic opportunities stifled by lack of access to land, physical infrastructure and financial credit. The more these assets are equitably available the more the population will participate in productive activities and have better livelihood;
- gender equity: Fairer opportunities for women and men and access to education, child care and employment contribute to balanced human development;
- inter-generation equity: The growth and development choices that are made today will have a great impact (negative or positive) on the livelihood of future generations. As we exploit the natural resources to combat poverty, we must avoid unsustainable exploitation of resources for the future generations; and
- active participation of women in socio-political activities, particularly at grassroots level.

To attain these goals, it is necessary to focus on capacity improvement of the Ministry of Community Development, Women Affairs and Children and to support civil society organizations dealing with women, gender and development.

(i) Strengthening of the Ministry of Community Development, Women Affairs and Children to Make Policies that are Sensitive to Equity and Equality:

Women make up more than half the total population and their contribution to the national economy is much more than what is officially recognized, more so when one takes into account the fact that much of the labour contribution of women does not come up in national statistics.

Gender inequality starts from infant level to old age and is maintained by a powerful patriarchal system. The inequality manifests itself in the education and health systems, in employment and advancement opportunities, in the economic sector, in politics and in the social arena.

The establishment of the Ministry of Community Development, Women Affairs and Children in 1990 was a move to promote gender equity and equality and to enhance equitable participation of the citizenry in all spheres of development at all levels. The Ministry of Community Development, Women Affairs and Children is inadequately discharging these functions due to limited capacity, particularly in areas of policy formulation and management, information management, mainstreaming of gender into other sectoral policies and programmes and monitoring issues of gender and community development. Since the Ministry is relatively new, it needs more support towards capacity building to meet the challenge of spearheading the war against gender inequalities. Such support should include:

● capacity for community mobilization for development;
● provision of resources for establishing the Gender Management System;
● setting-up the ministerial management information system;

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- recruitment of qualified staff and orientation of the management;
- capacity in management and appraisal, programme planning, advocacy, financial management, and data generation, analysis and utilization; and
- capacity for dissemination and implementation of the gender and development policy.

(ii) Support Civil Society Organizations Involved in Development of Women and Gender Affairs:

Gender issues are increasingly coming to the fore and civil society organizations have emerged to deal with the multitude of problems facing women. After the Beijing Conference of 1995 the Government of Tanzania made a commitment to address four central areas of concern to women:
- enhancement of women's legal capacity;
- women economic empowerment and poverty eradication;
- education, training and employment; and
- political empowerment and decision making.

These are major areas constraining the fast development of women. Women usually get lower education because men are favoured both by families and institutions. Most women are employed in female stereotype and low paying occupations. Most women do not know their rights and laws are either biased against them or silent on their plights. Very few women are in positions of political or managerial decision making at central, district and grass-root levels. Despite being economically active, most women live in poverty.

A number of active women NGOs have been formed to deal with legal, economic, political and environmental problems of women through advocacy and gender networking. The objective is to enhance:

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- legal capacities;
- economic empowerment and poverty eradication.
- political and decision-making empowerment; and
- education opportunities and employment.

Women NGOs and civil societies have great potential to reach women in their different activities and, as such, the Government is called upon to support and work in close collaboration with such organizations in order to enhance Good Governance in Tanzania by:

- improving women's legal capacities;
- promoting economic empowerment;
- ensuring appropriate involvement of women in political and decision making process; and
- expanding education and employment opportunities commensurately.

2.5 Accountability, Transparency and Integrity in the Management of Public Affairs:

This area deals with the mechanisms of ensuring efficient use of public resources and ways of preventing corruption without which Good Governance can not be achieved. This includes strengthening the office of the Controller and Auditor General and the Office of the Accountant General, the Prevention of Corruption Bureau and the media.

As a benchmark of Good Governance, accountability, transparency and integrity can be ensured when the following are in existence:

- procedures and regulations which ensure transparency in the conduct of official affairs through adherence to requirements of open and transparent reporting of administrative decisions;

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- a system and practice of recruitment of Public Managers which ensures selection and appointment of qualified and skilled people whose integrity can respect public funds and property and who are dedicated to serving the public;
- strong, effective and efficient institutions, procedures and regulations which are capable of enforcing accountability, transparency and integrity;
- effective and efficient management and administrative systems and practices that can ensure adequate supervision, control, evaluation, and discipline in the running of public affairs so as to prevent and check abuse;
- a population that is aware of its rights and ready to defend them, that abhors corruption, and where everyone knows that public servants and other leaders are employed to serve and not to rule or be served; and
- a strong, capable and responsible media that can carry out investigative journalism and inform the public about the conduct of their leaders.

The promotion of accountability, transparency and integrity in the management of public affairs must, therefore, be approached from several points, including: leadership building, public awareness and education, institutional strengthening, management and administrative efficiency, prevention measures against corruption, and prosecution of corrupt officials. This calls for strengthening of following institutions.

(i) Strengthening the Capacity of the Office of the Controller and Auditor General

For improving financial accountability as well as control of value for money in government spending (as an aspect of Good Governance), there has to be an effective external audit capacity. This is why the capacity of the office of the Controller and Auditor General in Tanzania must be strengthened.

The Auditor General's Office is constrained by the following factors:

- inability to retain professional staff which could facilitate more prompt reports;
- the inadequate funding levels;
- the lack of actions taken on audit reports.

The Controller and Auditor General's report is important for Good Governance. It gives a picture of how public funds have been used or misused. The most important observation concerning the report is that it is not acted upon. Queries are hardly responded to and, in most cases, appropriate disciplinary action is not taken. Consequently, the reports do not provide incentives to keep the books in order or to avoid fraud, all to the detriment of Good Governance.

The constrains facing the Auditor General's Office can be removed or minimized by the following actions:

- offering competitive conditions of service for auditors to ensure recruitment and retention of professional staff;
- increased allocations of funds by the government;
- recruiting more auditors to serve in local governments; and
- establish and operate procedures for prompt and systematic follow up and sanctions for poor audit reports and failure to react promptly to audit queries. The Parliament, especially the Public Accounts Committee has to effectively play its role to ensure that public funds and resources are used according to regulations.

(ii) **Strengthening the Capacity of the Office of the Accountant General to Ensure Government Expenditure Control, as well as Proper Accounting and Financial Management in Government:**

Financial accountability is critical for Good Governance. It facilitates delivery of services and ensures that government expenditures are focused on priority areas. In that regard the strengthening of the office of the Accountant General constitutes a strong aspect of the governance programme.

The financial management reforms being carried out in the Accountant General's Department are aimed at resolving a number of constraints, which have affected Good Governance. These include:

- lack of financial discipline by accounting officers as reflected in non-adherence to budgeted ceilings;
- fraud in the accounting system;
- lack of effective accounting procedures for procurement;
- shortfall of highly educated and motivated staff; and
- lack of an efficient information system.

Strategic action has been taken to enforce financial discipline through a Cash Budget System controlled from the Treasury. This has reduced the problems of bank reconciliation which had been a major source of fraud. The Cash Budget System, however, should be regarded as a temporal measure because it infringes on the budget as passed by the National Assembly as well as on the powers of Permanent Secretaries who are the proper Accounting Officers of their respective Ministries.

Good Governance will be enhanced if reforms in Government Accounting will be sustained, particularly in reference to the following:

- enforcement of financial discipline to all accounting officers;
- introduction of effective accounting procedures and modern Information Management Systems;
- closing weak points for frauds in the accounting systems; and
- recruitment of qualified staff and/or training of employees in-house.

(iii) Strengthening the Capacity of the Prevention of Corruption Bureau:

The Prevention of Corruption Bureau was established by section 2A(2) of the Prevention of Corruption Ordinance, which gives the Bureau the following responsibilities:

- to take appropriate steps with the aim of preventing corruption in both the public and the private sectors;
- to investigate and with guidance of the Director of Public Prosecution (DPP) to prosecute cases of corruption; and
- to advise the government and other public institutions on effective ways to prevent and combat corruption.

However, the Bureau has not performed as expected due to the following constraints:

- a limited structure that does not reach all the regions effectively and get near to the people;
- inadequate levels of staffing and limitation in legal training; and
- lack of equipment, transport facilities and logistics.

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To address the above constraints, the following actions are recommended:-

- Improve the capacity and coverage for the Bureau by continuous training of Bureau staff, publicising the activities of the Bureau to educate the public about its usefulness, and building capacity and linkage with co-operating agencies like Police, Director of Public Prosecution, Judiciary, Media, Tanzania Revenue Authority, etc.
- Improve the professional capacity and increase the number of employees for the Bureau.

(iv) To Support and Enhance Capacity of Media Organisations:

The news media play an important role in socio-economic development and democracy. The media can enhance Good Governance through educating the citizens on matters of policies and governance, and through encouraging transparency in the conduct of public affairs.

The 1990s have witnessed the emergence of a variety of news media. There are more than 60 papers of varied quality, more than 10 radio stations and 5 television stations.

The media have provided more information to the people and have exposed citizens to a variety of news. The media have also encouraged transparency and integrity of public officials as their performance has come to scrutiny.

A number of constraints have, however, emerged as regards the media:
- there have been cases related to abuse of rights of the media, poor quality of journalism and misinformation. The

quality of papers and other forms of media is varied and there exist papers with no principles on decency. There have also been cases of corruption in the media where journalists and editors have accepted favours in order to take certain lines of writing;

- the level of education passed on by some of the media is low because of low level of education of journalists;
- access to information from the public sector is constrained; and
- the current regulatory framework on the area coverage for electronic media (Radio/Television) needs to be reviewed with a view of relaxing some restrictions.

In order to enhance the capacity of the media in facilitating governance, it is recommended that;

- the Media Council of Tanzania should ensure existence of professional quality and ethics among its members;
- journalists should be encouraged to go for more education on professional journalism and degree courses on journalism be encouraged. Also, educated and well research based information be promoted;
- the media be encouraged to disseminate information on governance.
- the media should promote transparency and democracy in government, civil society organisations, private sector and political parties. The public sector should be more transparent and devise more media friendly arrangements for sharing information.
- promotion and protection of media independence and rights be strengthened; and
- the regulatory framework be reviewed with a view of relaxing the regulation on area coverage for electronic media.

2.6   Electoral Democracy

This focus area addresses the issues of democracy, legitimacy and political participation, which are a pre-requisite for Good Governance. The area includes strengthening the capacity of the National Electoral Commission and civil organisations involved in the advocacy for political pluralism. The aim is to improve the performance of the electoral system to ensure free and fair elections that would encourage participants to adhere to the rules of the game and encourage citizens' political participation.

Electoral democracy is crucial for Good Governance. In order to govern effectively a government needs legitimacy from its citizens, which is enhanced by free and fair elections.

The experience of the 1995 General Elections has shown that ensuring free and fair elections would not only enhance government legitimacy but will, at the same time, save the nation from unnecessary expenses. Petitions following the elections have not only congested the High Court system, but have led to costly by-elections as well.

The responsibility of ensuring electoral democracy lies with the Government, the National Electoral Commission (NEC), Political Parties and the Civil Society and its organisations. The knowledge and appreciation of multiparty competition as well as equitable access to public resources and instruments of competition by parties would ensure minimal electoral malpractices, wide participation by voters and observance of the rules of the game by all political parties.

Constraints have included the existence of a nascent multi-partism, which was not well understood by the participants as well as flaws in the administration of the elections while NEC proved to

have limited managerial capabilities. To address these problems, action is required in the following areas:-

(i)   Strengthening of the Capacity of the National Electoral Commission to Handle Elections:

The National Electoral Commission has been blamed for flaws in the administration of the 1995 elections. However some of the problems were not of its making. Its capacity was substantially affected by insufficient funds as well as delay in their release for the elections. This included both funds from the Government as well as those promised by donors.

The staff at the NEC central office are not permanent. They are seconded from other institutions and Ministries. A number of recommendations have been made to strengthen the capacity of NEC to handle elections and these include:

- that NEC should be an independent department and with financial and budgetary autonomy;
- that the secretariat of NEC should be given adequate and competent permanent staff; and
- a staff training programme must be prepared and implemented.

(ii)   Strengthening Civil Society Organisations Involved in Advocacy for Democratic Pluralism, Competitive Politics and Education and Tolerance:

To a large extent, the quality of an election depends on the degree to which voters and different political actors are aware of rules and regulations of the election and abide by them. Voters also need to know the issues and options open to them in the elections. In that context, therefore, voter and civic education is very important during election time.

Multiparty election awareness is important because of the transition from a one-party to a multiparty political system. It should involve voters, civil society organisations, political parties and other advocacy NGOs, including those focusing on women who are often marginalised in electoral politics. To achieve desired levels of awareness for multi-party elections:-

- strategic action should start with NEC, which has the responsibility of providing adequate information about election rules and regulations in language accessible to all Tanzanian citizens. NEC should work closely with NGOs;
- political parties should accept and internalize the rules for fair elections and principle of tolerance of divergent ideas;
- political parties, civil society organisations and other NGOs should join efforts with NEC and political parties to enhance voter education; and
- civil society organisations should sensitize and defend the principle of free and fair elections across all levels of the society.

2.7 Strengthening of Public Service Capabilities to Deliver Services Efficiently and Effectively

(i)   Background:

Initiatives to enhance Good Governance in the public service started with the launching of Civil Service Reform Programme (CSRP) in 1991 although its implementation began in 1993. Specific objectives of the programme were to:

- redefine the roles and functions of the Government with a view to having off functions not considered to be core, reducing the scope of government operations to an affordable scale and restructuring its organisation and operation to achieve efficiency and effectiveness in the delivery of public services;

- control the size and growth of government employment so that over-manning is eliminated and the Government can ultimately afford to competitively remunerate its employees;
- improve the quality, capacity, productivity and performance of the civil servants through strengthening the systems and procedures for personnel recruitment, deployment, grading and promotions, training and discipline;
- rationalise and enhance civil service pay by eliminating the distortions and anomalies that have crept into the system and by improving total compensation at all levels so that it meets the minimum household living requirements and is commensurate with the qualifications, skills, experiences, and responsibilities of individual civil servants;
- support the decentralisation of government functions by rationalising central and local government linkages and facilitating further transfer of authority, responsibilities and resources to the local authorities; and
- decentralise local government administrations to make them answerable to local councils and bringing services closer to the end user;

(ii) Outcomes of the Civil Service Reform Programme 1993-1998:

Implementations of the Civil Service Reform Programme has achieved the following in the period between 1993 and 1998.

- a 24% reduction in the size of the workforce from a total of 355,000 in 1992 to 270,000 in 1998;
- restoration of control over employment levels through tighter recruitment policies and control;
- rationalization of the organizational structures of ministries whereby the number of ministerial divisions has been reduced by 25%;

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- simplification and consolidation of civil service pay structure and payroll systems;
- launching and implementation of the local government reform programme;
- provision of counselling and training services to 25,000 and 11,000 civil service retrenches and civil service employees respectively; and
- restructuring of Regional Administration and reducing staff from 14,000 to approximately 2,000.

(iii) Problems and Challenges of CSRP:

Despite the outcomes of the Phase I of the reform there were problems and challenges in the following areas:-

(a) Weak political support for changes which resulted from:
- lack of short term improvement in service delivery from the reforms;
- undermined confidence in public service due to failure in past attempts;
- reforms not being locally owned due to insufficient information; and
- lack of short term improvements in salary levels.

(b) Unaffordable Public Service and Expenditure system due to:
- the system of public service delivery being too centralized;
- too high expectations from the public on the available resources;
- corruption which reduced resources; and
- budgetary pressure because of debt services and other charges.

(c) Decline in public service capacity to deliver services because of:

- demotivated personnel because of low pay, indiscipline, poor skills base, corrupt behaviours, weak meritocracy considerations in appointments, job insecurity and culture of blame; and

- weak management capacity which was reflected in resistance to reform, weak management decision making, civil service which is input focused instead of results oriented and public service managers not held accountable.

(d) Weak observance of ethical requirements partly due to lack of well established and known ethical standards for public employees not covered by the Act No. 13 of 1995.

(iv) The Public Service Reform Programme (PSRP) 1999-2004:

The goal of PSRP is to continue with the improvement of service delivery, improvement of cost effectiveness and to ensure that the size and structures of public service reflect government priorities and realities. The coverage has been expanded beyond the Civil Service Departments to include the entire Public Service area. The goals are to implement a medium term pay policy, to institutionalize development of Public Service Commission, to implement job evaluation/regarding exercise, to observe efficiency based reductions in employment and to ensure sustained training and retooling. Thus, in line with the goals for Good Governance, implementation of PSRP will focus on the following five components:

- **Performance Management:**
  To introduce performance management measurement in Ministries, Departments and Agencies so as to improve quality and effectiveness of services on a continuous and sustainable basis.

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- **Restructuring and Private Sector Participation:**
  To redefine the roles of government institutions and to hive off non-core functions to private sector or elsewhere.

- **Executive Agencies:**
  Creation and operationalization of executive agencies to take over government-run activities in a more business like manner.

- **Management Information System:**
  To put in place effective information systems to support management decisions.

- **Leadership, Management and Governance:**
  To strengthen the capacity of executives in leadership and management skills, restore meritocracy appointments, promotions on competitive basis, improve personnel management systems, performance appraisal system, and enhance pay levels.

This component will also aim at restating ethical conduct, increase gender awareness and build the capacity of women public servants. In order to promote ethical conducts in the public sector, it is necessary to:

- review and develop public service ethical regulations capable of meeting current requirements;
- educate and sensitize public employees and the public in general. This can be done by using forums like workshops, Radio/TV programmes, News letters and brochures;
- follow-up of public complaints on a continuous basis to identify their route causes and in order to effect corrective measures;
- improve the institutional capacity for promoting and monitoring the adherence to ethical standards in the public sector; and

— put in place an effective system for programme co-ordination, monitoring and evaluation.

3. CONCLUSION AND RECOMMENDATIONS:

The Government of the United Republic of Tanzania has stated its commitment to a process of promoting and strengthening structures, systems and procedures for Good Governance to make Tanzania a country which cherishes all principles and practices of Good Governance. This National Framework for Good Governance has identified in broad terms the thrust of actions and line of thinking necessary in facilitating effective partnership and mutual trust between the government and the governed at the central and local levels. The framework presents an understanding of Good Governance which is holistic and in its approach encompasses central and local government, civil society and the private sector in all the key areas. The framework underscores that, for the insurance of Good Governance in Tanzania there is need to focus on:

- participation of the people in decision making for social, political and economic development;

- Private Sector and Regulatory Framework;

- constitutionalism, the rule of law, administration of justice and protection of human rights;

- electoral democracy; and

- strengthening of Public Service capacities to deliver services efficiently and effectively.

Future Strategies

As was stated in the introduction, the objectives of the Task Force on Governance had been adjusted since its inception. The original goal was to produce an all-inclusive National Programme on Governance, which would incorporate all sectors pertaining to governance. It was consequently realised that this would be prohibitively difficult to accomplish, seeing that there were potential conflicts and overlaps with other already well-established reform programmes, such as the civil sector reform and local government reform. It was, therefore, decided that it would be more fruitful to produce a National Framework on Governance, which could serve as a tool for further co-ordination of governance intervention and to foster further national debate and stakeholder consultations on governance in the Tanzanian context.

The consultative process which has been part of formulating the framework has been an important factor in bringing the concept of governance into the national policy agenda, and it has precipitated wide debate on the issue. The national conference on governance in 1998, was an important milestone in this process. The work of the Task Force has also served an important function, as it consciously brought in representatives from a wide array of stakeholders into the policy making process. A group of Task Force members and selected experts have also been trained to conduct further stakeholder consultations, thus strengthening the national capacity to continue the process.

The next step is to take the approved framework to the zones to present it to the stakeholders in order to share with them the information and analysis on governance contained in the framework, and to give them the opportunity to express their

views on the strengths and weaknesses of governance in Tanzania. The Framework should also be presented to national leaders, officials and representatives of the Tanzanian civil society. In so doing the framework will achieve its key objectives of:-

(i)   serving as an instrument of national level stakeholder consultations and debate on governance in Tanzania;
(ii) advocating a holistic approach for governance related initiatives;
(iii) bringing to the forefront all issues related to governance as issues of utmost priority considerations; and
(iv) providing an overall framework for follow-up and co-ordination in promotion of good governance.

The framework indicates the focus areas and strategies for addressing governance issues in those areas in broad terms. However, an in-depth analysis and strategies for addressing specific issues of a more cross cutting nature remains to be done. As such, the framework will serve as a point of departure for further analysis in selected areas and for the development of specific strategies as has been the case with the development of the anti-corruption strategy.

For that purpose, it is recommended that a government focal point be maintained to guide the follow-up to the framework, and to serve a co-ordinating role for the various programmes and reforms which are relevant to governance as presented in the framework. However, the focal point will require continued support in order to build commensurate capacity. Capacity is required in short term training and exposure on good practices in governance, information management and transportation.